LEGISLATIVE COUNCIL

Wednesday, 22 July 2020

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:00 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.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, statements on matters of interest, notices of motion, and orders of the day: private business to be taken into consideration at 2.15pm.

Motion carried.

Bills

COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) (NO. 2) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 July 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (11:02): I rise to speak on the COVID-19 Emergency Response (Further Measures) (No. 2) Amendment Bill, and indicate that I will be the lead speaker for the opposition. I further indicate that the opposition—as we have with all the bills that have been moved in this place in response to the pandemic that we are facing—will be supporting the bill.

There are two aspects to this bill, both amending the COVID legislation that came into being earlier this year. The first deals with telepharmacy, allowing for the remote attendance of pharmacists via telecommunication or information technology. The second aspect includes pharmacists, pharmacy workers and general practitioners, as prescribed emergency workers, giving these workers additional protection in the course of their duties.

Telepharmacy is already occurring in limited circumstances, namely for the provision of services in rural and remote areas where a pharmacist is not available. The opposition understands this practice has occurred for well over a decade, underpinned by a code of conduct and monitored by the Pharmacy Regulation Authority SA. The practice originally commenced under a commonwealth government trial to promote rural and remote access to medicine, and has continued ever since. The opposition was advised that, while the practice continues, its legal basis is not completely incontestable, particularly if the practice were to expand. In the context of COVID-19, and an increasing reliance on remote provision of health services, this amendment came into being.

When the opposition was notified of this legislation late on Monday afternoon, it sought feedback from several stakeholders whom we knew would take a keen interest in the measures proposed. While the provision of telepharmacy in required circumstances is unanimously supported, there were some reservations expressed surrounding the application of this amendment in practice.

The concerns expressed by stakeholders centred around the fears that the measures might be utilised to a broader context or, indeed, be exploited. The extreme scenario we envisaged is, for example, a telepharmacy setting up in an inner city suburb and offering video consults and referrals to a medical depot for the collection of medicines, undercutting regional pharmacies and removing the important provision of face-to-face care.

The Chief Pharmacist assured the opposition that this amendment is not a gateway to a new business model and that the concerns of stakeholders are well understood. The opposition was assured that the legislation merely acts to shore up the legality of existing arrangements, allowing the Pharmacy Regulation Authority to grant exemptions where there is a clear need for the remote provision of services as the only option available at the time.

The natural question following on from this is: why then only seek to make amendments to the COVID legislation, meaning that this legal clarity would then lapse following the removal of the emergency declaration? The opposition heard from the Chief Pharmacist that there are indeed works underway to legislate for these changes on a permanent basis but that there is more work to be done before that legislation is ready to be introduced.

The Chief Pharmacist has indicated that, under these permanent laws, the granting of telepharmacy would continue to be governed by the Pharmacy Regulation Authority's code of conduct, with the preferred option always that a pharmacist is present. The opposition awaits the introduction of this legislation with interest and will continue to be guided by the views of pharmacists and other clinicians. The opposition would encourage the government in its future legislation on this topic to include more protections in the legislation itself, rather than the current emergency bill, which relies entirely upon the regulation authority's code of conduct.

The second aspect of this bill is the expansion of the prescribed emergency worker status to pharmacists, pharmacy workers, general practitioners and nurses. This is certainly a welcome expansion. We need to be doing everything we can to protect front-line clinicians and workers, who are putting themselves at risk to provide care to others. This Monday's version of the government's bill was limited to pharmacists only and did not include other pharmacy workers and GPs. As the minister wrote to the shadow minister, the bill was 'to include pharmacists as prescribed emergency workers for the purposes of human biological material assault'.

At the time, the minister was not proposing any protections at all for GPs, not proposing any protections for nurses and certainly not proposing any protections for pharmacy workers. The opposition was informed this limited amendment arose from a notable increased risk in the provision of pharmacy services during COVID-19. Unfortunately, pharmacists are often the messengers advising people of restrictions on medication or temporary shortages and are at a heightened risk should a customer become verbally or even physically abusive.

Therefore, the question obviously became: why does this legislation not account for all who work at a pharmacy—those staffing the entrance, stocking the shelves or serving at the check-out? Those workers might not have the university education of the pharmacists in the pharmacy; however, they are still as vulnerable to assault and threats as the pharmacists themselves—perhaps in some ways even more vulnerable. That proposition certainly was not met with any opposition from the Chief Pharmacist; in fact, I am informed she would support that.

Indeed, additional protection of pharmacy workers and retail workers is something the Shop Distributive and Allied Employees Association has been calling on the government to implement for some time. In one of their several letters to the Premier calling for greater protection of retail workers, the association recites a letter from Savannah, a worker at Priceline. The letter says:

> Dear Premier,
>
> During this pandemic I had items thrown at me (because we weren't accepting cash).
>
> I have been spat at (because I asked the customer to respect social distancing).
>
> I have been called—

I will not read out the names—

> …(because I would not let a customer use my personal hand sanitiser that I had to purchase with my own money despite the fact that we had stock for the customer to purchase).
>
> Retail workers have been abused during this pandemic by others who have had the luxury of working at home! Something needs to be done!
>
> Savannah, Priceline

Savannah and her fellow workers deserve protection just as much as the store pharmacist, which is why Labor proposed amendments to this legislation to include all pharmacy workers as prescribed emergency workers.

We also raised the concern that this legislation covered pharmacists and the legislation already included hospital doctors and nurses, however general practice doctors and nurses were not protected. These workers are just as much on the front line as those in hospitals. Particularly in the context of the pandemic, the risks that our front-line workers face are immense.

Thankfully, the government understood the validity—even if they did not at the time of drafting the bill—of the opposition's concerns and the public attention garnered throughout the day, led by the SDA issuing a media release and a social media campaign that concerned their members. The minister amended the bill on Monday prior to its introduction on Tuesday.

We welcome the minister's change of heart and mind in taking up the opposition's suggestions to cover these important workers. However, it must be put on record that it was a bit rich for the minister to then jump on Twitter to claim that the bill's introduction showed the Liberals were serious about protecting GPs, nurses and pharmacy workers, when only hours before it was the government's express intention not to protect them at all.

There is a natural question as to why these changes and protections could not be made a permanent change. The response the opposition received was that this might be something that could be considered moving forward. There has been no good answer about why these changes will not be permanent, why, when the major emergency declaration has ended, suddenly these protections that pharmacists, pharmacy workers, GPs and nurses will not be needed.

In summary, we welcome the government's willingness to once again adopt the sensible propositions put by the Labor opposition to improve their COVID-19 response. I reiterate our support for the bill.

The Hon. C. BONAROS (11:10): I rise on behalf of SA-Best to also speak in support of the COVID-19 Emergency Response (Further Measures) (No. 2) Amendment Bill 2020. As we know, the bill seeks to do two things: firstly, it expands the definition of prescribed emergency worker to include pharmacists and other workers performing duties in a pharmacy and medical practitioners in any place where treatment or testing is provided. I note the comments of the Leader of the Opposition in relation to the expansion of those definitions to ensure that they will include all those individuals who work in this space who are impacted on a daily basis as a result of their work. Secondly, it ensures legislation is consistent with the growing use of telepharmacy.

The Criminal Law Consolidation Act provides penalties for assaults on prescribed emergency workers. Whereas medical practitioners were previously legislated for a hospital and emergency setting, they together with others will now be given added protections regardless of where medical treatment and testing is provided. Like other members in this place, I have spoken about the amazing work that medical practitioners, nurses and other hospital staff have been doing in these extraordinary times. It is fitting that those covered by this bill are also included in the definition. They have been front and centre of the COVID-19 pandemic and will continue to be for the foreseeable future.

Interstate reports of incidents of verbal abuse have highlighted the significant risks to pharmacists and pharmacy workers and others. We have had our own instances here in South Australia. Panic buying and stockpiling of medication has created a new breed of agitated customers, and community pharmacists, assistants and workers are in the firing line unfortunately all too often. Regardless, it is a sensible preventative measure to protect more of our front-line workers.

We do not know when or if the COVID-19 pandemic will end. It is best, I think, that we prepare for the long haul. You could say that these workers have been and continue to be the unsung heroes of the COVID-19 pandemic. They have been operating in an environment of heightened anxiety and considerable risk to their own health and safety, and they are risks which obviously they then take home to their families. They have had to explain stock shortages and limits on a daily basis to customers and deal with the fallout from frustrated customers. I understand the frustration amongst customers, but there is no place for any of the sort of behaviour this bill seeks to address towards

those who are working on the front line. So I take my hat off to all of them and thank them for their service.

Even before the pandemic, Australians visited community pharmacies 18 times a year on average; that is 450 million annual visits. Ninety-seven per cent of people living in capital cities in Australia and 65 per cent living in regional areas live within 2.5 kilometres of a pharmacy. A pharmacy is a relatively easy and fast option and a first port of call for many. I believe there are moves to expand the testing sites to include pharmacies—or a trial, at least—which makes perfect sense when you consider the unique position pharmacists and their staff are in in terms of being able to assess symptoms and offer a prompt testing service.

With the changing landscape, there has been a shift to a greater reliance on technology in all industries, and the health sphere is no different. COVID has given us the opportunity to modernise how we do things. This bill makes legislative changes to expand the role of telepharmacy past the pilot programs already in operation to make clear provisions for its use in consultations. I understand that 20,000 people have already benefited from this service in South Australia and that it is particularly beneficial in rural and remote areas. So it makes sense in this environment and beyond that we should be considering these measures.

A pharmacist is still required to be on site for a minimum of three hours per day, as I understand it. So it is not the case that pharmacists will indefinitely work remotely. A shift to telepharmacy will not replace the ongoing need for face-to-face contact in the long term. A pharmacist is still needed on site to administer a flu vaccination; to assist a new parent to monitor the weight of their newborn baby; to assess a minor sporting injury, for example; and for myriad other issues. There are many aspects of the pharmacist's role that still require physical attendance.

There is also little risk for misadventure with prescriptions of schedule 8 medicines unable to be provided remotely. So it does make sense. There does not seem to be any argument against this. I think it is a very sensible measure, but considering that we were only provided with this bill in the time frame that we have been—and I appreciate why that is the case—there may be opportunities for questions during the committee stage of this debate in relation to some of the concerns, if there are any to be aired, especially given the lack of time to be able to consult with anyone.

I trust that the government has consulted. I do trust that there is general consensus in terms of the support for this bill. This has been a recurring theme in terms of COVID bills. It is what it is, and there is not much, unfortunately, that we have been able to do about that. I think we have all tried our best to deal with these issues as quickly and as timely as possible as they have arisen.

We are somewhat comforted by the ticking clock on the COVID-19 Emergency Response Act, which is due to expire in nine weeks. All of these issues will have to be reassessed at that time, but there are no guarantees, of course, that things will return to normal anytime soon. In all likelihood, I think we are all expecting that declaration to be extended—I do not know, I am speculating, but it is really difficult to contemplate, at this stage, what a post-COVID landscape will look like.

With all that we have learned this year, no doubt there will be new opportunities to expand the role of many of our professionals going forward. I thank the government for introducing these very important measures. With those words, I indicate our support for this bill.

The Hon. T.A. FRANKS (11:18): I did not put myself on the list, so I apologise to the chamber for that. Obviously, we know that these are emergency bills, and I will keep it brief. The Greens do support this bill today, as we have supported the other COVID emergency bills. We commend all members of this place for having the flexibility to move these things so fast. We know this is a virus that also moves fast, and we have just seen on the news that it is another 484 people in Victoria today. These figures in Victoria keep going up; they are quite frightening. We are in very testing times.

When people seek medication from pharmacists—the anxiety and stress that is being effected—I would say that nobody should be abusing the pharmacist but also that we need to ensure that the medicines are there. I have been back and forth between doctors and pharmacists, trying to access medication for asthma. I know that just the small anxiety that I felt as a result of not being able to breathe and of not having medication that would help me breathe is a position that we are also putting patients and consumers in. We look forward to the speedy passage of this bill.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:19): Could I thank the opposition and each of the members who have spoken who have indicated their support. The government appreciates the cooperation of all parliamentary groups for each of these COVID-related bills. It is certainly not our usual practice to progress bills at such speed.

I know the council would be reassured by the fact that effectively this whole set has a sunset clause on it. As the Hon. Connie Bonaros suggested, these elements are perhaps the shortest lived because they are the most recent, and considering that the overarching framework expires at the withdrawal of the major emergency or on 9 October, I understand, whichever is the earliest, these measures will be subject to review relatively soon.

The honourable Leader of the Opposition asked why we are not making permanent changes. It is in the spirit of that, shall we say, short fuse consultation that we have not chosen to ask the council to make permanent changes to the legislation. As the honourable member rightly highlighted, the government is working on legislation to make some of these matters permanent. In that context, I think it is actually helpful to, if you like, see the COVID response life of these amendments as part of the consultation about the next.

We appreciate that not only has the parliament not had the normal time to consider all of the implications of these provisions, but that is also true of stakeholders, so we appreciate the tolerance of both the parliament itself and stakeholders. We will be very alert in terms of monitoring both the intended and unintended consequences of these measures over the duration of this bill.

The Hon. Connie Bonaros highlighted that we may well need to extend this legislation beyond 9 October, but of course that is a matter for this council. The government will form a view as to what it believes should be done. I certainly cannot foresee that we will not need some legislative accommodations beyond 9 October, but let's put it this way, this pandemic has brought many surprises, and I am sure there are many surprises to come.

If I could reiterate the advice that the Chief Pharmacist gave to the opposition, telepharmacy provisions are certainly not stepping away from the primacy of face-to-face consultations. It is certainly not a gateway to a new business model. That is not the government's intention. As the honourable member rightly points out, telepharmacy has been used. I think the trial the honourable member referred to was in 2004, so it is a well-established part of the service set, particularly in rural and regional South Australia.

The honourable member posed a question about whether or not the legislation should refer to the authority's code of practice or whether it should be in the legislation. I think that is a legitimate question for the parliament to consider in the context of future legislation. It has increasingly been the Legislative Council's view, as I understand it, that the council is uncomfortable with legislation that references external documents over which it does not have control, because effectively when one does that the parliament runs the risk of delegating to an external body the legislative function itself.

I think the opposition raises a legitimate point. As I understand it, the government has provided copies of the relevant codes to the opposition, but we would be urging that we do not seek to insert them or reference them in the short term, and that in the future we consider whether they should be referenced as external documents within the legislation or, as the opposition suggested, put in the legislation itself.

In relation to the prescribed emergency workers element, the honourable Leader of the Opposition is quite right to point out that the government has expanded the scope of the provisions that were tabled on Monday. Even in the short time frame that is available to us, the government is more than willing to make good legislation better. Not only did we take up the suggestion of the opposition and ensure that pharmacy assistants and other employees in pharmacies were covered by these provisions but also GPs and people in general practice or medical centres, nurses and other health professionals who might be involved in a COVID testing clinic.

As both the Hon. Tammy Franks and the Hon. Connie Bonaros highlighted, one can easily imagine the circumstances in which a pharmacy patient could be anxious and frustrated, and they might be inclined, but should be discouraged, from expressing that in any form of violence. It is also

other contexts where that risk exists, for example, a nurse, a paramedic, or the like, who might be delivering a testing clinic. As we saw in the last couple of days, we have had a significant increase in presentations to the clinics, which is great, but it has led to some delays, and that can lead to frustration.

Again we ask people to be patient, we ask people to not take out their frustration on those who have put themselves on the front line to provide health care to others. This legislation continues the strong commitment of this parliament to back our health workers, in terms of protection, as they deliver care. As I conclude my remarks, I again thank the opposition and the other parliamentary groups for their indication of support and assure members that, as we go to the revised COVID set, or permanent legislation, the government will certainly be keen to look at the impact of these provisions in the short term and undertake more normal consultation.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: I have a number of questions at clause 1. My first question to the minister is: when were the Pharmacy Guild and the Pharmaceutical Society first informed of the government's proposed changes to the legislation?

The Hon. S.G. WADE: I would answer this in two ways: first of all, I am advised that probably in March the Chief Pharmacist established an expert group consisting of the Pharmacy Regulation Authority South Australia, the Pharmacy Guild and the Pharmaceutical Society of Australia to discuss a whole range of matters in relation to COVID. Telepharmacy was certainly a matter discussed by that expert group.

In relation to the issue of safety of workers at work in pharmacies, that issue was raised with me by the Pharmacy Guild I suspect in the last month or two. In terms of the legislation that was distributed to members on Monday, that was also distributed to a range of stakeholders for their views.

The Hon. K.J. MAHER: I thank the minister for his response. Just so I am clear, is the minister saying that it was distributed on Monday afternoon to that range of stakeholders as well as to other members of parliament or was it stakeholders before that?

The Hon. S.G. WADE: My understanding is that stakeholders got the bill at about the same time as members of parliament.

The Hon. K.J. MAHER: When did GPs, nurses or their representatives receive a copy of the bill?

The Hon. S.G. WADE: Let's be clear: the bill was only approved by cabinet on Monday. Since then, my office has had discussions with the AMA and we have provided a copy of the revised bill to the ANMF.

The Hon. K.J. MAHER: To be clear, were the AMA and the nurses federation provided a copy of the bill at the same time as representatives of pharmacies?

The Hon. S.G. WADE: No, they were provided a copy subsequently.

The Hon. K.J. MAHER: Is that because it was not intended, until the opposition raised it, to include GPs or nurses in the protection this legislation provides?

The Hon. S.G. WADE: The government has already indicated that we have expanded the scope.

The Hon. K.J. MAHER: In relation to telepharmacy, can the minister assure the council that the amendment does no more than clarify what is currently the practice of the Pharmacy Regulation Authority to grant exemptions for telepharmacy in limited circumstances?

The Hon. S.G. WADE: I can confirm that is my advice.

The Hon. K.J. MAHER: Can the minister assure the chamber that the telepharmacy amendment would not allow for the potential of market manipulation, including the creation of new business models offering pharmaceutical services?

The Hon. S.G. WADE: Of course there is a risk, but we have considered that risk is low because the services will be considered on a case-by-case basis under the oversight of the pharmaceutical authority. Certainly, the opposition's concern is legitimate. There have certainly been concerns in relation to the use of telehealth in the expanded arrangements that the commonwealth has put in place, that that has led to some unhelpful market developments. I think that is why the commonwealth has narrowed the scope of that significantly. My understanding is that, as of Monday past, a person will not be able to access telehealth services unless they are accessing them through the GP of their normal engagement.

Perhaps I could address the concern this way: the commonwealth is clearly expanding telehealth in terms of medical services into territory it has not been in before. But we would argue that this is merely an affirmation of a journey that started in 2004, and we are taking a conservative approach by just making sure that it has the legislative base that it needs.

The Hon. K.J. MAHER: Is the minister able to inform the chamber how many Pharmacy Regulation Authority exemptions for the provision of telepharmacy are currently active?

The Hon. S.G. WADE: I am advised that we understand—and the officer who is with me is from the department, not from the authority—that there are currently six pharmacies that use the service, but we understand that may be with one registered owner.

The Hon. K.J. MAHER: I understand the limitations of the advice that can be received immediately and maybe it is something, if not with absolute clarity now, the minister can bring further answers back on. Can the minister give an indication as to whether they are in very remote regional areas? What is the nature of the exemptions?

The Hon. S.G. WADE: Certainly, what I am advised is that we can indicate that they are all regional; none of them are metropolitan.

The Hon. K.J. MAHER: Has the department done any work as to how many applications they expect to receive for exemptions for the provision of telepharmacy as the result of the passage of this legislation?

The Hon. S.G. WADE: I am advised that we are not expecting any more. We are consolidating the legislative base for those that are currently using it. One needs to remember that in the context of the evolving pandemic not only do pharmacists have the opportunity to apply, I think it is, to the authority rather than to the department to provide the service but also they have the opportunity to engage the legislation in relation to emergency provisions. It may well be that, if the pandemic was to progress, the emergency provisions element might be more useful than telepharmacy. I am about to get some counselling, I think.

The Hon. K.J. MAHER: This might help inform the counsel that the minister is about to get. My next question was going to be—and the minister talked a little bit about it very briefly—is the minister able to outline the process by which a pharmacist applies for an exemption, and then what is the process of being granted this exemption?

The Hon. S.G. WADE: In terms of the outcome of my counselling, it was highlighted that the telepharmacy is particularly about enabling pharmacists to provide services remotely. Emergency dispensing is particularly about patients who in an emergency circumstance need additional supplies.

In relation to the use of telepharmacy during the pandemic, whilst I am advised we do not expect additional applications for telepharmacy, it may well be part of our response to an emergency situation that telepharmacy services are established. For example, if a particular regional pharmacy was affected by a COVID outbreak and had to close down, it may well be that we use telepharmacy to try to maintain services to that community.

In terms of the honourable member's question and in terms of the process by which a pharmacy would become involved in telepharmacy, the government has provided copies of some documents to the honourable member for Kaurna that relate to this process. Applications are made

to the Pharmacy Regulation Authority of South Australia (PRASA). There is an application that is undertaken. It is likely that PRASA would visit the pharmacy in the context of that application and it is our understanding that PRASA undertakes ongoing assessment of telepharmacy services.

The Hon. K.J. MAHER: Is the minister able to outline when the government intends to introduce legislation that would more fully enshrine telepharmacy outside a declared emergency?

The Hon. S.G. WADE: I think it relates back to the consideration of government about the next step in this pandemic. I think the Chief Pharmacist has indicated to the opposition that ongoing legislation is being developed. We are talking about nine weeks and we are talking about government decisions as to what extent the temporary sunset clause type of legislation, like this COVID bill, is the next step or whether some or all of these measures are sought to be made to change the primary legislation. These are discussions that the government needs to have.

The Hon. K.J. MAHER: Will there be legal uncertainty over the telepharmacy situation in regional SA when the emergency declaration ends and the effect of the COVID legislation then finishes?

The Hon. S.G. WADE: It is certainly my expectation that there would either need to be an extension of the COVID provisions or, at the end of this bill—which I recall is about 9 October—a change to permanent legislation. Considering the range of legislation involved, one can see the attraction of an extension, but that is a matter the government needs to consider and it is also a matter that parliament needs to consider. As I said in my comments to the Hon. Connie Bonaros earlier, it is hard to predict the progress of this pandemic.

The Hon. K.J. MAHER: I thank the minister for his answer. I cannot recall, but is the minister able to inform the chamber as to when the current emergency declaration in fact comes to an end?

The Hon. S.G. WADE: I cannot, I am sorry. My understanding is that they are 28 days by 28 days. I might just seek advice.

The CHAIR: Will the Hon. Mr Wade resume his place.

The Hon. S.G. WADE: He taunted me.

The CHAIR: Yes, I know. We do not have a blood line in this place; maybe we need to.

The Hon. S.G. WADE: There is blood everywhere here.

The Hon. K.J. Maher: It is almost always his fault, but that was mine.

The Hon. S.G. WADE: My understanding is that the COVID-19 emergency response bills, the series of them, lapse when the major emergency is withdrawn or on 9 October, whichever occurs first. My prediction is that 9 October will occur first. In terms of the date on which the current declaration of a major emergency expires, I will need to get back to the member, and I am happy to do that. It is certainly before 9 October, and the government will need to consider any recommendation from the State Coordinator to extend the major emergency.

The Hon. K.J. MAHER: That leads to my next question. The likelihood, as the minister outlines—and that is understandable given where we are, not just in Australia but around the world—is that 9 October may well come and it will not be time for the effects of the COVID-19 bills to end. Is the government already looking at how to extend that and planning for when parliament resumes after the winter break as to whether they need to come back reasonably soon, given the likelihood that 9 October will be the first date?

The Hon. S.G. WADE: The honourable member is right to encourage me not to try to speak beyond my station. The minister responsible for the Emergency Management Act is the Premier. I know on matters such as this he is in regular consultation with the Attorney-General because of the legal issues that arise. I have no doubt that work is being done on transition options. As I said, the two obvious options that appear to me are that some of the matters in the COVID response bill may be put to the parliament as ongoing changes, but the other option would be the further extension of the emergency response approach.

The Hon. K.J. MAHER: Has the government consulted the guild, the society or any other stakeholders regarding the intention to introduce legislation outside the COVID regime that would normalise telepharmacy practices?

The Hon. S.G. WADE: My expectation is that the Chief Pharmacist, in her discussions with stakeholders, will continue to consider what permanent legislation might look like. As I indicated earlier, perhaps one of the benefits of a test run like this bill presents is that any unintended consequences are considered. This council is well aware of the value of sunset clauses. We do not normally use nine-week sunset clauses, but it will be an opportunity for the experience of this period to feed into any enduring legislative changes that parliament might wish to make.

The Hon. K.J. MAHER: Going back to a comment that was made a little while ago, as far as we are aware there are six exemptions that are currently provided for telepharmacies that are active—

The Hon. S.G. Wade: Six pharmacies.

The Hon. K.J. MAHER: —six pharmacies, yes—and all are in regional or remote areas. I think I am getting it right but, just for clarification, if the situation does not change in terms of the COVID situation getting worse, does the minister envisage that there will be no more exemptions granted? Am I understanding that correctly?

The Hon. S.G. WADE: I think I answered this question earlier. It can only be an expectation, but my advice is that we have no reason to believe there are any pharmacies beyond the six that would seek to use the services with the passage of this bill. Having said that, as I indicated earlier, it may well be that in an emergency situation the government itself or other authorities might seek to use the telepharmacy tool as a response to a particular situation.

The Hon. K.J. MAHER: I think, minister, that is completely understandable. As the situation changes, the response necessarily will as well. In terms of future legislative changes to regularise the practice of telepharmacy, would the government's intention be simply to clarify existing practices or to look to expand further the use of telepharmacy?

The Hon. S.G. WADE: I think that is asking me to anticipate legislation and anticipate the outcome of the consultation process. As I have already indicated, there will be policy issues that the government will need to consider in terms of, for example, the issue that the honourable member raised in his second reading contribution of whether or not the code of practice should be in the hands of the authority or whether it should actually be part of the legislation.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EMERGENCY MANAGEMENT (QUARANTINE FEES AND PENALTY) AMENDMENT BILL

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:55): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Mr President, this Bill makes three important changes to the Emergency Management Act 2004: firstly, to allow a fee to be charged to arrivals from interstate and overseas for their hotel quarantine, secondly to ensure the

State Coordinator has the ability to ensure South Australians who fail to comply with a direction and refuse to attend a place of isolation can be charged with a fee for stay, and thirdly to incorporate the inclusion of a maximum penalty of two years' imprisonment for those who have found to have breached a direction of the Coordinator. The Bill finally also makes a permanent change to the *Emergency Management Act* to ensure that no direction made under the Act may prohibit a person fleeing a domestic violence situation, or a family member supporting such person, may prohibit their access to South Australia.

Dealing first with the aspect of hotel quarantine, quarantining returning Australians from overseas for a period of 14 days has been a vital part of Australia's and South Australia's approach to managing the COVID-19 pandemic.

Under the current Emergency Management (Cross Border Travel No 9) (COVID-19) Direction 2020, all people arriving in South Australia from overseas must reside and remain at a place determined by an authorised officer for a period of 14 days.

All Australian jurisdictions currently enforce similar quarantine arrangements for overseas arrivals.

Australia's peak decision-making committee on health emergencies, the Australian Health Protection Principal Committee (AHPPC), has recently reinforced their advice that this measure is a key part of Australia's successful response to COVID-19. In a public statement on 26 June 2020, the AHPPC reaffirmed their recommendation that all international travellers continue to undertake 14 days quarantine at a supervised hotel.

Of more than 1,200 Australians who have arrived into South Australia from overseas, three have tested positive for COVID-19 from the Air India flight from Mumbai on 27 June 2020 and, from all the positive COVID-19 cases in South Australia, the vast majority have been acquired from overseas. This demonstrates the importance of a strong and sustainable quarantine process to reduce the spread of the virus into the South Australian community.

South Australians have demonstrated an incredible willingness to play their part in the state, national and international response to the COVID-19 pandemic. I do acknowledge how challenging this has been and once again thank the people of South Australia for their efforts thus far. However, a global response pandemic is far from over, and South Australia must continue to play its part in the national effort to allow Australian citizens to return home. More than 77,000 Australian citizens have returned to Australia and been subject to quarantine measures since 28 March 2020.

As COVID-19 emerged, one million Australians were estimated to be living or travelling overseas, so it is anticipated that thousands more Australians will seek to return home over time. Victoria is currently not allowing international arrivals. New South Wales have a cap of 450 international arrivals a day, with a maximum of 50 per flight. Western Australia has a cap of 525 international arrivals per week, and other jurisdictions are looking at caps also. These interstate caps are likely to place an increased demand on South Australia to take additional arrivals.

The South Australian government currently has capacity for approximately 1,035 people in quarantine across three hotels, and the government covers all costs associated with this.

To date, South Australia has incurred approximately $3.5 million in costs to quarantine returning overseas travellers. Interstate, both Queensland and the Northern Territory charge individual fees to partially or fully cover the cost of their mandatory quarantine period. The Western Australian government and New South Wales have recently announced that they will be following suit.

Some jurisdictions are also beginning to utilise their supervised hotel quarantine program to manage arrivals from current COVID-19 hospitals in Australia. South Australia has a strong hotel program, and that has been well managed by SA Police and SA Health. It has been and continues to be an important element of the government's COVID-19 response strategy.

To ensure the ongoing sustainability of these arrangements, and to allow South Australia to continue to accept and quarantine those returning to this state, the Transition Committee has recommended that South Australia commence a charging regime based on a portion of the cost of the period of quarantine.

The Emergency Management (Quarantine Fees and Penalty) Amendment Bill 2020 amends the Emergency Management Act to allow for the charging of a fee to recover costs associated with providing quarantine services in relation to the emergency declared under that act.

Under the amendments, this power to determine a fee will be vested with the State Coordinator for the emergency or delegated to an assistant state coordinator. The bill provides for flexibility for who the fee will apply to, and this will be determined by the State Coordinator. Cabinet has agreed, pending a formal decision by the State Coordinator that Australians returning to South Australia from overseas during the COVID-19 pandemic should be asked to cover the cost of their 14-day hotel quarantine. This will ensure sustainable quarantine arrangements are in place going forward.

SA Health will coordinate the hotel quarantine scheme based on the following cost structure: one adult will be charged $3,000, additional adults $1,000 each, additional children $500 each, and a child under three no additional cost. These charges will apply for any international arrival who has entered hotel quarantine from 12.01am on Saturday 18 July 2020. This will not apply to travellers who purchased their tickets before 12pm on 13 July.

Waiver arrangements will be available for people currently in quarantine and for people experiencing financial hardship or vulnerability, and payment plans will be made available.

The Bill introduced here today supports a sustainable approach to maintaining South Australia's strong quarantine arrangements and ensures South Australia plays its part in the national effort to allow citizens to return home without increasing the risk in the community.

Beyond those arriving from interstate and overseas, the Bill makes allowance for the State Coordinator to require South Australians who have been required to isolate to pay a fee for hotel quarantine should they be directed to do so and disobey. This would be in a circumstance of a person who, for example, was required to isolate due to having COVID-19 and has chosen a completely inappropriate location to do so. Under the Government's proposal, these persons will also be required to make this payment as designated persons.

This Bill further seeks to keep South Australia, and South Australians, as safe as possible by ensuring that any person who breaches a direction will face up to two years' imprisonment, beyond the currently available monetary penalty, and of course the on-the-spot fines which have already been approved by this parliament. This would commence on the day of proclamation.

Finally, the Bill incorporates an amendment moved in the House of Assembly to make a permanent change to the *Emergency Management Act.* This amendment seeks to ensure that no direction made under the Act may prohibit a person fleeing a domestic violence situation, or a family member supporting such person, may prohibit their access to South Australia. In a practical sense, under our directions currently in force access can be granted to South Australia on compassionate grounds. This is already occurring at the boarders, on a case by case basis. I understand the willingness of Parliament to enshrine this proposal into legislation and will now be working with the State Coordinator and Public Health officials to ensure that directions made under the Act appropriately allow this consideration.

I thank the State Coordinator, the State Control Centre and Public Health for their continued work in ensuring our borders are secure and that South Australians are kept safe.

I commend the bill to the house and seek leave to insert the explanation of clauses without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure operates from assent, except section 5 which operates from 18 July 2020.

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Emergency Management Act 2004

4—Amendment of section 25—Powers of State Co-ordinator and authorised officers

This amendment provides that a direction or requirement under section 25 must not prohibit travel into or out of the State where the travel is for the purpose of escaping domestic violence or providing support to a family member who is experiencing domestic violence, or is otherwise reasonably necessary for the purpose of dealing with circumstances arising out of domestic violence. A direction may impose conditions on the travel.

5—Insertion of section 25AA

New section 25AA is proposed to be inserted:

25AA—Fees on designated arrivals during declared emergencies

The State Co-ordinator is authorised to require a liable person (which is defined to include a prescribed arrival (being a person who arrived in SA from the commencement of the section) and a designated person (being a person who refused or failed to comply with a direction or requirement to quarantine or isolate and who is directed to reside at a place determined by an authorised officer)) to pay a fee (determined by the State Co-ordinator by notice under the section) relating to their quarantine or isolation at a place in South Australia. A notice under the section can provide that it has effect from a date earlier than its publication. Delegation to an Assistant State Co-ordinator is provided for.

6—Amendment of section 28—Failure to comply with directions

Imprisonment for 2 years is added to the penalty provision in section 28(1).

Debate adjourned on motion of Hon. I.K. Hunter.

CONTROLLED SUBSTANCES (CONFIDENTIALITY AND OTHER MATTERS) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: On whose advice or what was the advice that led to the decision to adopt an approach much closer to the Queensland model over the Victorian model of monitoring?

The Hon. S.G. WADE: I am advised that the decision to follow the Queensland model rather than the Victorian model was as a result of the South Australian officers who were involved in the national implementation steering committee for RTPM. One of the key issues was that Victoria was the pioneer jurisdiction in this space. After the Victorian scheme was established, the National Data Exchange (NDE) was established at the commonwealth level, so for us to follow the Victorian model rather than the Queensland model would actually mean that we duplicate the NDE work.

The Hon. K.J. MAHER: During the opposition briefing, we were told that SA has a more extensive list of monitored medicines than Victoria. If that is the case, as the minister has outlined, what medicines are we monitoring with this system that Victoria is not monitoring?

The Hon. S.G. WADE: For the benefit of Hansard, I will have a go at pronouncing them, and then I will have a go at spelling them. My understanding is that Victoria does not monitor the schedule for the medications gabapentin, pregabalin and tramadol. South Australia will monitor all of these.

The Hon. K.J. MAHER: The nodding that occurred indicates that the minister did not completely mess up the pronunciation, I think, so big ticks there. Is the minister able to outline whether physical records will be kept in addition to electronic records, at least for a transition period?

The Hon. S.G. WADE: I am advised that, no, we will not be maintaining a backup physical set of records. We already have an electronic system, and that will run side by side with RTPM and will provide the backup surety that we need.

The Hon. K.J. MAHER: Is Fred IT the provider of the IT system?

The Hon. S.G. WADE: I am advised that the preferred provider is Fred IT and that that provider is the preferred provider of most, if not all, other jurisdictions.

The Hon. K.J. MAHER: For what period of time is the contractual arrangement with Fred IT?

The Hon. S.G. WADE: I am advised that it is a tripartite agreement that also engages the commonwealth. The current contract, which has already started, is for three years plus two years—so an anticipated five years.

The Hon. K.J. MAHER: Can the minister inform the chamber what the value of that contract is, both for three years and the potential five years?

The Hon. S.G. WADE: I am happy to get that information for the honourable member. Could I suggest that we undertake to give it to the opposition before the house considers it? We think that we might have the total figure here; we do not think we have the breakdown. If the opposition is agreeable, we will get the breakdown and provide it to the honourable leader.

The Hon. K.J. MAHER: That would be appreciated. In the minutes remaining considering this legislation, even just the total as a start during the course of this bill would be appreciated. I am wondering, is the contract for the provision of these services by Fred IT—

The Hon. S.G. WADE: I am now able to advise the committee that the total value of the Fred contract, in other words not the two parts but the total, is $3,885,200 including GST.

The Hon. K.J. MAHER: Is that figure reported and publicly available, and is the contract itself publicly available?

The Hon. S.G. WADE: Funny you should ask: the contract and tenders website carries the contract, which is contract ID number SAH2019-1244.

The Hon. K.J. MAHER: Either at the end of the three years or if the option is exercised at the end of the five years, what provision is made for who owns the IT infrastructure and intellectual property?

The Hon. S.G. WADE: I am advised that the commonwealth contracted Fred IT to build the NDE, the National Data Exchange, and that in that contract Fred IT owns the IP. South Australia's procurement was for an add-on, a regulatory portal for the South Australian context, and Fred IT is our preferred partner and delivering that portal. Under that arrangement, they also own the IP.

The delivery of RTPM in South Australia involves a tripartite agreement with the commonwealth, Fred IT and South Australia. South Australia did look at the option of owning the IP. The advice was that, to achieve that outcome, we would need the agreement of the commonwealth, all other participating jurisdictions and Fred IT. That was not only seen as unlikely or impractical, but likely to be cost prohibitive. In that context we have gone ahead with this IP approach. I am advised that that being the case, no other jurisdiction owns the IP in relation to their portal.

The Hon. K.J. MAHER: A follow-on question: who has permanent access and ownership of the data that is generated?

The Hon. S.G. WADE: I am advised that each jurisdiction owns its own data, so South Australia owns South Australian data.

The Hon. K.J. MAHER: To clarify, if towards the end of the three years or the five years, depending on for how long the contract with Fred IT ends up going, in the negotiation for a new provider or renegotiation of the contract, is it absolutely crystal clear that South Australia has a right to all that data, that they retain the data, and how does that then work with the possible handover to a new provider?

The Hon. S.G. WADE: I reiterate the advice I am given, which is that South Australia owns the data. We have not given any thought to the mechanism which South Australia—and, for that matter, other jurisdictions—might take to manage the data in any transition to a future provider.

The Hon. K.J. MAHER: In relation to resourcing this scheme, what resources both in FTE and dollar funding will be dedicated to provide for this scheme to come into operation over and above the, I think, $3.8 million over the five-year life of the contract? And can that be broken down into what funds will be provided for education to clinicians and other users of the new system?

The Hon. S.G. WADE: I am advised that beyond the Fred IT contract costs the main two areas of funding are education, training and resource development and, secondly, the addiction and medication services. We are not able to break down that funding at this stage. I undertake to provide the leader with an answer before the matter is considered in the house.

The Hon. K.J. MAHER: What training is to be put in place to prepare the end users for this program and is the training program ready to roll out?

The Hon. S.G. WADE: I am advised that training and education will be available to all prescribers and pharmacists prior to statewide rollout. Due to the current COVID-19 pandemic, training will be delivered as online modules that can be completed at a time convenient for the health practitioner. The free training will include a series of short modules and will cover technical content such as how to register, log on and view notifications and alerts, and information to support practitioners to identify patients at risk of harm and treatment options available when a patient has been flagged by the system to be a person at risk of harm.

Training will be supported by standalone videos and demonstrations of how to complete key steps in the registration for and use of ScriptCheckSA. The South Australian training and other supporting resources will be similar in training delivered in other jurisdictions, with state-specific information for prescribers and pharmacists.

The Hon. K.J. MAHER: I thank the minister for his answer. I wonder if the minister can outline the rationale behind whether Medicare numbers are going to be used to identify patients, as per the College of Psychiatrists' suggestion?

The Hon. S.G. WADE: I am advised that as a state we are not able to use Medicare numbers. I think it is important to keep in mind that the National Data Exchange is a commonwealth asset and within the National Data Exchange the Medicare number, along with a range of other commonwealth data and general data of individuals, will be used to match individuals.

The Hon. K.J. MAHER: I am wondering if the minister can outline whether clinical guidelines will be developed to guide prescribers on how to handle notifications?

The Hon. S.G. WADE: I thank the honourable member for his question. I have already indicated that the training, not surprisingly, will deal with the administrative IT aspects of the program, but the training will also support prescribers and pharmacists in understanding their options when patients are flagged by the system. This will maximise opportunities for patients to be treated by their general practitioner or usual doctor and ensure resources are available for those patients that require specialist support and treatment

The training and education materials include support for health practitioners in having difficult conversations with patients. This will provide links to clinical resources and provide standard text which may help explain complex situations in plain and easy to understand language.

The Hon. K.J. MAHER: Can the minister outline whether there will be clear guidelines established for the referral of patients who are identified with a substance misuse issue, and how will they work?

The Hon. S.G. WADE: As part of the project, there is a clinical advice and pathways working group, which has identified the existing support services available and developed a triage framework for the efficient use of these. It has further refined a model of care to enable health practitioners to have the confidence to treat patients identified by the system as misusing or dependent on monitored medicines and to know when patients with complex issues should be referred to other services such as addiction medicine, pain management or similar.

The Hon. K.J. MAHER: Has any extra resourcing been allocated for alcohol and other drug services, given the potential increase in demand this monitoring system will create?

The Hon. S.G. WADE: It certainly has, and that was consistent with the government's policy that we put before the last election. As I indicated earlier, the government is undertaking to provide a breakdown to the opposition of the funding that will be provided for both education and training and also addiction and medication services.

The Hon. C. BONAROS: I just have one question in relation to the data that is managed both at a commonwealth level and a state level. We have the commonwealth managed National Data Exchange. It is my understanding that that data also feeds into the My Health Record. I just want to confirm for the record that the data that we are using here does not have any interplay with the My Health Record, especially given the number of individuals who have opted out of that system.

The Hon. S.G. WADE: I am advised that My Health Record is a patient-controlled summary of a patient's health record and patients can choose what is included and who can view their medication history. In other words, they can opt out. ScriptCheckSA, on the other hand, allows prescribers and pharmacists involved in a patient's care access to a complete record of the monitored drugs that have been prescribed and dispensed for that patient. In other words, it is not opt out.

In that context, too, My Health Record only engages PBS-dispensed drugs and there is a significant area of private prescribing that is also of concern. That is why ScriptCheckSA will not be opt out and will be inclusive.

The Hon. C. BONAROS: I understand that this will not be an opt out system and that that one is an opt in system. Perhaps if I can rephrase the question: given that we are relying on that National Data Exchange, I just want to know whether there is any possibility that there could be an overlap between the two systems in respect of the bill that we are passing now?

I acknowledge that one is opt in and one is opt out, but we are relying on a set of data that is being maintained by the commonwealth that is used as part of My Health Record. That is really what my query is.

The Hon. S.G. WADE: I am advised that the two data pools are separate.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. C. BONAROS: During my second reading contribution, and I think that of other members, we touched on the issue of police accessing information that was not necessarily accessed appropriately but rather at the request of the police. I note that in this bill there are penalties both for disclosing confidential information but also for those who actually receive that information.

I want to confirm for the record two things. First, what discussions have taken place with SAPOL, if any, as a result of these measures, particularly in relation to previous requests for information from this? Second, noting that there is a maximum penalty of $10,000, are there any immunities from prosecution that would apply if that information that is confidential was inappropriately sought by public servants?

The Hon. S.G. WADE: In the context of the time that has elapsed since the honourable member asked the question, we have made inquiries of SAPOL. We were advised that SAPOL is not aware of any such incidents and, in the time available, has not been able to undertake a search of records. My advice, though, is that whilst my department is aware of requests from a range of entities, those requests are rare, and it is in the context of this legislation that the government wants to provide assurance to South Australians that their data will be protected, so the range of entities that may seek that information through this system will have more clarity on the confidentiality requirements that it is subject to.

The Hon. C. BONAROS: Despite how rare those occurrences may be, there were suggestions at the briefing we attended—not by us but by the information that was proffered—that SAPOL was identified as one of those parties that have often tried to access this information in the past. They may need to go away and look at any incidents that they have recorded or otherwise. I suspect it may be that some of those are not recorded.

My question is twofold: (a) has SAPOL been alerted to this legislation in terms of ensuring that their officers do not engage in this sort of behaviour; and (b) if an officer of SAPOL or any other agency or entity—that is, a public servant—did engage in this behaviour, would they be subjected to the maximum penalty that applies of $10,000 under 60A of the bill? Are there any immunities that apply to them in relation to those penalties?

The Hon. S.G. WADE: I would be starting to wander into areas of legal advice in answering the second question, but the advice I have from a nonlegal perspective is that there are not immunities. In terms of SAPOL's awareness of this legislation, there is a Real Time Prescription Monitoring External Advisory Group which has been established for input and feedback in relation to the design and development of the Real Time Prescription Monitoring system, and the SA police are part of that advisory group. So I am sure that if they had any suggestions to make in terms of the RTPM they would have made it through that advisory group, and they are aware of this legislation being progressed.

Clause passed.

Remaining clause (5) and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (12:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FAIR TRADING (FUEL PRICING INFORMATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 July 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (12:37): I might rise to indicate that, as I indicated in my second reading contribution on the last fuel pricing bill before the chamber that was put up by the Hon. Frank Pangallo, we are very disappointed by how long the government has taken to take any action on this. We have had very productive discussions about the relative merits of the two fuel pricing bills, and those discussions are continuing. I will indicate to the chamber that we are not ready today to progress this.

We would be very disappointed, given that there are competing schemes before the chamber, if this were to be progressed immediately. We would be placed in a difficult situation to push through with this, given that there are continuing discussions and given the leeway that this chamber often uses when there are other opportunities to progress matters at a future time. I will indicate that, with discussions ongoing, we are not ready to continue with this, and we will certainly be opposing putting this and rushing it through today.

The Hon. C. BONAROS (12:38): Can I indicate that my colleague, the Hon. Frank Pangallo, has carriage of this particular legislation. It is my understanding from him and from discussions that have been ongoing in recent hours and whatnot that the position is we would like those discussions to continue and prefer not to proceed with the bill at the present time. That is the information that has been relayed to me, and I am relaying it to the chamber.

The Hon. Frank Pangallo is not here at the moment. He has had carriage of this, but given there are two competing bills and for the reasons that the Leader of the Opposition has just outlined, I understand that we are of the same view in terms of progressing with this now.

The Hon. R.I. LUCAS (Treasurer) (12:40): I thank honourable members for their contributions to the bill. As honourable members have indicated, this has been going on for quite some time; indeed, the government has been criticised for delays in implementing the scheme. From the government's viewpoint the advice I have received, which ultimately can only be tested by a vote in this chamber, is that a majority of members in this chamber are happy for the bill to proceed and are prepared to support the government's position. As I said, I will always accept the will of the parliament, and that is the advice that I have received.

I do understand that members of the Labor Party have been having discussions with members of SA-Best, and they have an alternative position that they are adopting but, as I said, the government has been criticised for delaying this. We had an extensive debate during the last session of parliament, which was three weeks ago, I think, and we had a two-week break. We had an extensive discussion and break. As I understand it, members affirmed their positions.

Whilst I respect the fact that members of the Labor Party and SA-Best may have had a discussion, the advice I have received is that a majority of members in this chamber are now prepared to support the government's position. If that is the case, we are anxious to actually have a fuel pricing scheme delivered. We have only today and tomorrow to have the bill passed, or not, and have the government's position implemented, or not, in relation to these issues; otherwise, we potentially have another delay of five or six weeks before the September session. For those reasons, the government is anxious to test the will of the parliament and see it progressed.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. I.K. HUNTER: I move:

That progress be reported.

The committee divided on the motion:

Ayes 10
Noes 11
Majority 1

AYES

Bonaros, C.	Bourke, E.S.	Hanson, J.E.
Hunter, I.K. (teller)	Maher, K.J.	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Scriven, C.M.
Wortley, R.P.		

NOES

Centofanti, N.J.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Parnell, M.C.
Ridgway, D.W.	Wade, S.G.	

Motion thus negatived.

The Hon. K.J. MAHER: Can the minister outline the consultation that took place in relation to this bill and the responses from those who were consulted with?

The Hon. R.I. LUCAS: I am advised that the consultation was large, and it has been publicly revealed by the Productivity Commission in their report, so I can refer the honourable member to their report. In addition to that, stakeholders such as the RAA have been actively engaged, and I would be very surprised if the honourable leader has not been lobbied, because certainly everybody else who has been involved in this debate has been lobbied by the RAA and some other stakeholder groups in relation to fuel pricing. In relation to the proposals, the main consultation was that outlined by the Productivity Commission in terms of the development of their report.

The Hon. K.J. MAHER: Can the government outline what consultation took place with fuel retailers and what the result of that consultation was—in relation to the fuel retailers, the people who sell fuel?

The Hon. R.I. LUCAS: I am advised that the fuel retailers were consulted by the Productivity Commission in relation to the development of their report.

The Hon. K.J. MAHER: Can the government outline, in addition to the Productivity Commission and the preparation of their report, were there any consultations whatsoever between the government and fuel retailers in the development of this specific scheme?

The Hon. R.I. LUCAS: I am told no in relation to the bill, but in relation to the regulations there has been further consultation with representatives of the fuel retailers in terms of the development of the regulations.

The Hon. K.J. MAHER: Given we have amendments coming up and there are effectively two different schemes that this chamber is being asked to consider—and I think there have been some comments made in the media by members of the government about the views of retailers on the competing schemes—can the Treasurer please outline for the benefit of the chamber, and considering the competing schemes, what the views of fuel retailers are about the relative merits of the two competing schemes?

The Hon. R.I. LUCAS: I am advised that a fair assessment of the fuel retailers' evidence to the Productivity Commission in relation to the two competing schemes was a preference for the government's model as opposed to the alternative model which the Leader of the Opposition is proposing or supporting.

The Hon. F. PANGALLO: In relation to the Productivity Commission, the Productivity Commission suggested that the government's preferred model may push prices up. Do you agree with that?

The Hon. R.I. LUCAS: My advice is that the Productivity Commission said it was very difficult in relation to any of these fuel pricing information schemes to accurately estimate what the estimates might be. I do not have the copy of the Productivity Commission report with me, but I would

certainly subscribe to the view that trying to be definitive about the impacts of any scheme in relation to pricing impacts is a challenge. The Productivity Commission are the people best placed to provide some advice. Their report is as it is. The government does not seek to challenge, dispute, confirm or otherwise. It is a respected independent body. It provides advice to us all, and it can inform us.

The government, having assessed that report and the public pressure from stakeholders like the RAA who support the government's proposed model, has arrived at a proposed model that we are urging the parliament to support. We think it would be a tragedy if we ended up at the end of this sitting week with those forces who are opposing the government scheme successfully preventing the implementation of a scheme by close of business either today or tomorrow.

The Hon. F. PANGALLO: Can the government clarify whether this proposed model is going to be trialled, for how long it will be trialled and who will be conducting the trial for the government?

The Hon. R.I. LUCAS: My advice is that what has been stated is that it is to be implemented for two years. At the end of the two-year period, an assessment will be made. That assessment will be made by the government of the day, whomsoever the people of South Australia entrust government from March 2022. They and those who advise them will be responsible for conducting the review of the success or otherwise of the scheme.

The Hon. F. PANGALLO: Who will conduct the review—the government? You are saying the government. Is it the office of Consumer and Business Services?

The Hon. R.I. LUCAS: The government of the day at the time—and we obviously hope it will be a government led by Premier Marshall, but it is up to the people of South Australia—that will make the decision at the two-year point to say that this will be reviewed by the office of Consumer and Business Services or whatever. That will be a decision of the government. If this government is re-elected, the government would conduct a review. It would use one of its offices, units or agencies to conduct that particular review.

I am sure, over the passage of two years, independent watchdogs like RAA and various other stakeholder groups will be monitoring the success or otherwise of the particular scheme, as they will watch various schemes in other states like Western Australia in terms of what will be the impacts. So there will be plenty of informed opinion about the success or otherwise of the scheme.

The Hon. F. PANGALLO: Will the RAA be involved in the scheme?

The Hon. R.I. LUCAS: In the scheme?

The Hon. F. PANGALLO: Will they be involved in monitoring the scheme? Do they have any involvement in this?

The Hon. R.I. LUCAS: There are limits to the powers of the government, and one is that we do not control the RAA—they are an independent motoring organisation. I am sure they will be, but it is not as a result of the government making that decision. The RAA has been a fearless advocate on behalf of motoring consumers in the state on a range of issues. This is an issue of great interest to them.

I would be stunned if they did not monitor on a regular basis—they would not be waiting for two years—progress with the scheme, and would be fearless in putting their views publicly whenever they wish, and that is certainly not something I as a member of the government would even contemplate trying to control. They are independent, they can monitor and give their views at whatever stage they wish.

The Hon. F. PANGALLO: Has the RAA provided any feedback in terms of customer surveys it has undertaken in relation to the government's preferred scheme, and also the scheme that has been proposed by SA-Best and also the member for Florey?

The Hon. R.I. LUCAS: I am not really aware of what the RAA has done. We certainly have been advised that the RAA supports the government scheme as opposed to the alternative schemes. In terms of whether they have done surveys of their members, or the motoring public as opposed to their membership, I do not know. I am sure the honourable member, given his interest, would have been in close contact with the RAA. If he has not put that question to them, he can put it to them.

Their position, however they have arrived at it, is pretty clear, and they certainly are a fearless advocate for the motoring consumers of South Australia and are entitled to form their view however they wish, whether it is on the basis of surveys they conduct or decisions they make. It is their decision tree and we leave it completely to them.

The Hon. F. PANGALLO: I actually sought that information from the Attorney-General on Monday, and I was assured by her staff that they had received or there had been discussions and a survey undertaken. However, they gave me an assurance that they would get that information to us, and we have not seen that as yet. Can I ask the government: will this proposed model, and the manner in which it will work, apply only to unleaded petrol, or will it also apply to other fuel that is sold at service stations?

The Hon. R.I. LUCAS: I am advised more wide than unleaded petrol. I am advised the draft regulations, which are being consulted on at the moment, include a petroleum product within the meaning of the Petroleum Products Regulation Act 1995—biodiesel, compressed gas and liquified natural gas.

The Hon. F. PANGALLO: Is the government aware of recent data that shows that their preferred model, which is currently under trial in Queensland, has actually shown that average prices for petrol are the highest in any capital city in Australia and have been that way for the past three months?

The Hon. R.I. LUCAS: No, I do not have any recent advice in terms of the last three months of Queensland prices. Can I just note in relation to fuel pricing, if any member in this chamber is of the view that the only issue that determines fuel pricing in a particular state or jurisdiction is the nature or quality of the fuel pricing transparency scheme, that is actually advertising, then I think they need to take further advice because clearly there are much bigger factors at play in relation to fuel pricing. I am referred to the comments of the Productivity Commission, which states:

> Regarding changes in average prices, the Commission concludes the evidence to date is inconclusive that price transparency schemes—

that is, any price transparency scheme—

> have any lasting impact on average prices in price cycles.

Further on it states:

> The Commission concludes that evidence clearly shows that price cycles persist despite the introduction of fuel price transparency schemes.

Progress reported; committee to sit again.

Sitting suspended from 13:02 to 14:15.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:15): I bring up the 10th report of the committee.

Report received.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Springbank Secondary College Review Report dated June 2020

By the Minister for Trade and Investment (Hon. D.W. Ridgway) on behalf of the Minister for Human Services (Hon. J.M.A. Lensink)—

Kanku-Breakaways Conservation Park Co-management Board—Report, 2017-18

South Australian-Victorian Border Groundwaters Agreement Review Committee—
Report, 2018-19

Ministerial Statement

SPRINGBANK EDUCATION REVIEW

The Hon. R.I. LUCAS (Treasurer) (14:16): I seek leave to table a copy of a ministerial statement made in the other place today by my esteemed colleague the Hon. Mr Gardner, Minister for Education, on the subject of Springbank education review.

Leave granted.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking a question of you, sir, regarding allowances.

Leave granted.

The Hon. K.J. MAHER: In response to revelations that Liberal Party MPs and ministers are repaying tens of thousands of dollars of previous claims for the country members' accommodation allowance, the Premier said:

> …I've made it clear to my team they need to make it clear what those administrative errors were and rectify them as quickly as possible…

My question to you, sir, is: have you reviewed all your claim forms, and have you found any administrative errors or other inaccuracies in your claim forms?

The PRESIDENT (14:18): Honourable Leader of the Opposition, I refer you to my statement of Tuesday 30 June. I've got nothing further to add.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): Supplementary, sir.

The PRESIDENT: Arising from the answer?

The Hon. K.J. MAHER: Absolutely arising from the answer, where you reference the statement you made on 30 June at 2.17pm that afternoon. Sir, in what way whatsoever does that statement reference reviewing claim forms?

The PRESIDENT (14:18): The honourable Leader of the Opposition, I have nothing further to add.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): My question is to you, sir, regarding allowances. Were any of the claim forms that were tabled in this place yesterday provided to the government or any other members of parliament before they were tabled here?

The PRESIDENT (14:19): I really have no knowledge of that. I have no knowledge that anything like that happened—so not to my knowledge at all.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): Mr President, I have a question for you regarding allowances. Is there any requirement in claiming the country members' accommodation allowance that you must have incurred costs associated with such claims?

The PRESIDENT (14:19): I will take that question on notice.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): Supplementary: can you indicate when you will be in a position to bring back an answer to the chamber on that? If the winter break intercedes before you do, are you able to provide that to the opposition during that time?

The PRESIDENT (14:20): I will take the question on notice.

CORONAVIRUS, FACE MASKS

The Hon. J.S.L. DAWKINS (14:20): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council regarding personal protective equipment in South Australia during the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:20): I thank the honourable member for his question. It has now been 171 days since the first cases of COVID-19 were detected in South Australia. Last week marked yet another important milestone in the South Australian response to the pandemic with the first locally produced D95+ respirator masks being fit tested to local health workers.

The Marshall Liberal government has had a strong focus on securing PPE during the pandemic to help protect our front-line health workers and to support them as they give quality care to South Australians who need it. As members would remember, in March, April and May there were severe global shortages of PPE. As a government we worked closely with the commonwealth and other jurisdictions to overcome these challenges and, while supplies have been tight, we have not experienced the interrupted supplies seen in some overseas jurisdictions.

A key part of our effort was directed towards domestic production of PPE, in particular, masks. A number of South Australian companies began producing a range of products necessary during the pandemic, such as hand sanitiser, but in relation to masks I need to single out Detmold, which is producing high-quality masks for our front-line staff.

South Australia is the only state that has mandatory requirements for healthcare workers to be fit tested to P2/N95 masks. Staff are also trained in how to put on and remove the mask safely and perform what is called a 'fit check' each time the respirator is worn. This additional step is another example of the high standard South Australia has applied as we work to protect the state from the pandemic.

If the mask is not correctly fitted then it will not seal to the skin and this may allow air to flow underneath the seal, reducing the level of protection afforded. This additional step helps to ensure that our clinicians are kept as safe as possible and, together with the supply of PPE that has been secured, it is fundamental to our strategy in continuing to provide quality health services and to continue elective surgery following its ramp down during the earlier first stage of the pandemic.

We are seeing across the border now how quickly this virus can spread through a community. South Australia can be proud of its record so far but there is absolutely no room for complacency. The continued production, provision and fit testing of these masks is just one aspect of this government's strong plan to continue to protect the state from the virus that is still spreading at record speed through the world.

CORONAVIRUS, FACE MASKS

The Hon. I.K. HUNTER (14:23): Supplementary question: minister, are you in a position or are you considering a recommendation to the South Australian community about the wearing of face masks, not just for clinicians and staff but for the general public?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I thank the honourable member for his question. First of all, I will distinguish between the D95+ respiratory masks, which are also known as P2/N95 masks. They are more specialised masks that are used, as I understand it, in infectious diseases wards and intensive care wards. The honourable member is more likely to be referring to the level 1 and level 3 masks.

I note that Victoria has recommended masks and other face coverings in Melbourne. I understand that New South Wales has recommended the use of masks in areas where it's difficult to socially distance. I think it would be fair to say that South Australia has put its toe in the water in relation to people coming across the border, particularly from Victoria, where they are asked to wear masks. My understanding is both essential travellers and non-essential travellers are asked to wear masks when they need to be in public.

The advice in relation to masks is fundamentally related to the level of community transmission in a community. There is no evidence of sustained community transmission in South Australia. If that changes, I'm sure public health officials will reconsider their advice, but my understanding of the advice from public health officials at this stage is that it is not recommended that South Australians routinely wear masks when in public.

CORONAVIRUS, FACE MASKS

The Hon. I.K. HUNTER (14:25): Further supplementary arising from the original answer: minister, given that—and it's only one media report from Dr Norman Swan this week on the ABC—the estimates of South Australians doing properly public social distancing is only about 40 per cent, and we require about 80 per cent of the community to do so for effective response, is the minister or his advisory team considering not mandating but recommending the use of the lower level face masks in the community as a precaution?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I thank the honourable member for his question, and I really appreciate it as an opportunity to highlight the importance of people maintaining adherence to public health measures. The key measures are such as maintaining a distance of 1.5 metres from other people, maintaining good cough etiquette by coughing into one's elbow, washing one's hands, etc.

The honourable member refers to a report in the ABC, which I am not aware of, but it would be fair to say that SA Health and our public health team is concerned about a lower level of compliance with public health advice as the number of cases in South Australia has diminished. The honourable member's second question (it might have been your first supplementary) related to masks.

One of the issues the SA public health team is considering in the context of masks is that masks can give people a false sense of security. People feel as though if they have a mask on, a bit like Superman, 'I don't need to worry about social distancing, I don't need to worry about public health advice.' So in some ways it could actually increase the risk.

The other aspect I suspect Professor Nicola Spurrier would refer to, if she had to give this answer rather than me, is her concern that people wearing masks don't often wear them properly. I suspect these are particularly overseas news reports but in about half the news reports I see depicting somebody wearing a mask you can tell they are not wearing them properly. If you can see your nose above your mask you have somewhat defeated the purpose.

But it is not just the placement—and I appreciate that Greg Hunt had trouble placing a mask recently. It is not just the placement of a mask that matters, it is also how you use it. Let me stress again I am a politician, not a clinician, but my understanding is that touching your mask while you are wearing it diminishes the impact. Masks are not a silver bullet. There is certainly a debate raging around the world about to what extent we should have community-wide advice in relation to masks.

I can assure you that this is something that has been actively considered by Australian public health clinicians. I know it's been discussed at the Australian Health Protection Principal Committee. I have heard Professor Spurrier indicate that she understands the decision and supports the decision that's been made in the Victorian context because it is made in the Victorian context. Our context is different, and at this stage—and it will change if public health clinicians feel it needs to—it is not advised that South Australians routinely wear masks in public.

FOOD WASTE

The Hon. M.C. PARNELL (14:29): I seek leave to make a brief explanation before asking the Minister for Human Services, representing the Minister for Environment and Water, a question about food waste.

Leave granted.

The Hon. M.C. PARNELL: My brief explanation is: the government is currently seeking submissions from the community about how to divert food waste from landfill. Organic waste in landfill is both an environmental hazard, including the release of greenhouse gases, as well as a missed opportunity for recovery and recycling. The government has published a strategy entitled 'Valuing Our Food Waste—South Australia's strategy to reduce and divert household and business food waste'. Actions for change framework: one of the proposed actions, with a time line of the year 2022, is the following:

> As part of a legislative review processes, consider legislative proposals to harmonise council collection systems and introduce a minimum service across all metropolitan Adelaide councils: fortnightly collection of comingled recyclables and fortnightly collection of organics, including food waste.

In other words, it's business as usual because that's what most councils are already doing. But we know from experience that, whilst increasing numbers of South Australians are embracing their benchtop caddies and are using their green organics bin to dispose of food waste, many people are reluctant to do so because the bin is only collected every two weeks. They are worried about the smell and they are worried about flies. The idea of having a pile of prawn heads or fish waste sitting outside in the bin for two weeks whilst waiting for the fortnightly collection is not what most people are going to do. So that food will continue to go into the general waste bin, and it will go to landfill.

My questions of the minister are, firstly, why on earth is the government only offering a continuation of the status quo for the foreseeable future and, secondly, when will the government bite the bullet and support weekly collection of domestic food and other organic waste?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): If I can apply some poetic licence, some of the solutions might include eating the prawn heads. It may well be that the honourable member puts out an awful lot of green waste, although I suspect that in places of high rainfall people do use their green waste quite heavily, particularly in places like the Adelaide Hills. I will get a response from the responsible minister and bring that back to the chamber for him.

HUMAN SERVICES SCREENING UNIT

The Hon. C.M. SCRIVEN (14:32): My questions are to the Minister for Human Services, regarding worker screening. Given that the former support worker for Annie Smith was banned by Domiciliary Care, can the minister confirm that around three dozen others were also banned by Domiciliary Care? How many of these people were subsequently cleared to work with vulnerable people by the DHS screening unit? Does the minister have any idea whether these people are currently working in support worker roles?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): If I heard the honourable member correctly, I think she said that there were three dozen people banned by Domiciliary Care. Domiciliary Care is not a service run by the South Australian government, so the basis of her question is actually factually incorrect.

HUMAN SERVICES SCREENING UNIT

The Hon. C.M. SCRIVEN (14:33): Supplementary: I simply asked whether the minister was aware of three dozen people being banned by Domiciliary Care and whether they were subsequently working in support worker roles. That is surely a responsibility in regard to the screening unit, if they have been subsequently cleared to work by the screening unit.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): If a worker was banned by Domiciliary Care and it was a management decision of Domiciliary Care, that is not necessarily something that I would be made aware of as the minister.

HUMAN SERVICES SCREENING UNIT

The Hon. C.M. SCRIVEN (14:34): Supplementary: is the minister saying that she is not aware of those cases?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I suspect that this line of questioning may go to some of the line of questioning that was raised yesterday. As the honourable

member would know, individual matters to do with individual workers in various organisations is something that I am not able to comment on publicly.

HUMAN SERVICES SCREENING UNIT

The Hon. C.M. SCRIVEN (14:34): Supplementary: the question was, are you aware of these cases? It is a simple yes or no, without revealing any individual's personal information.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): She is trying to frame the question in another way, and I am not going to respond, Mr President.

LEASE DISPUTES

The Hon. D.G.E. HOOD (14:35): My question is to the Treasurer. Can the Treasurer update the council on any progress of mediation of lease disputes currently being conducted by the Small Business Commissioner?

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Treasurer.

The Hon. R.I. LUCAS (Treasurer) (14:35): I can. The Small Business Commissioner has provided me with an update—I think it was earlier today or yesterday—in relation to the progress of mediation. As members will know from previous answers I have given, I did have some concerns—not I; I think a lot of people had some concerns—that we may well find ourselves inundated with literally hundreds, if not thousands, of potential disputes between landlords and tenants.

Pleasingly, that has not been the case up until now. Certainly, on the most recent figures the Small Business Commissioner has provided me with, there have been 105 cases since 15 May. We are now over two months and the total is 105. The Small Business Commissioner has reported that 34 of those cases have been closed, 25 successfully and two unsuccessfully, at mediation, seven with assistance being provided, including where parties have come to an agreement or one party has not been able to be contacted, a mediation certificate issued. There are, I am advised, 71 COVID lease cases in progress at various stages, with the various mediations being scheduled over the coming weeks.

Whilst it is busy for the Small Business Commissioner, the legislation of the parliament passed some time ago now, in terms of encouraging landlords and tenants to try to resolve these things satisfactorily between themselves. The taxpayer is providing some generous incentives by way of land tax and other financial incentives to try to assist the resolution of any leasing disputes there might have been, which seem to have succeeded thus far.

There is still a not insignificant number of cases—105, as I said. That number is significantly less than the number we first contemplated when we were looking at the legislation in South Australia and nationally, when the national cabinet brought down its decision in relation to 'thou shalt not evict for a period of six months', which was a worthy initiative on behalf of the tenants, both commercial and residential, but nevertheless meant that there were significant issues, potentially for landlords and for tenants, in terms of having to renegotiate their arrangements as we managed our way through COVID-19.

Given the very worrying stories continuing to come out of Victoria, we remain eternally grateful to the work of the minister and senior public health officers in South Australia, and all the other people who have contributed towards the thus far excellent health outcomes that we have seen in South Australia. That has enabled, also with the easing of restrictions, a lessening of the tensions between landlords and tenants in terms of those businesses that might have been able to, with the easing of restrictions, start to generate income and revenue for those particular businesses and to slowly re-engage the employment of employees within their worksite.

That is clearly the ideal situation, as opposed to mediation and ultimately disputation before our Magistrates Court, but the process that has been established appears to have worked relatively

well thus far, and I am indebted to this parliament, this chamber, for their willingness to support the legislation that the government introduced.

SHACK LEASES

The Hon. J.A. DARLEY (14:39): I seek leave to make a brief explanation before asking the Minister for Human Services, representing the Minister for Environment and Water, a question about the government's shack policy.

Leave granted.

The Hon. J.A. DARLEY: I understand the Minister for Environment and Water has invited lessees of shacks identified as Crown land to make application for a longer term tenure, which includes a five-year lease, followed by an option to purchase freehold, or a five-year lease with an option for a longer term lease of 50 years. My questions to the minister are:

1. Has the government determined the basis on which the cost of freeholding a shack site will be calculated?

2. Will the cost be the unimproved value of the land on which the shack sits, or will it be a proportion of the unimproved value of the land?

3. Will the government provide finance to a shack owner who wishes to purchase the freehold, or will they be required to make their own financial arrangements?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): My understanding, in response to the honourable member's question, is that the valuation will be on the unimproved value of the land. I will take the other aspects of his question on notice and refer it to the relevant minister for response.

DISABILITY SERVICES

The Hon. E.S. BOURKE (14:40): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding screening.

Leave granted.

The Hon. E.S. BOURKE: Yesterday, the minister again failed to answer a simple and direct question about when she knew that dozens of unscreened integrity care workers had applied for clearances. My questions to the minister are: when did the minister know, and is the minister refusing to answer because she or her office are under investigation?

The PRESIDENT: Minister for Human Services. There was a fair bit of opinion in that question, the Hon. Ms Bourke.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:41): The response to the last part of the question is no. I have been at pains to repeat that, while these matters are under a police investigation, a quality and safeguarding investigation, it probably bears reminding the Labor Party and the South Australian public that the intention is to work out whether the organisation is appropriate to be registered, whether there are criminal matters. It is inappropriate for me to be providing replies to those sort of details in the public domain, and I would respectfully ask that the Labor Party cease this line of questioning if they have any respect for the process—

The Hon. I.K. Hunter: It's a question about your knowledge, your factual knowledge as minister.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —and if they have any genuine desire for justice to be brought—

The Hon. I.K. Hunter: You're just fudging it.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —in the case of the—

The Hon. I.K. Hunter: You're just fudging it, you're making this up as you go along.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —abhorrent death of Ann Marie Smith.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter: There is no requirement, it's about what you knew, and when.

The PRESIDENT: Order! The Hon. Mr Hunter, please let the minister finish answering the question and not badger her so that—

The Hon. I.K. Hunter: Sir, she is refusing to answer a simple question.

The PRESIDENT: It is not a discussion, the Hon. Mr Hunter. I cannot hear the answer. Minister, please finish your answer.

The Hon. J.M.A. LENSINK: If the Labor Party has any respect for the memory of Ann Marie Smith, and for the police investigation that is being undertaken, for the investigation into the provider—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —they would cease and desist from this line of questioning.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:43): Supplementary arising from the answer: the minister mentioned the investigation by the quality and safeguarding unit. Who is conducting that investigation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): The Quality and Safeguards Commission. The Department of Human Services has been in full cooperation with them for any matters that they have needed assistance with.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:43): Further supplementary arising from the original answer: is the minister aware if Integrity Care is cooperating with that investigation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): According to media reports they are not cooperating with the inquiry by Alan Robertson. Beyond what may be in the public domain, I am not going to comment.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:44): Further supplementary: can the minister understand the frustration that the minister will not give any information and yet it appears that Integrity Care is not cooperating with investigations that she seems to claim warrant no questions being asked?

The PRESIDENT: I'm really not sure that's a supplementary arising from the original answer.

DIGITAL ENGAGEMENT STRATEGY

The Hon. N.J. CENTOFANTI (14:44): My question is to the Minister for Trade and Investment. Can the minister please update the council on the success of the Department for Trade and Investment's digital engagement strategy in the wake of COVID-19?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:45): I thank the honourable member for her ongoing interest in the great work that my department is doing. As members of this council would be aware, my department continues to focus on engaging digitally with businesses both here in South Australia and internationally as the COVID-19 health and safety restrictions have limited travel and face-to-face meetings.

We have undertaken a series of virtual events and webinars to provide in-market updates to exporters, information about the changing face of doing business and promotion of our state's capabilities in our key sectors. I'm pleased to let the council know today about some of our latest digital events that have continued our work in promoting South Australia to the world.

As part of the department's health and medical sector month, DTI partnered with Austrade to help deliver the BIO KOREA 2020 event as well as BIO Digital. Both of these events were previously held as physical business missions, but in the event of COVID-19 travel restrictions both were successfully transitioned into digital events. BIO KOREA is Asia's leading trade event for the global biotech industry and BIO Digital is the global trade event for the industry, which would have been held in San Diego if it were not for COVID-19.

My department had virtual stands in the Australian pavilion for both events. The Department for Trade and Investment attended BIO KOREA with four South Australian businesses and BIO 2020 with eight South Australian businesses. The virtual exhibitions offered businesses the chance to meet with potential investors and attend conference sessions and business forum partnering programs. Early reports from the event indicate that export leads to an estimated value of $1.2 million, with one company reporting a conclusion of a deal worth $90,000.

During the last sitting week, I updated the council on how South Australia's wine industry is engaging with international markets during this time and more specifically the success seen from the department's partnership with the Barossa Grape and Wine Association and three key regional winemakers—Penfolds, Glaetzer Wines and Torbreck Vintners—and their virtual masterclass with influencers and tastemakers in the growing market in Taiwan. I'm pleased to let members know about the department's latest virtual wine exhibition, this time in partnership with the China Association of Imports and Exports of Wine and Spirits (CAWS), and the Consul-General for China in Adelaide.

Ten South Australian wineries participated in the event and a total of 788 visitors tuned in to the event. Feedback from the event has been immensely positive, with South Australian exporters praising the efforts made by the government and the partners. Many samples have been requested as a follow-up to the event, and the office reports that one exporter had an inquiry for a purchase of potentially up to $1 million worth of wine.

A uniquely special part of the event was the support given by international students. The Department for Trade and Investment engaged international students from Adelaide University not only to interpret at the event but to offer cultural guidance to winemakers on their presentations. We have received a great deal of very positive feedback from the winemakers on this particular aspect of the event, saying that the students were an invaluable help and a welcome addition to their teams.

I would also like to offer my thanks to Madam He, the Consul-General of China in Adelaide, for her assistance in pulling this event together. We have a great working relationship, which we continue to develop and foster. I also thank Xiaoya and Joie in the China trade office and Becky and the team here in South Australia for all the hard work in putting together what was a very successful virtual wine event.

HOMEBUILDER PROGRAM

The Hon. F. PANGALLO (14:48): I seek leave to make a brief explanation before asking the Treasurer a question about the state government's COVID-19 stimulus package.

Leave granted.

The Hon. F. PANGALLO: As has been documented in recent times, some local councils have unacceptable reputations for approving development projects in appropriate time frames. There is concern, driven by the Master Builders Association and the Housing Industry Association, that those delays are going to blow out, with councils bracing for a rush of planning applications from home owners seeking a slice of the $688 million COVID stimulus package, which includes accessing the federal government's $25,000 HomeBuilder grant to build or upgrade their homes.

The HIA is worried the rush of applications will clash with councils having to implement the state government's controversial new planning laws, which are due to be introduced in September,

and lead to further delays in their planning approval process. My questions are, and these may well need to be passed on to the relevant minister in the other place:

1. Are you concerned that the government's proposed new planning laws will lead to further delays from councils approving home building development applications?

2. Do you support a plea from the HIA to further delay the rollout of the new planning code until March next year to alleviate pressure on councils?

The Hon. R.I. LUCAS (Treasurer) (14:50): To the extent that this relates to the HomeBuilder grant scheme, I think I have advised the chamber, or if not I have said publicly before, that this issue of planning delays together with bank finance delays were one of the concerns stakeholders like the HIA, the MBA, UDIA and others had raised with the government.

We have successfully negotiated with the commonwealth to amend the original draft guidelines to give South Australia the capacity to be flexible in terms of what is an unforeseen event. That will include planning delays in relation to the implementation of the three-month rule which, to refresh members' memory, is the time between the signing of a contract for a new home and the commencement of construction.

If that doesn't occur within three months, then you don't get the $25,000 grant. So there were significant concerns being raised about planning delays in relation to accessing the grant. We have negotiated successfully to be able to say that, if there is a planning delay as an unforeseen event, our Commissioner of State Taxation will have the capacity, on application, to be able to say, 'We will extend that three-month period and you will still be eligible for the $25,000 HomeBuilder grant.' We think that's an enormous flexibility in the scheme which we welcome the willingness of the commonwealth government to allow in South Australia.

I think the honourable member might have seen, I don't know whether it was the HIA or the MBA, saying in the weekend media that South Australia's HomeBuilder scheme was the best in the nation. That was in part because of a willingness to listen to stakeholders, work with the federal government and stakeholders to look at greater flexibility such as that particular area. I do note there are only a small number, perhaps two or three jurisdictions, which actually have application forms up and operational at the moment because of the complexity of trying to work through who was going to be eligible and how the schemes were going to be managed.

It's a credit to the public servants within RevenueSA. It's always an easy cop for the community, the media and generally a lot of other stakeholders to have a fair old crack at public servants, but the people within RevenueSA worked very hard and, together with Tasmania, were the first two jurisdictions to complete application forms and to be able to start processing applications as from Monday of this week.

As I said, I think we had 11,700 or something, some extraordinary number, of registrations of interest. Not all of those are going to be eligible, obviously. To be honest, I had better check that number. It was a very large number anyway, way more than will obviously be eligible for the scheme. So I think the flexibility is there.

In relation to the broader issues that the member refers to, I don't have any direct knowledge of that particular aspect of the planning scheme rollout by the government. My recollection of reading the weekend media was that there had already been some delays in relation to the implementation of that particular scheme. I understand some of the industry, as per the honourable member's question, are arguing for further delays but, in as far as it relates to the HomeBuilder scheme, we think the flexibility we have will be able to be successfully negotiated as it relates to the HomeBuilder scheme.

HOMEBUILDER PROGRAM

The Hon. F. PANGALLO (14:54): A supplementary: is the Treasurer aware that there have been complaints by the industry, in particular by certifiers, that the e-system is going to present difficulties in being able to lodge these plans? They are saying that many within the industry still have no working knowledge of how the e-system is going to work, so that could create an unnecessary logjam. Do you agree with that? Also, I believe there were 21,000 applications for your successful HomeBuilder scheme.

The Hon. R.I. LUCAS (Treasurer) (14:55): I suspect we might be talking about different particular numbers, but put that to the side for the moment. In terms of the degree of my knowledge in relation to certifiers and e-whatever they were, it is very limited and I freely admit that, so you have got me there. This is not my area of expertise. I am ever thankful that I am not the planning minister, albeit I occasionally get delegated some planning decisions for either conflict issues or whatever it might happen to be.

In relation to that, no, I can't offer any detailed advice as to what the attitude of certifiers might be. All I can say is, insofar as the member's question was relating to areas within my jurisdiction, which is the HomeBuilder scheme, we believe that we have as much flexibility as we can in relation to the importance of the HomeBuilder scheme not being delayed or impeded by planning decisions that might cause a problem with this three-month window of opportunity under the scheme.

The broader issues that the member has in relation to the planning proposed changes are really issues for the member to take up with the responsible minister, my colleague minister Knoll.

INTEGRITY CARE

The Hon. R.P. WORTLEY (14:56): I seek leave to make a brief explanation before asking the Minister for Human Services a question regarding Integrity Care.

Leave granted.

The Hon. R.P. WORTLEY: On Monday 20 July, the Attorney-General spoke on ABC radio and said:

> …we've already had an interim report from the taskforce led by David Caudrey and also Kelly Vincent who is well-known in this field. They hadn't, in their interim report, identified any suspension or action to be taken against Integrity Care.

The day before, on Sunday 19 July, Kelly Vincent was quoted as saying about the closure of Integrity Care, 'Every day it remains open is showing other agencies that they can get away with this,' and, 'If this isn't what it takes to get de-registered then what the hell does it take?' Yesterday, in this place the minister said:

> …the task force is not looking into the details relating to the tragic death of Ann Marie Smith or the elements which necessarily include the disability services provider that was 'caring' for her at the time.

My questions to the minister are:

1. Given your previous statements that the task force is independent, why can't they look into or make recommendations about Integrity Care?

2. Given that you have banned the task force from looking into Integrity Care, why is the Attorney-General and the government not taking action to close the business on the basis that the task force hasn't recommended it?

3. To paraphrase the chair of the task force, what the hell else do they have to do or say before the government hears them and takes action?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I thank the honourable member for his question, which I think it is probably fair to say was drafted on his behalf, so I don't hold him personally responsible for the number of errors that are in his question, and I guess I am going to have to repeat myself once again.

The task force was not established to look into the specific circumstances of Ann Marie Smith's tragic death; they were asked to look into the circumstances of safeguarding. Clearly, people are mindful of what is known in the public domain about what has happened to Ann Marie Smith, but there is a range of other areas about which people with disability have concerns about safeguarding, depending on which setting people are in and depending on their circumstances, whether they are in an institutional setting or, as Ann Marie Smith was, living in the community. That doesn't stop members of the task force having opinions, of course, about Ann Marie Smith, and we would be surprised if they didn't have opinions about what took place. I understand that that is the context in which Ms Vincent has made those remarks.

The task force has never been banned from looking at the circumstances of Ann Marie Smith. As I said previously in this place, they have a broad remit, but there is a police process going on at the moment. I would have thought that was a very basic, fundamental issue in terms of justice for Ann Marie Smith, that the organisation that manages that flow of information is the South Australia Police. The Quality and Safeguards Commission have a responsibility in terms of the regulation.

For Integrity Care, I do note some of the erroneous comments of the Leader of the Opposition in another place and probably the member for Hurtle Vale about the state's role in Integrity Care. I would invite the honourable member or any other member of the Labor Party to advise me under what statute the South Australian government would be deregistering Integrity Care given that it is registered with an organisation called the NDIS, the first word in that acronym is 'national'. It just beggars belief that the Labor Party try continuously to raise this issue without understanding how the regulation of these services operate across the nation.

INTEGRITY CARE

The Hon. R.P. WORTLEY (15:01): Can the minister tell me why is the Attorney-General justifying not taking any action against Integrity Care by the fact that their interim report hadn't identified any suspension or action to be taken against Integrity Care, when the term of reference specifically excluded them looking into Integrity Care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): I just in my response invited the member to provide a statute under which the South Australian government could deregister Integrity Care. That offer still stands.

INTEGRITY CARE

The Hon. K.J. MAHER (Leader of the Opposition) (15:02): Supplementary arising from the minister's answer: is the minister concerned with the reports that have come out about Integrity Care and the screening status of many of their workers?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:02): I am concerned about a number of things in relation to Integrity Care, as I think all South Australians are. Those investigations are appropriately with South Australia Police and with the Quality and Safeguards Commission. I can assure everyone in this chamber, as I can assure all South Australians, that any role in terms of information that the Department of Human Services holds on the records of Integrity Care, whether that is screening or any other matter, is and has been provided to South Australia Police to assist them with their investigations.

INTEGRITY CARE

The Hon. K.J. MAHER (Leader of the Opposition) (15:03): Supplementary arising from the original answer: can the minister outline, if possible, the number of occasions and the dates that the minister has made formal representations to her national colleagues or any national bodies regarding the concerns she claims to have about Integrity Care?

The PRESIDENT: Minister, I can't recall you talking about—

An honourable member: Integrity Care?

The PRESIDENT: Well, Integrity Care but the national—

Members interjecting:

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:03): I will answer it. Mr President, I will put everyone out of their misery.

The PRESIDENT: Minister, thanks for your assistance; I appreciate it.

The Hon. J.M.A. LENSINK: The Department of Human Services has had numerous contacts with SAPOL, the Quality and Safeguards Commission, and I have had numerous conversations with the federal minister. I have had a Zoom meeting or a Teams meeting or whatever it is with the Quality and Safeguards Commission. There have been a number of occasions when there have been matters which are concerns raised, conversations, passing of information. That

would be a very large task to try to compile all that, and I think it would be an unnecessary diversion, particularly for the department to try to identify every single conversation.

I mean, does he really expect us to go through every telephone record, from my phone, from my chief of staff's phone, from my advisers, from people in the department and the number of hours where they may have been on a particular line of investigation? Indeed, that may well even prejudice the inquiry because some of these matters go directly to the issues that are under police investigation and under the investigation of the Quality and Safeguards Commission.

INTEGRITY CARE

The Hon. K.J. MAHER (Leader of the Opposition) (15:05): Final supplementary, sir, from the original answer in relation to the minister's claim that there is no state power in relation to the closure of Integrity Care: can the minister outline on whose advice she is making statements that there is no power to intervene anywhere from any authority in South Australia in relation to Integrity Care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): I think, once again, the Leader of the Opposition is a master; he is a master, I will give him that. He is a master at putting words into people's mouths. We have screening regulations.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the honourable Leader of the Opposition!

The Hon. J.M.A. LENSINK: The responsibility for screening comes under the NDIS rules of the federal parliament, so it's a requirement of every organisation that is an NDIS provider in South Australia to have their staff appropriately screened. The federal regulator is the Quality and Safeguards Commission. They are able to register and they are also able to deregister. The call by the Labor Party, who constantly demonstrate that they don't understand—they do not understand how the NDIA and the NDIS works—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: They do not understand how the system works—

The Hon. I.K. Hunter: Why you won't act, that's what we don't understand.

The PRESIDENT: The Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter and the honourable Leader of the Opposition! Minister, conclude your answer, please.

The Hon. J.M.A. LENSINK: The Labor Party doth protest too much. They know they are not on a winner when they start barracking from the backbench. I can explain it to them all over again. I might have to draw a picture next time, but I suppose, Mr President, if I hold up a drawing you will rule that out of order as a prop.

The PRESIDENT: Props are out of order, yes.

The Hon. J.M.A. LENSINK: But it might come to that, Mr President. We might need to hold a private briefing for the Labor Party to explain who the regulator is—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —how screening works, who provides the screening, who holds the list of employees. I don't know how many times I can say this. I'm getting tired of listening to myself, so I'll sit down.

AFFORDABLE HOUSING

The Hon. J.S. LEE (15:07): My question is to the Minister for Human Services regarding housing stimulus measures in South Australia. Can the minister—

The Hon. C.M. Scriven interjecting:

The Hon. J.S. LEE: Do you mind?

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee.

The Hon. J.S. LEE: Can the minister please provide an update to the council about how the Marshall Liberal government is supporting the South Australian economy as well as our community through building affordable housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): I thank the honourable member for her very important question and her interest in this area, which the South Australian government has taken very, very seriously.

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition and the Hon. Mr Hunter, you are tag-teaming; please cut it out. Minister.

The Hon. J.M.A. LENSINK: In the 2019-20 state budget there was $42.5 million worth of stimulus funding provided to support the maintenance of public housing as well as to provide some affordable housing for South Australians, which is something that we had identified—affordable housing being a particular shortfall in our market in South Australia. The $21.1 million, as part of that stimulus money, has been allocated towards 450 dwellings, which includes some walk-up flat sites. Some of those works have already been completed. One of those sites included the rather infamous Mellor Court in Gilberton.

Before the COVID restrictions, I had the privilege of doing a bit of a before visit, where the South Australian Housing Authority, through its contractors, will be removing some of the external laundries, which are a very dated sort of set-up that was probably quite popular in the sixties but which these days have, unfortunately in that particular location, provided the opportunity for people who might be up to no good to predate on the local residents and tenants.

Internal laundries are being installed in those properties. There's painting works and a range of landscaping is taking place. I think it's been quite a demonstration to Housing Trust tenants that the Marshall Liberal government is very serious about providing them with a property which is appropriate and which values them as our tenants.

In relation to the affordable homes, originally we were going to be building 93 homes; it is actually now 100 homes. A couple of weekends ago I had the privilege of visiting one of the sites at Findon, where there's a number of properties that are being built. Of those hundred homes, 70 will be provided in the affordable price bracket, which means that they will be up to $419,000 as a purchase. The locations of single and two-storey homes are: Blair Athol, Edwardstown, Findon, Kidman Park, Kilburn, Morphettville, Mount Barker, Pooraka, Woodville Gardens, Taperoo, Tonsley, Croydon Park, Felixstow, Klemzig, South Brighton and South Plympton.

So there's a range of locations which are quite close to the CBD, which means that people who can purchase those properties aren't located on our urban fringes. I think I've heard the Hon. Mark Parnell talk previously about an index in relation to a lack of affordability—a VAMPIRE index or something along those lines—where often affordable homes are located at the urban fringes, which is a disadvantage; people need to drive in order to get somewhere. They are very well located. I would encourage people to look up the Affordable Homes website. These are very attractive dwellings, and we look forward to people purchasing and moving in.

AFFORDABLE HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (15:11): Supplementary arising from the answer: can the minister outline—and I think was in the order of $42 million of money for these

projects—if that is new money that had not been previously allocated or if that is merely running down the South Australian Housing Trust cash balance?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): I think I might have answered some questions in relation to this from the Hon. Ms Scriven from one of our sessions last year. What the Treasurer very generously did in the last budget for the South Australian Housing Authority was to provide a large up-front grant, which means that the South Australian Housing Authority has significant cash on its balance sheet which it's actually able to use as working capital.

The fantastic thing about these particular programs is that homes are built and the contracts are made out to, obviously, private contractors who have the specifications to ensure that they meet a particular price point. Once those homes are sold, the surplus returns to the Housing Authority and they can do more building. So it is a fantastic program in terms of using the funds of the Housing Authority in a very smart fashion, in contrast, I might add, to the way the Labor Party treated the South Australian Housing Authority. It ran down its cash reserves every time it wanted some money, cut the maintenance budget and sold off Housing Trust properties.

This government is very serious about assisting people who are in those price brackets to get their dream of owning a home, and also refurbishing a number of our run-down properties that need more than a lick of paint and have been in a run-down state for decades.

AFFORDABLE HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (15:13): Supplementary arising from the original answer: can the minister confirm, as was outlined previously to a parliamentary committee, that despite the impression that's been given that this isn't new money being injected into the system but is merely cash up-front rather than over a number of years and in fact represents a cut as Treasury is taking into account assumed interest over that time?

The PRESIDENT: That was more like a separate question. It was more like a separate question. The minister can provide a brief answer if she wishes, then I want to move on to the crossbench, please.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:14): I haven't made any pretensions about the fact that we received a great big lump of money from Treasury that we have been able to use very, very smartly.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: If the honourable member wants to put his party's record by our party's record, bring it on. Bring it on any day of the week—any day of the week. Seven-and-a-half thousand properties sold, one billion dollars. Tom Koutsantonis's vanity projects; a $290 million tram to—I am sorry, Mr President. I will finish.

SHOP TRADING HOURS

The Hon. T.A. FRANKS (15:15): Noting that I won't get supplementaries, will the Treasurer please outline the health advice given to inform his actions to discontinue the previously COVID-related deregulated shop trading hours of past months? When was the advice given and by whom? In what form was it given: verbal or written?

The Hon. R.I. LUCAS (Treasurer) (15:15): We had both verbal and written advice over a long period of time, which led to the decisions to extend the option of freedom of choice for 30-day periods. For example, on 19 March, the now highly regarded public health officer, Dr Nicola Spurrier, was asked a question by a journalist, 'Do you support the deregulation of shopping hours for social distancing purposes?' That's quite an explicit question. Her response was:

> From a clinical and public health perspective, this means that when you go to the shop, because it's open for longer, you're less likely to be in a crowded space and this is certainly very good from a public health perspective in terms of that social distancing message.

On the same day, 19 March, Dr Michael Cusack, the Acting Deputy Chief Public Health Officer, on FIVEaa was asked a question, and he said:

> I think it's really good news that we have extended opening hours…effectively that will help support practices of social distancing…that is a good move.

So both the public health officer and the Deputy Chief Public Health Officer are both on the public record in relation to the public health advice which helped to guide me in my difficult decisions in relation to providing a 30-day exemption.

Subsequent to that, the process was that, as we went from each 30-day period onwards, we would make contact through the health minister's office with the public health advisers, saying, 'Does your position remain the same?'—which was quite clearly explicit in relation to supporting it—and the advice we received for the subsequent two periods or so was that, yes, their advice remained the same.

Until last week, or whenever it was that I chose not to extend it, their view, at that particular stage when we sought the advice by way of email correspondence, was that given the easing of restrictions they no longer supported it. Consistent with the public position I put—as I am true to my word—and the position I put in this particular house, the only reason I was making this decision was on the basis of public health advice.

Contrary to the cynics amongst my very good comrades and friends in the shoppies union who didn't believe—my very good friend Joshie and co., didn't believe that I was getting public health advice to that extent, or that if I got it to the contrary that I wouldn't change my position. As soon as I got advice by way of email that, because of easing of restrictions, they no longer supported it, I indicated publicly, by way of statement, that given that public health advice no longer supported it I wouldn't extend it for another 30 days, even though my position, putting aside public health advice, is that I continue to remain an advocate for the flexibility of freedom of choice in terms of shop trading hours.

What I will say in concluding is that, given we had four months of extended trading hours, the sky didn't fall in, the world didn't end, the sun shone again each morning and no-one traded 24 hours a day for seven days a week, as was being alleged by some of my political opponents. Independent traders, Drakes and Romeos and some of the other smaller independent retailers, chose to trade extended trading hours, after 5pm on Saturdays and Sundays, before 11 o'clock on Sunday mornings and on some of the public holiday trading options that transpired during this particular period. They survived.

Workers who wanted to work worked, those who didn't want to work didn't work. Those who didn't want to trade didn't trade, those who wanted to trade traded. Hallelujah! The world did not end, and it was a fair indication that if in the end the parliament is prepared to support it, the doomsayers that predict the end of trading in South Australia have seen the inaccuracy of those particular views.

Matters of Interest

OVINGHAM LEVEL CROSSING

The Hon. E.S. BOURKE (15:20): This will not be the first time I have mentioned in this chamber the significance and the importance of time. It is incredibly precious to everyone, so when 70-plus residents give up their winter's Monday night to hang out with a couple of pollies, you know there is considerable concern in the community. On Monday night, I co-hosted a community forum with the South Australian opposition leader and member for Croydon, Peter Malinauskas, regarding the government's proposed Ovingham level crossing removal project.

This was the second such forum we have held since the government, only recently, opened the community consultation period on 15 June for this large-scale project. Yes, this is a welcome project, but there is a very big but. Only yesterday, the Hon. Stephen Wade stood in this chamber and grandstanded about the government's commitment to the value of consultation. But where is the government on this project that will change the landscape of this community for the foreseeable future?

There is growing concern in the Ovingham community about the impact of the Marshall Liberal government's proposed Ovingham level crossing removal project and how this will have an impact on local property values, businesses and traffic flow in the streets of Ovingham. The community is asking where is their local member for Adelaide, Rachel Sanderson?

Only yesterday, I received a message from a constituent who had reached out to the member for Adelaide's electoral office to seek further feedback on what this project will mean for the local community, home owners and residents. The constituent was advised by the Adelaide electoral office that they have only received one complaint about the Ovingham level crossing and that they only saw the government's overpass design once it was publicly released.

Labor was able to get 80 people to a forum with only four working days' notice, a forum that was held in the electorate of Adelaide. This attendance demonstrates the level of concern the community has about an overpass popping up on their doorstep. Yes, the EO staff may not have been privy to the design plans for the overpass before they were made publicly available, but their boss and local member, the Hon. Rachel Sanderson, sits at the very table that makes the government's policy decisions, just as she did when the government looked to cut the free City Connector bus service and thousands of bus stops.

Perhaps the local member has decided Ovingham only makes up a small portion of the Adelaide electorate, so knocking on doors, making phone calls or sending out surveys seeking local residents' feedback is not a priority. As one local resident said, Ms Sanderson's lack of community consultation on this project is nothing but deafening. Many who attended the forum were unaware of the project until they received an invitation to attend from Labor, and residents have rightfully stated that it is pretty hard to provide feedback when you have limited information available to you.

Yes, this is a troubled intersection that needs to be addressed, but where are the options and where are the very people proposing this high-rise project? Like all South Australians, Ovingham residents are good people: considerate and understanding, especially considering the challenges this state is facing. But local residents want to get this project right and they want to get it right the first time. They do not want a quick-fix, bandaid option.

When the opposition leader asked people to simply give a show of hands on their preferred preference, it was clear: it was wall to wall hands raised for an underpass at this busy intersection. If an overpass is truly the best option for the longevity of this Ovingham community, so be it, but the community is rightfully calling for the evidence to back that. They want to be sure that having an overpass on their doorstep truly is the best option and not the cheapest option.

They want to know if the value of their homes will be impacted. Will streets like Gilbert Street become a busy thoroughfare, and will traffic noise pollution increase as a result of the overpass? They want to know whether their streets and local businesses will be better off, or if this multimillion dollar project will make them worse off. We are talking about people's homes and, for the most of them, their largest financial investment.

Time expired.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:26): It seems a very long time since all of us have been able to attend a range of community events. I wish today to highlight a very special event, which was the last one I participated in before COVID-19. It was a privilege to participate in the Beat the Blues family fun event conducted by the Strathalbyn and Communities Suicide Prevention Network in the town's Soldiers Memorial Gardens on 15 March.

It was great to see Tracey Wanganeen from StandBy—Support After Suicide and a member of the Premier's Council on Suicide Prevention lead the moving flower float of remembrance ceremony at the commencement of the event. Also present on the day were Alexandrina Council Mayor, Keith Parkes, Josh Teague (member for Heysen) and Rebekha Sharkie (federal member for Mayo).

The community of Strathalbyn came together to coincide with the arrival of over 200 motorcycle riders for the Black Dog Ride 1 Dayer 2020 from Christies Beach to Strathalbyn. Strathalbyn and Communities Suicide Prevention Network chairperson, Vivienne Maher, indicated that the community event was planned to capitalise on the iconic annual motorcycle event ride to raise awareness of depression and suicide prevention.

Activities in the Peninsula Park in the centre of town included: community stalls and guest speakers; the flower float of remembrance, which I mentioned earlier; a climbing wall; a photo booth; other fair-style events and rides; music competitions; prizes; and much more. The Strathalbyn and Communities SPN acknowledges the important role that volunteering has in promoting mental health and wellbeing.

As many of us here well know, volunteering can be very meaningful and enjoyable and can provide a sense of achievement and purpose; help you feel better by improving your self-esteem and confidence; help you share your skills and learn new skills; help combat stress, loneliness, social isolation and depression; and help you meet new people, which can help you feel more connected and valued.

I have been pleased to have an association with the Strathalbyn and Communities Suicide Prevention Network since its inception under the umbrella of the Wesley LifeForce organisation based out of Sydney, with federal funding. Wesley LifeForce does need to be acknowledged for the contribution it has made to the establishment of a number of our around 40 networks in this state. That took place under the development of networks under the previous government, and I acknowledge that work done jointly with that organisation.

In relation to Strathalbyn, I well recall attending one of the first meetings of that group, along with the then member for Heysen and leader of the opposition, Isobel Redmond. Isobel was very supportive of that organisation, as are the current local members whom I mentioned earlier.

I want to particularly commend the efforts of Vivienne Maher, chairperson; Colin Shackleford, vice-chairperson; Karen Maidment-Longbottom, secretary; Cliff Sweetman, who is the promotions officer and a long-serving former chairperson; Gwenda Knights, the treasurer, who has been a wonderful stalwart of that group from its inception; Trudi-Ann Brooks, who is a network member; and all the supporting groups and individuals from Strath and surrounding communities for supporting what was a great event that was undertaken in the shadow of the COVID-19 restrictions. It was done on the Sunday before most of the things that we have become used to came to fruition. I think they made a very brave, courageous and worthy decision to go ahead with the event.

CORONAVIRUS

The Hon. F. PANGALLO (15:31): The world raised a collective cheer this week when news bulletins carried stories about a COVID-19 vaccine breakthrough at Oxford University. It is the first positive news we have had about the pandemic since it spread across the world like an unstoppable flood six months ago—a tiny speck of hope in a bleak year. There are more than 200 vaccines in the works, including three here in Australia. I am taking part in phase 1 of a trial of Vaxine's COVAX-19 at the PARC research unit at the Royal Adelaide Hospital. It could be a year before we know if it is effective in producing an immune response to fight the novel coronavirus.

In the meantime, we are seeing the dramatic impact of a second wave of the virus that has locked down Victoria. It demonstrates how ignorant and reckless complacency, in this case in hotels that were supposed to be quarantining people to avoid community transmission, can bring down an entire state of five million. In the United States, it is out of control, no matter what their lunatic leader claims. We have no wish for what happened there, the UK, Europe, Brazil and elsewhere.

Alarming statistics and disturbing accounts of the lingering effects on those who have had COVID-19 are emerging. We know it can be deadly among the older age groups with other chronic conditions. It has an average mortality rate of 4.1 per cent, yet it seems that millennials think they are bulletproof. In Los Angeles county, for instance, 52 per cent of those who caught the virus were aged under 41 years. They are also the group most likely to gather in numbers, ignoring social distancing. Images like crowded dance floors in nightclubs rightly drew the ire of our State Coordinator and Chief Medical Officer.

This 'it won't happen to me' attitude among the younger generation needs to be addressed urgently. We need more education with strong visual campaigns, much like we see with tobacco. There is a falsehood among the cohort that COVID-19 does not do as much damage to younger people. I have been shocked to see reports of the lingering after-effects. A full recovery is not guaranteed because the virus is still unknown. It is what we do not know that we must fear. Experts

like infectious diseases specialist Dr Michael Peluso have been tracking coronavirus patients and discovered they are still suffering effects up to three months later.

Between 15 and 30 per cent of people report symptoms lingering for up to 90 days or more. It can have dire effects on the body's organs. It attacks blood vessels, causing damage to the lungs, the heart, the brain, the liver and the kidneys. Young people are being diagnosed with strokes and blood clots. A third of all deaths in intensive care were due to heart failure. It is from the domino effect of lung complications where the bloodstream is deprived of oxygen. Lung complications can lead to breathing difficulties, as they have for 68-year-old Paul Faraguna, who was the first patient admitted to the ICU at the Royal Adelaide Hospital and the very last person to leave on 21 May after a four-week life-and-death ordeal.

I spoke with Paul's wife, Robyn, to see how he was travelling. Both caught the virus on the *Ruby Princess*. While Robyn has made a full recovery, she says in the two months since leaving the RAH, Paul is still experiencing breathing difficulties, particularly on walks uphill. Robyn wants to sound a loud warning to anyone who believes this insidious disease is nothing more than a severe case of the flu.

Richard Quest, CNN's genial spectacled business editor gives a colourful description of what it continues to do to him three months after what he thought were mild symptoms, likening his experience to a tornado. A dry, raspy, wheezy chest-wrenching cough has returned. He has become incredibly clumsy, has a sense of mild confusion, and it has done peculiar things to his digestive system. He said:

For those who have not had COVID, or witnessed the mess it leaves behind, again, I urge you, do whatever you can to avoid this tornado. It will roar through the body—kill some on the way—injure all in its path—and then when you think 'Well, thank God that's gone,' look around, the damage is strewn everywhere and will be with you long after the crisis has passed. COVID is a tornado with a very long tail.

JOBSEEKER PAYMENT

The Hon. I. PNEVMATIKOS (15:35): Three hundred dollars may not be much for the Morrison Liberal government but it is certainly a lot for those who have just lost it from their fortnightly JobSeeker, formerly known as Newstart, payments. The $550 supplement will be cut after September to $250 a fortnight. It was surprising to hear the Prime Minister yesterday admit that he was wrong to make a deadline to end JobKeeper and JobSeeker.

With the extension of the scheme, it is an opportune time for the government to seriously consider what the permanent rate for JobSeeker should be. It is obvious that $40 a day is inadequate in meeting the basic needs of people looking for work when the economy is so vulnerable and when, even without COVID, it is failing people. Forty dollars is not enough to support yourself, much less if you have a family, and it is certainly not enough to look for a job and has the effect of driving people further into poverty.

If this government was serious about fixing this country's problems with demand and consumption, as well as creating jobs, they would seriously consider permanently raising the rate. Social media campaigns calling for permanently raising the rate have been posting photos of what could be purchased with the $40 a day Newstart rate compared to the current JobSeeker payments. The photos showed a comparison of tinned foods compared to what most of us would class as the essentials, such as fruit and vegetables, pasta and bread.

This scheme is not about being generous. It is about giving people the ability to live. Unemployment rates have reached an astonishing number in South Australia. The rate currently sits at 8.8 per cent. Although we expected a spike in unemployment, this number is a chilling reminder that we are still only at the beginning of the economic impacts of recession.

With the announcements about changing JobSeeker yesterday, the Morrison government has also mandated that those on the scheme must start applying for more jobs quarterly, at a time when businesses are either not operating or closing down. I think that the Morrison government has little understanding of the number of jobs available for Australians. For every job vacancy in Australia, there are 13 people looking for work.

The JobKeeper scheme is also receiving a wind back, with payments to businesses going from $1,500 to $1,200 for full-time workers, and those working fewer than 20 hours a week will receive $750. In South Australia alone, 11,200 jobs disappeared in May, taking the total number of job losses since March to 48,300. Over 28,000 of those jobs belonged to women, the majority of whom were employed part-time or casually. Women, who prior to the pandemic were already in a more vulnerable position in the workforce, are now further disadvantaged by the impacts of coronavirus.

We know that women have been disproportionately impacted by the job losses since the pandemic. They make up the majority of the casual workforce and in industries that are not covered by the JobKeeper payments. It is shocking that the federal government still refuses to give all workers the ability to access JobKeeper, meaning that further job losses are forecast, which will further push people into financial hardship.

FOOD LABELLING

The Hon. N.J. CENTOFANTI (15:39): I rise today to speak about food labelling, particularly health star ratings on fruit juice. South Australia is home to fantastic food producing regions. Our growers are diverse, whether it be citrus, stone fruit and almonds in the Riverland; grains on Yorke and Eyre peninsulas; potatoes and onions on the Limestone Coast and Mallee; apples, pears and cherries in the Adelaide Hills; or the greenhouses growing tomatoes and other produce on the Adelaide Plains.

It is clear that South Australia is home to high-quality healthy produce. Each of these regions around the state drives our economy, generates employment and, importantly, contributes to a healthy diet. Along with the diverse food production industry in this state, we also have strong food labelling requirements nationwide. Food products on the shelves of supermarkets and in stores in Australia contain labels identifying the product's country of origin and nutrition contents.

I support such labels as they assist South Australians to purchase Australian products and make healthy dietary decisions. Ultimately, these food labels support consumers and Australian producers. Other food labelling schemes are voluntary, such as the Health Star Rating system, which has existed since 2014 and now appears on the front of 40 per cent of eligible products.

The Health Star Rating system was developed through a collaborative process involving government, industry, public health and consumer organisations. It has been jointly funded by the Australian, state and territory governments. A product's rating between half a star and five stars is calculated by an algorithm that was developed in consultation with Food Standards Australia New Zealand and other technical and nutrition experts.

The voluntary scheme is designed to inform consumers, encouraging healthy decisions and helps reduce instances of obesity. By and large, the voluntary Health Star Rating label is beneficial for the community. Fruit juice companies are one of the estimated 16,000 products to use the Health Star Rating system on their packaging. As it stands, fresh juice is rated as five star; however, a recent decision by the Australian and New Zealand Ministerial Forum on Food Regulation will see Australian juices' Health Star Rating slashed in half.

The new 2.5 star rating applies to fresh juice containing 100 per cent Australian fruit with no added sugar, placing the product on the same level as diet soft drink. The federal Minister for Agriculture, Drought and Emergency Management, the Hon. David Littleproud, has signalled his disappointment on the decision. He has also acknowledged the South Australian and New South Wales governments for the recent support in moving an amendment, recognising the absurdity of the situation, to rate at four stars as a compromise.

Unfortunately, this was rejected by the other states, territories and New Zealand. The juicing industry has seen a 30 per cent decline over the previous two decades due to poor prices, and this health star re-evaluation is yet another negative outcome for South Australian growers. Companies affected by this decision include iconic South Australian juice brands, such as Nippy's, that produce a range of products using South Australian produce.

The Nippy's facility in Moorook is an example of what our regions are capable of and highlights how increased regional manufacturing can occur in the future. The potential detriment

caused by the re-evaluation of the Health Star Rating of fresh juice goes beyond just the affected fruit growers and related businesses. Although I do not claim to be a dietician, I believe there is a distinction between the nutritious content of 100 per cent fruit juice and a diet soft drink.

I fear that the new rating will positively affect the perception of diet soft drink while dramatically damaging 100 per cent fruit juice. I do not seek to promote the health benefit of fruit juice with added sugar but instead draw a distinction between it, diet soft drink and 100 per cent fruit juice containing all natural ingredients. Decisions such as these, including all decisions made in government and in this place, have real effects on everyday lives.

Unfortunately, the decision to change the Health Star Rating for fresh juice is an example of how overzealous bureaucracy will affect day-to-day lives. It will result in trees being pulled out of the ground, manufacturing jobs being lost, affected regions and a misconception in this nation that diet soft drink is akin to 100 per cent fresh fruit juice.

SHADOW COUNTRY CABINET

The Hon. C.M. SCRIVEN (15:44): I rise today to speak about the upcoming shadow country cabinet visit to my local area of the Limestone Coast. I am delighted that this coming weekend and early next week the South-East will host all of the Labor shadow cabinet, where shadow ministers will meet with industry and community members throughout the region and will listen to their ideas and concerns. I am personally looking forward to engaging even further with the forestry industry, along with both the Leader of the Opposition and the Deputy Leader of the Opposition, and considering their concerns and their aspirations for the future.

Since being elected to this place, I have had the pleasure on many occasions of welcoming members of Labor's shadow cabinet and also our backbenchers, along with the Leader of the Opposition, to the South-East on a number of occasions. I believe it is vital that the Labor opposition engages with people in regional South Australia and in particular the South-East, given that I am a little bit biased, as it is my home town.

The Labor opposition wants to hear directly from regional residents about what they want from a future Labor government, what they want us to do in key policy areas that affect the region. We will be meeting people in Mount Gambier, Penola, Millicent and Naracoorte, with public forums in both Mount Gambier and Naracoorte. We have invited all the councils to meet with us: Tatiara, Kingston, Robe, Naracoorte Lucindale, Wattle Range, Mount Gambier and Grant.

Community cabinet meetings were first introduced in South Australia by the Rann Labor government in 2002, with meetings including both metropolitan and regional locations. Under the former Labor government, premier Weatherill and his entire team listened to the concerns of more than 6,200 people who attended country cabinets in regional South Australia.

However, unfortunately, the Marshall Liberal government scrapped country cabinet meetings as soon as it was elected. The Marshall Liberals have repeatedly indicated that in fact regions do not matter to them by not supporting motions to reinstate country cabinets across the state. In contrast, the Malinauskas shadow cabinet has met in the Riverland, Port Pirie, Whyalla, Kangaroo Island and this weekend in the Limestone Coast.

While members opposite have a hashtag of #RegionsMatter, actions speak louder than words. What we have seen over the last two years is anything but regard for the regions, particularly, in my case, the South-East. We have seen the Keith hospital having to rely on donations from the local council. We have seen residents of Lucindale, Robe and Kingston have their community paramedic service cut and only secured funding to reinstate the program after a fierce community campaign.

We have seen the government ignoring its own election promise regarding police stations, with Kalangadoo Police Station still to this day without a police officer. We have seen severe cuts to the Victim Support Service in Mount Gambier in the South-East, leaving some of the most vulnerable in the community with no support, but, 'That's okay,' say the Liberals, 'we have a hashtag of #RegionsMatter.'

The government in fact often responds that their regional MPs are always in regional South Australia and therefore there is no reason for country cabinet to take place. We know that Victor Harbor is very well covered by the Liberals, certainly in supporting their real estate industry, if nothing else, but the Premier has given scant attention to the South-East. He has rarely visited, and local people have noticed this. I would like to thank the former member for Croydon, the Hon. Michael Atkinson, who is currently down in the South-East to help promote the visit of Labor's country cabinet. It is very much appreciated, Mick, and I am sure many people in this place hold your hard work in great esteem.

Regional residents like those of Mount Gambier, Millicent, Penola, Naracoorte, Kalangadoo, Keith and Bordertown all deserve to be engaged and have access to elected officials and decision-makers, as not everyone has the ability to drive down to North Terrace to meet with ministers. One piece of feedback we have had on many occasions is how much people appreciate the opportunity to meet in one room with all the shadow ministers, or all the ministers in the case of an actual cabinet, and not have to know who they have to approach to ask a question.

They can stand up, they can give their point of view, they can ask their questions, they can raise their concerns, and the person in the room who can answer will be there and be able to do so. That is one of the key advantages of shadow cabinets and shadow country cabinets. I would urge the Marshall Liberal government to reconsider their rejection of this initiative. It is a good initiative. Just because it was Labor who did it first, you should not be immature and say, 'No, we can't follow them.' I look forward to shadow country cabinet in the South-East this weekend.

ADELAIDE FOOTBALL CLUB

The Hon. T.A. FRANKS (15:49): I rise to speak about the 2018 Crows pre-season camp to the Gold Coast. There are many people who think that what happened on that Crows camp should stay on that Crows camp, others might even believe that the first, last and only rule of Crows camp is: don't talk about Crows camp.

The experience of that Crows camp deserves to be spoken about. I understand that the experience of different players on that Crows camp were actually quite different to each other. There were those three groups, and the experience of some players was, as one member said, beneficial, but as other members of that Crows camp have said it was quite devastating and I think potentially illegal.

One thing is really certain about Crows camp, it has quite rightly drawn significant concern from a number of sources. In the last few weeks that has included our own Premier, Steven Marshall, who stated to the media this month, with the most recent revelations from *The Age*, that he found the reported training exercises 'disturbing' and that they may warrant further investigation from a body such as SafeWork SA. It is a concern that has been echoed by the AFL Players' Association Chief Executive, Paul Marsh, who said:

> Clearly it wasn't a psychologically safe environment for the players…It has been investigated by the AFL's integrity unit, the club has admitted they got it wrong and there has been significant personnel change there.

He further stated:

> I'm not sure what more can be done on this issue, if they had their time again there might have been some things that everyone would have done differently including the players.
>
> But I think it will be an issue that keeps on keeping on because there seems to be some things that haven't been said about it.

I note that the tipping point for the internal AFL investigation was media that a rival former coach did, which led to allegations that were ultimately unfounded, seeing the AFL review this camp through its integrity unit. However, most concerning is that, while the integrity unit determined that the Crows did not do enough due diligence, they did actually find that the camp did not contravene their standards.

While not everyone wants to talk about Crows camp, some people will possibly never forget Crows camp. We do not necessarily need them to be talking about it, but what we need to be talking about is what are the standards we accept in our workplaces, no matter whether it is a welder or a footballer.

My hope is that we can use the parliamentary system to address this particular matter in a way that will ensure that in the future the AFL does not have standards that would have accepted this Crows camp and that we are not inflicting harm on these players in their workplace that carries with them for years, potentially decades to come. Some of the bizarre practices would never be allowed in any workplace in this state but somehow they were accepted in this Crows camp.

The AFL may have cleared the club of any wrongdoing but it is the standards here that I question. I note that, whilst SafeWork SA is now considering investigating it, they are actually limited in what they can investigate when it comes to, literally, football in terms of the physical injuries. What happens on the field stays on the field.

A physical injury in the workplace is not considered to be a workplace injury if it happens on a football field. However, psychological harm within the industry of football is not so protected and should definitely be the focus, not only of SafeWork SA but of this parliament, to ensure that we are creating a safe workplace no matter where a South Australian works. The camp would not be accepted in almost any other workplace, but I believe this camp did breach the standards of a 21st century workplace.

The problems may or may not have moved on within the club but the reality is that for some of those players the problems carry with them and with our silence, our refusal to talk about Crows camp in a constructive way that promotes action, we will potentially see more Crows camps at more clubs in the future, and leave us scratching our heads and wondering why we did not admit that there was a problem in an industry that is enormously popular and economically important but should not be above our laws.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: ALINYTJARA WILURARA NATURAL RESOURCES MANAGEMENT REGION

The Hon. N.J. CENTOFANTI (15:54): I move:

That the sixth report of the committee, fact-finding visit, Alinytjara Wilurara Natural Resources Management Region, be noted.

One of the Natural Resources Committee's important roles is undertaking fact-finding visits to South Australian natural resource management regions. The committee aims to visit at least two NRM regions each year. The visits are opportunities to meet with NRM board members and local NRM groups and to obtain a direct understanding of the challenges and priorities in each region. It should be noted that the visit was conducted before the Landscapes SA framework came into effect; therefore, references throughout this speech continue to refer to the previous natural resource management regions framework.

The Natural Resources Committee visited the Alinytjara Wilurara region from 20 to 22 November 2019. At around 250,000 square kilometres in size, the region is vast. It covers the north-west quarter of South Australia and represents approximately 28 per cent of South Australia's total land area. The population of the region is around 3,000. The AW NRM board is the only NRM board with an entirely Aboriginal membership, and its work contributes to Strong People, Healthy Country and Water.

The 2019 visit provided a rich array of experiences and activities for the committee to investigate. The committee previously visited the region in 2014. At that stage, the committee noted that buffel grass had spread widely in the APY ranges. The committee expressed its concern that buffel had not been declared as a weed in South Australia, or nationally at that stage. In 2015, buffel was declared a weed in South Australia. In 2019, buffel grass continues to pose a key challenge for biodiversity and effective natural resource management in the region.

In 2014, the committee received information about the Warru Recovery Project, which has continued to deliver successful outcomes and was a highlight of the committee's 2019 visit. The committee's visit also encompassed an exploration of the Nilpena Station fossil site and a briefing on the Department for Environment and Water's bid for world heritage status for the site. The committee met with Mr Ian Crombie, the former chair of the AMYAC, at the Mabel Creek Station.

The committee thanks the communities of the AW region for hosting them on country and APY lands general manager Richard King for welcoming them to the APY lands. For making theirs an enriching visit, the committee is extremely appreciative to Mr Mick Haynes presiding member; the AW NRM board and the AW board; Mr Ian Crombie, elder, councillor and former chair, AMYAC; Mr Jason Irving, manager, national parks and protected areas program, Department for Environment and Water; Mr Ross Fargher, manager, Nilpena Station; Ms Jane Fargher, manger, Prairie Hotel; Mr Tony Magor, manager, parks and co-management, Department for Environment and Water; and Mr James Thiessen, program manager, AW Natural Resources Management Board. There are many other people who contributed to the organisation, transport and the successful progress of the visit from inception to completion. We extend sincere thanks to everyone who assisted.

I recognise and thank each of the members of the committee for their contributions to this report: Mr David Basham MP, Mr Nick McBride MP, Dr Susan Close MP, the Hon. John Darley MLC, the Hon. Terry Stephens MLC and the Hon. Russell Wortley MLC. Finally, I thank the committee staff: parliamentary officers, Mr Phil Frensham and Mr Shannon Riggs, and research officer Dr Monika Stasiak for their essential and much appreciated work in support of the committee's functions.

Debate adjourned on motion of Hon. I.K. Hunter.

Motions

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT REGULATIONS

The Hon. M.C. PARNELL (15:59): I move:

That the general regulations made under the Planning, Development and Infrastructure Act 2016 made on 18 June 2020 and laid on the table of this council on 30 June 2020 be disallowed.

I am not going to speak for a long time today. I know that members wait in eager anticipation for my speeches on the subject of planning, but I do not need to speak for very long because I have spoken to members of all parties, other than the government, and I know that we have the numbers to disallow these regulations today. I have never known the government to agree to disallowing their own regulations, so it was not out of disrespect; it was out of practice. I am glad these regulations will be disallowed today, and I thank the chamber for their indulgence in allowing me to move the motion and to vote on it on the same day, as we have rather urgent motions.

The first thing I would say is that what we have discovered in the COVID pandemic is the value of public open space, more than ever. We have seen in the media that visitation to parks and reserves has in some cases doubled as people have taken the opportunity to get out into nature and into their local parks to exercise, perhaps in a way in which they can be socially distant. We have an appreciation of open space like never before.

Where does open space come from? Under the planning system, developers of large subdivisions are required to set a certain proportion of the land aside for public parks, if you like—for open space—but that is not always appropriate. Sometimes it is more appropriate for the developer to pay money into a fund. This fund is currently known as the Planning and Development Fund; it is also known colloquially as the 'open space fund'. This is the fund, and the amount in it varies: it can be $40 million, $50 million or $60 million that go through this fund each year. This is the money that is used for creating parks and bicycle ways and other elements of the public realm. It is the open space fund.

So it did come as a surprise to see that regulations had been gazetted that changed the permissible use of the fund. According to the regulations, the original wording of the regulations was that the fund could be applied for a public work or a public purpose that promotes or complements a policy or strategy contained in a state planning policy. The emphasis is on 'public work' and 'public purpose'; they are the key words. What the government did in these regulations was to add a whole lot of administrative functions. The words are:

…the establishment of projects associated with the implementation of the Act, including the establishment of—

(i) the SA planning website (the SA planning portal); and

(ii) the SA planning database; and

(iii) the online atlas and search facility; and

(iv) the online delivery of planning services; and

(v) the Planning and Design Code.

These are all administrative functions, and the idea that a bucket of money set aside for the creation of open space could be used for admin is something that all stakeholders in this area found obnoxious. We saw in the *Sunday Mail* on 4 July an article by their urban affairs reporter Renato Castello, under the heading 'Builders green with outrage'. It reports that the development industry, the Urban Development Institute in particular, was outraged by this move. According to Castello's article:

> The decision last month has blindsided developers, who claim the regulations go against the sole intent of the fund to create open space in areas undergoing urban infill and regeneration.

The quote from the chief executive of the Urban Development Institute is:

> It is concerning that instead of some of these contributions, which are supposed to go on open-space measures like paths and bike paths and to transform and rejuvenate suburbs, will be spent on administration.

He goes on to say that the Urban Development Institute was not forewarned of these powers. Mr Castello followed up a week later with another article. This time he got the perspective of the other side, if you like, of the stakeholder debate, which is local government and community groups.

Again, the LGA came out saying that they were deeply concerned that during a time when parks and recreational areas are needed to support community health and wellbeing, this government appears to be diverting funds that have been provided by those subdividing their land to fund the operations of a government agency. In other words, they are saying exactly the same thing: do not use this fund for a purpose for which it was not designed.

That, I think, is the thrust of the case against these regulations. I am very grateful to all the people who have taken the trouble to write to me and who have, more importantly, taken the trouble to write to the minister. I will not read from all these submissions, but certainly the Local Government Association, under the hand of mayor Sam Telfer, wrote, basically saying that they supported this disallowance motion.

A number of residents' groups have written to the minister and to me, again saying they strongly support the disallowance of these regulations. The Norwood Residents Association is one. The Kensington Residents Association is another. A number of individual councillors have written to me, again saying they support the disallowance of these regulations. The Prospect Residents Association and some of the peak groups, such as the Community Alliance, have also written.

One thing that does disturb me is some comments that were made yesterday by the planning minister. Clearly, the minister has been under pressure. Every stakeholder in this space is against these regulations, and when it was put to the minister yesterday, he effectively said, 'Well, the other lot did it too, and there's nothing wrong with it,' to which the response is, 'Well, why did you need to change the regulations, if it was already authorised?' But I will not paraphrase the minister. His exact words were:

> It was always envisaged that part of these reforms were to be paid for out of the Planning and Development Fund. In fact, it is something that has happened over a long period of time. It is not something that is unique to this government, and it is not something that is unique to me as minister.

He goes on to say that:

> …the Planning and Development Fund is an appropriate use of those funds.

That is, for administration. He continues:

> Yes, there was a regulation that was put in place, but this is an authority that has existed and certainly the fund has been used for this purpose for some time.

That begs the question: you have put a regulation in and then said, 'I didn't really need to, because we have always had the authority to do this.' What is going on here?

I am very pleased that the opposition has seen fit to support this disallowance motion. My colleagues on the crossbench have seen fit. I fully expect that tomorrow's *Government Gazette* will contain these regulations again, but my plea to the minister is—and I fully expect the minister will, because these regulations are general regulations, and it is only one aspect of it that I have disagreed with—when the minister introduces these regulations again, leave out regulation 25. Leave out the one that changes how the open space fund can be spent. I have had no-one say that there is anything obnoxious or out of order in the rest of the regulations. The rest of them can be put back onto the statute book, but do not reintroduce these regulations with No. 25 in place.

Whilst the minister certainly can do whatever the minister chooses, I have no doubt that if exactly the same regulations are reinstated in the *Government Gazette* tomorrow, I will be moving exactly the same disallowance motion as soon as this parliament comes back from the winter break. That is an appalling way for this government to handle its regulatory responsibilities, to continually introduce a regulation that this chamber of parliament has disallowed. It is also particularly egregious when the minister is having a bet both ways. He is saying, 'Everyone used to do this and it's lawful already,' and then continuing to introduce a regulation to hopefully validate what I think are probably previously unlawful acts.

I would like to see what the Auditor-General has to say about how this fund has been spent. It would not surprise me in the least if a report comes back saying that the spending has been inappropriate, but for now let's make sure this fund is used for the purpose for which it was created and that is public realm, open space, for the benefit of the community, not to top up a budget that is struggling for administration. Go to the Treasurer for that. Go to the Treasurer and ask for more money if you need more money for the Planning and Design Code or the portal or the website; do not raid this open space fund.

The Hon. C.M. SCRIVEN (16:09): Labor supports this motion to disallow the general regulations made under the Planning Development and Infrastructure Act 2016, made on 18 June 2020 and laid on the table of this council on 30 June 2020. We support the disallowance because these regulations would allow the Minister for Planning to use funds from the Planning and Development fund to prop up his failed planning reforms.

Under the Planning Development and Infrastructure Act 2016, applicants who create new developments are required to pay into the Planning and Development Fund. They pay in monies to enable projects to be undertaken to improve the public realm. Money paid into the fund is derived from cash payments in lieu of open space for development involving the division of land into less than 20 allotments and for strata and community titles. The fund is for projects to make streets and suburbs more liveable, by developing reserves, planting trees, constructing water harvesting projects and building playgrounds. Instead, this government wants it to be diverted to prop up the mismanaged planning reforms and e-planning system.

So far this reform process has been plagued by a series of crises that have led to massive staff resignations, missed deadlines and massive budget blowouts. So it is not surprising that minister Knoll wants to cover up his failure and is trying to raid other budget lines. But in this case this fund is designed to improve the quality of the amenity of our communities. These funds are to improve the conservation, enhancement and enjoyment of public open spaces and to provide communities access to quality, green public open space for positive health and wellbeing outcomes.

The Hon. Mr Parnell reflected in a very timely way on how much COVID-19 and restrictions that have been placed upon us have made these open spaces, these green spaces, even more important and even more appreciated by members of our state. So Labor will not allow the open space fund to be plundered by the planning minister to prop up the budget shortfall in the development and implementation of the planning code, which is why we will support this disallowance. We congratulate the Hon. Mark Parnell on moving this motion.

The Hon. C. BONAROS (16:12): I indicate for the record, in a very short contribution, that, for all the reasons just outlined by both honourable members, we will also support this motion.

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (16:12): I rise to speak in opposition to the Hon. Mark Parnell's motion. This proposed motion to disallow the entire content of the Planning Development and Infrastructure (General Miscellaneous Variation) Regulations 2020

seeks to throw away 25 pages of regulations, critical to the operation of the state's development assessment system. These regulations, apart from the variation regulation 25, will commence in operation in regional areas of the state on 31 July, before applying to the whole state later this year.

These regulations build on the initial set of general regulations, also disallowed through a motion by the Hon. Mark Parnell on 4 December last year, which, while largely procedural or technical in nature, importantly prescribe additional referral bodies to align with policy contained in phase 2 of the Planning and Design Code, corrections to some of the identified procedural gaps correcting references to specific code provisions. In effect, they make the whole system work as it was intended.

The government notes that the Hon. Mark Parnell has particular concern with the variation regulation 25 relating to the application of the Planning and Development Fund. With regard to the fund, this government has shown a strong commitment to use the fund to provide economic stimulus by supporting shovel-ready projects, also while creating significant community benefit.

The Minister for Planning has doubled the Planning and Development Fund available for 2019-20 to $50 million. I repeat: the minister has doubled the fund available for this financial year to $50 million, when matched with a local government contribution on a 50/50 basis. Further, $25 million has been allocated to a diverse range of projects from playgrounds, biodiversity trails, main street and linear park upgrades, and there are a number of beneficiaries of the new planning and development system, including the general community, the development industry, local councils and the state more generally.

As such, the funding strategy for the program has always included a contribution from the Planning and Development Fund. This was a decision put in place by the previous government. It is interesting that the opposition spokesperson, though she was not there, does not remember when her team was in government.

The member should also be aware that the Planning and Development Fund can be used for a range of purposes set out in section 195 of the Planning, Development and Infrastructure Act 2016. When I went to school, 2016 was before 2018, so clearly it was under the former Labor government. The act envisaged regulations that set out additional circumstances for which the funds can be used. This variation regulation ensures that a portion of the fund can be used to ensure that the critical elements required for the implementation of the act can be developed on time, ensuring that all South Australians gain the benefits of a new and more efficient planning system.

We strongly believe that these regulations are sound and are based on extensive consultation, particularly with government agencies. They ensure that the development assessment process is now comprehensive and efficient, one that seeks to benefit all users of the land use planning system in South Australia. We oppose this disallowance motion on the strongest possible grounds.

The Hon. M.C. PARNELL (16:15): To conclude the motion, I thank the Hon. Clare Scriven and the Hon. Connie Bonaros for their indications of support and also the Hon. John Darley for the previous indication of his support. In relation to the Hon. David Ridgway's contribution, I would make one main point and a minor point.

The main point is that I can agree with him to a certain extent that disallowance of regulations is a blunt instrument. We do not have the ability to take the other 24½ pages and wave them through. It is only the one regulation; however, that is the system. If the minister would like to work with the Greens and with others to come up with a different system where we disallow only specific regulations rather than the whole set, then I am up for that discussion—absolutely. For now, this is the only tool that is in the toolkit.

The final point that I would make relates to the minister saying, 'The previous government envisaged that this fund could be used for other purposes.' The point I would make is that the government has raised the flag up the flagpole of these other purposes, and the parliament is saying, 'We don't want you to do that.' We want you to use this fund for the purpose for which it was originally designed; that is, the protection, enhancement and increase of open space, especially in our urban areas but also in important regional centres as well.

Motion carried.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: PUBLIC HEALTH ACT REVIEW

The Hon. D.G.E. HOOD (16:17): I move:

That the final report of the committee on its review of the South Australian Public Health Act 2011, Part 1, be noted.

I want to acknowledge all those who have contributed to this review. On behalf of the Social Development Committee, I thank the state government agencies that gave evidence. I thank in particular the Chief Public Health Officer, Professor Nicola Spurrier, and her predecessor, Professor Paddy Phillips, for providing their very learned, high-quality evidence to this review. Their work and input into this review is commendable.

I also mention and thank the very knowledgeable and dedicated staff in Health Protection and Licensing Services at SA Health, Dr Chris Lease and Dr Kirsty Hammet. The committee is very grateful for your perseverance in providing responses and follow-ups to the committee's questions over the last 18 months. Thank you also to the staff of DPTI and the Department for Environment and Water for your presentations and evidence, some of which was very educative.

The committee would also like to thank the Local Government Association of South Australia and the individual councils that provided a written submission. Your evidence contained many practical considerations and was much appreciated. Thank you to the community organisations, non-government sector, universities, advocacy groups and research institutes for your very valuable input and to Environmental Health Australia, in particular Dr Kirstin Ross for her submissions. As presiding member, I also thank the committee members and secretariat for their work on this review.

It must be said that, as I stand before you in this place, the South Australia we knew when the Social Development Committee started its review of the South Australian Public Health Act 2011 was very different to the South Australia of today. We have had the global pandemic of coronavirus COVID-19 to thank for that. However, it must also be said that in the face of this pandemic our state's public health legislation has been purpose-built to protect against the types of devastating situations and outcomes that a pandemic can bring, and which we are witnessing again over the border.

In looking back at the drafting of this important statute, we can see the thinking, modelling and projections of what might happen to the health of our state if we did not act to bring our public health legislation into the 21st century. As some members here may recall, the previous Public and Environmental Health Act 1987 was in no way capable of providing for the kinds of public health risks we face today such as a pandemic like COVID-19 or heat stress in our suburbs from climate change or the rates of increase in obesity and mental illness in our children and young adults.

In providing for these possibilities, the act differs dramatically from the previous act and underscoring those differences is the idea that this legislation can instil into practice particular objects and principles which will further futureproof the health of all South Australians, and that is what the South Australian Public Health Act has been doing. Having said that, it may come as a surprise that the committee has made 85 recommendations to the Minister for Health and Wellbeing as a result of this review; however, these include some very minor finetuning aspects, many of which concern very technical provisions in some of the various regulations to the act.

Before attending to the substance of the review and what those recommendations concern, I will talk briefly about the changes that have occurred as a result of COVID-19. In March 2020, the South Australian parliament introduced a bill to amend parts 10 and 13 of the act to include provisions to certain powers of the Chief Public Health Officer (CPHO) and the services of notices related to orders under the act. The bill, called the South Australian Public Health (Controlled Notifiable Conditions) Amendment Act 2020, came into effect on 5 March this year. The amendments strengthen the coercive powers vested in the CPHO and, among other things, will allow the CPHO to give force to the existing directions, requests and impositions without first issuing a written notice.

Since the Controlled Notifiable Conditions Amendment Act was enacted, temporary modifications were made to parts 9 and 10 of the act by the COVID-19 Emergency Response Act 2020 as well as a further amendment to part 13. The temporary modifications will cease to have

effect once the provisions of the COVID-19 Emergency Response Act 2020 expire as set out in section 6 of the COVID-19 Emergency Response Act 2020.

The modifications and amendments have been listed under the relevant parts of the act and the report of the committee in order to preserve accuracy. However, as there has only been a lapse of some months for the amendments and modifications to have been in operation, the committee has chosen not to include these amendments and modifications as part of its review. The committee did not call for evidence on the COVID-19 related changes as they will be a matter for further review and further report at some future stage.

To that end, the committee resolved that when the declaration of major emergency has expired, if that time comes, and when it is an appropriate time, the committee will consider those modifications and amendments. This is why the report has been tabled as part 1. It is true that a number of parts of the act that are pertinent to public health risks such as COVID-19; however, the committee wished to deliver the findings and recommendations for the other parts which relate to the daily administering of the act such as the policy and planning work, delivery of services and the regulation regimes of compliance and enforcement. It is to those aspects of the act I will now turn.

The evidence that the committee received showed that the majority of stakeholders, that is those in the business of administering this legislation, value and use the objects and principles in their day-to-day work but just as importantly can see how these two features of the act are benefiting their communities. The act, the subordinate legislation and policies supporting it are fit for purpose. It is clear from the evidence that it is an act that is modern, flexible and responsive to a range of public health considerations.

The addition of a general duty to require that a person must take all reasonable steps to prevent or minimise any harm to public health in certain circumstances is also seen as a modernising of the act. This provides a failsafe to enforce the subordinate legislation and raise awareness that there is a responsibility incumbent on us for the health of ourselves and each other.

By including powers for the Chief Public Health Officer to make a declaration of a prescribed containment, or where the spread of an infection is a risk to public health, further modernises the act where communicable diseases are concerned. These provisions make the act responsive and flexible in its policy and regulatory application.

This public health legislation empowers the minister to make a code of practice for the prevention of disease and the protection of things that keep us healthy. Noncommunicable disease is one of the greatest risks to our state's health, and the act has shown that it is capable of providing ways to address such risks. This is a commitment to the future health of South Australians. In addressing these risks and in the administration of the act, stakeholders had a lot of practical suggestions to contribute. The committee has been led by the recommendations made by stakeholders to improve the act's functioning on a day-to-day basis.

Turning to local government, local government reported that they are generally pleased with the act and its functions; however, the evidence also showed that the main concern for local government was the need for stronger and improved consultation, collaboration and communication between the Department for Health and Wellbeing (which I will refer to as 'the department' from here) and councils.

This could be achieved through strengthening the use of the act's partnership principle, which would serve to benefit councils and communities. However, in some instances leadership from the state government was also identified as being crucial to announcing these partnerships, for example, where a multiorganisational response is needed to achieve appropriate public health outcomes. Local government is at the forefront of administering the regulatory regime of this act, as well as the policies issued by the department, which include the promotion of health and prevention of ill health.

These activities are outlined in the councils' Regional Public Health Plan (RPHP), which should align with the State Public Health Plan. The evidence shows that councils consider there is a good range of regulatory tools in the act and in the supporting regulations and policies, but that some improvement is needed. Concerns were also raised by local government that more timely reviews of subordinate instruments need to be undertaken, and these then need to be kept up to date.

Difficulties have been experienced in the administration of the South Australian Public Health (Severe Domestic Squalor) Policy 2013, with stakeholders agreeing that more tools and training are needed. Importantly, there is also a need for state government leadership in coordinating the multiagency approach in incidences of severe domestic squalor. Often there are underlying causes for this social issue and these need to be addressed as well. That takes a coordinated approach and is one that the act can provide.

Stakeholders welcomed the introduction of a legislative instrument to address the prevalence and increase of clandestine drug manufacturing labs in South Australia through the South Australian Public Health (Clandestine Drug Laboratories) Policy 2016, and South Australia Police and SA Health have been working together on implementing this policy.

Councils advised that they anxiously await the updated Guidelines on the Safe and Hygienic Practice of Skin Penetration, as over recent years skin penetration technologies have been advancing at a faster rate than for what the policy prescribes. Councils want to see greater enforcement measures in place to prevent the higher degree of risk to public health that is possible with new and novel skin penetration practices.

While the act and its numerous regulations provide for the compliance and enforcement of high public health risk businesses, increases in business registration fees and increases in fines for breaches where among suggestions from councils as deterrents to noncompliance. This was highlighted in discussion in the report on the regulations that support the act and was identified as a desirable measure, particularly in the review of the South Australian Public Health (Wastewater) Regulations 2013 and the South Australian Public Health (Legionella) Regulations 2013.

Councils also gave evidence that there are now more types of businesses offering services that were previously unavailable when the instruments were last reviewed and new categories for registration should be developed and implemented.

There are calls for clearer guidelines for issuing section 56 general duty notices. Councils, along with EHA of South Australia, also advised that the issuing of notices for noncompliance under the act requires that an authorised officer is first required to issue a preliminary notice. The agreed view of councils and EHA (SA) is that this is cumbersome and confusing and compliance would be better achieved by the issue of one notice for infringements and offences. While a section 56 notice is very useful, simplification of the process is considered highly desirable.

In relation to public health planning through the state and regional public health plans, which I will refer to as 'the plans', and the public health policies, these were viewed favourably by stakeholders, with councils acknowledging an increase in the aspirational nature of their plans, with suggestions focusing on, firstly, improving the resourcing and implementation of public health strategies and, secondly, increasing flexibility for councils to report on their public health plans.

Councils identified the need to have stronger linkages across all levels of government in the administration of the public health plans. Some of the other concerns and suggestions made were largely centred around the degree of clarity and ease in implementing and administering parts of the act effectively. For example, key concerns for local government were focused around the regulatory regimes in place and in ensuring that the legislation is being accurately reflected in practice.

The role and functions of authorised officers received much scrutiny by a number of stakeholders. This evidence shows that, although many of the duties of an authorised officer are largely unchanged from the previous act, the removal of environmental health from the act has diminished recognition of skills held by environmental health officers (EHOs). This has left the EHOs in a position where the function of their role has become more regulatory and less about 'higher order assessment of the risks to public health'.

Local government had many excellent and relevant suggestions for bringing the regulations and policy documents up to date and the department has already commenced some of that work. Toward that end, the committee has made recommendations that support local government's contribution to this review. Many of these were also highlighted by SA Health and include:

- expansion of some of the act's definitions;

- greater oversight from SA Health of subordinate legislation;
- defining the roles and responsibilities of authorised officers and environmental health officers at the state and local government levels in relation to jurisdiction;
- strengthening of the regulatory regime by increasing the tools available for authorised officers to issue notices and expiations and increasing training and support for authorised officers who are out in the field;
- provisions for councils to recoup costs through claim on associated land when dealing with emergency situations;
- streamlining the time frames for councils to report on their regional public health and strategic management plans;
- including a greater focus on wellbeing in the act's vision and purpose;
- prescribing some of the guidelines to make compliance enforceable;
- developing standards for new and novel high-risk industries;
- development of a broad-reaching public health campaign to continue to address the social determinants of health;
- development of guidance materials for local government's role in the state's Public Health Emergency Management Plan; and
- development of greater links with state government departments and alignment with their statutes—for example, councils being able to partner more with other government agencies.

One of the overriding principles of the act is to protect the public from any person whose infectious state or whose behaviour may present a risk, or an increased risk, of the transmission of a controlled notifiable condition. This is reflected in the coercive powers, punitive approach to breaches and the focus towards corrective action and is balanced with an individual's right to procedural fairness.

Powers to require a person to undertake testing or a medical examination or to undertake counselling and powers to give a person a direction under the act are balanced by several requirements that the CPHO must be satisfied with before he or she should act. This includes making decisions about a person's location, activities from which they are to be restricted and actions they must undertake. Any decision made by the CPHO affecting a person to which these provisions apply, has its equivalent review and appeal rights; where a person may apply to either the South Australian Civil and Administrative Appeals Tribunal, the Magistrates Court or District Court of South Australia or, where a person has been detained, the Supreme Court.

The committee heard that these powers had not been exercised at the time of undertaking this review and no evidence was presented in relation to how the powers had been working. The chief concern identified at the time was the manner in which a request for a warrant could be made, although SA Health did make some suggested changes, which are now reflected in the COVID-19 controlled notifiable conditions amendments to the act.

While some of the changes recommended by SA Health have been temporarily modified by the COVID-19 Emergency Response Act, there is a case to amend some of these sections more permanently following expiration of the emergency declaration. There is also a case to allow for warrants to be sought by means other than in person. This would see authorised officers being able to make a request for a warrant from a magistrate over the telephone, by email or other electronic means, which would bring this function into line with other Australian jurisdictions.

The act has a significant interoperability with the Emergency Management Act 2004, which provides for the state's emergency management, outlining who is responsible for which services and what actions need to be undertaken. The Emergency Management Act recognises, through the State Emergency Management Plan, the Public Health Emergency Management Plan (PHEMP), prepared under the act.

We have seen this in action as a result of COVID-19. In such a public health incident or emergency the Chief Executive of SA Health is responsible for making a declaration under the act, which triggers sections of the act to be read in conjunction with, or be replaced by, sections of the Emergency Management Act. These parts have functioned well, having only be exercised for COVID-19.

The South Australia Police (SAPOL) made recommendations for the committee to consider where part 11 of the act concerns the powers to 'segregate, isolate and direct' a person if that person is considered a risk to public health. SAPOL made the suggestion that the appeal rights under section 90 of the act in relation to significant public health emergency should be removed. However, and as we have experienced now because of COVID-19, it is important that the principles of the act, which require balance to be maintained between the individual's rights and the safety of the community, is kept intact.

The act provides for the Chief Public Health Officer and the minister to take the necessary proportionate and precautionary steps to safeguard the community from public health risks. That said, the committee notes the changes to the act as a result of COVID-19, which allows the department to act more quickly and efficiently in developing these safeguarding features, and it is also noted that these amendments did not abolish the rights of the individual to seek a review or appeal of any order or direction issued on them.

Looking at state government agencies, key matters highlighted by state government departments that gave evidence, such as the Department of Planning, Transport and Infrastructure (DPTI), chiefly the Office for Design and Architecture South Australia (ODASA) and the Department for Environment and Water (DEW), SafeWork SA and the South Australian Mental Health Commission related largely to policy concerns.

The inclusion of principles and objects of the act has created a broader public health approach with a focus on principles such as prevention, sustainability, population and equity, so that government agencies can achieve strategic outcomes in the areas of climate change, urban planning, green spaces and how our environment affects our mental health and wellbeing.

These matters have significance for both state and local governments going forward, with the State Public Health Plan demonstrating the objects and principles of the act. Other examples, such as the 30-Year Plan for Greater Adelaide, the Healthy Parks Healthy People program, and the Green Adelaide (Greener Neighbourhoods Grants Program), also demonstrate the act's principles in action. The act has seen a greater focus in policy and planning overall on a whole list of things, including attention to population health, greater promotion of health and how to reduce risks to health, addressing the social determinants of health, and addressing issues of access and equity.

A number of these features have been taken up by state government agencies through state and community-based projects and are evidenced in work being undertaken by DPTI-ODASA, and DEW, as well as by some of the peak organisations leading the research and discussions on public health, such as the South Australian Health and Medical Research Institute (SAHMRI), Flinders University and the Southgate Institute. Submissions from these organisations largely concern matters of equity and the social determinants of health for which the act is finetuned.

However, the committee recognises that there is still important work to be done in achieving equality in health care for our more vulnerable communities and closing the gap for Aboriginal and Torres Strait Islanders. The committee has made recommendations to address these concerns, including the provision of resources for the development of a broad reaching public health campaign to continue to address the social determinants of health by the newly-established Wellbeing SA.

To conclude the noting of this report, the act is performing well. It is responsive and flexible and has the scope to achieve more in addressing the public health concerns of the 21st century. With the subordinate instruments and tools, state, local and non-government agencies can work collaboratively to protect and promote public health in South Australia.

Through the development of partnerships between these agencies and congruent with the Health in All Policies approach, the act is working well to ensure that the health of all South Australians is futureproofed. While there is still work to be done, it is the committee's hope that the valuable contributions from all of the stakeholders and the recommendations made as a result of this

review will benefit this work and keep the health of the people of our state safe. I commend the committee's report to the council.

Debate adjourned on motion of Hon. I.K. Hunter.

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

The Hon. I. PNEVMATIKOS (16:37): I move:

That the interim report of the committee be noted.

This report results from a parliamentary committee established in October 2018, to inquire into the nature and extent of wage theft in South Australia. The notion of an inquiry into wage theft enjoyed cross-party support, except for concerns raised by the government, particularly in terms of the use of the words 'wage theft'. The government was concerned with the use of the terminology and indicated a preference for the terms of deliberate or noncompliant underpayment instead. This was not supported by the opposition, SA-Best and the Greens who saw wage theft as not only appropriate as a term to be used but recognised its widespread universal use as a term to define the behaviour which became the subject of our inquiry.

The Marshall Liberal government was also concerned, in light of the number of parliamentary committees, whether there would be sufficient time to proceed with the inquiry. It is naive and irresponsible of the government to ignore the issue and pretend that wage theft is not happening in our state, and that our workers and law-abiding businesses are not suffering. It was for these reasons that the inquiry set about to investigate the prevalence of wage theft in our state and to explore options to remedy that.

The committee met on 16 occasions and heard from a variety of witnesses, including organisational, business and union representatives, as well as individuals, and received submissions from 24 groups and individuals. It was the intention of the committee to travel to various regions to hear evidence; however, due to the COVID-19 pandemic, they were only able to hear from individuals and groups in the South-East.

Underlying this inquiry is the expectation that when people go to work they are appropriately paid for their work in accordance with the award and industrial agreements in place. It is unfortunate that this is not a reality for a number of workers. The committee heard evidence of the prevalence of wage theft from exploited workers, trade unions, researchers, community legal services and support centres, multicultural organisations and youth groups.

Their submissions identified, by the provision of data and case studies, the extent of wage theft detailing underpayment of wages, underpayment or non-payment of superannuation, allowances, penalties and leave entitlements. Also identified were practices that resulted in the deliberate manipulation of hours worked, tampering of timesheets and contractual agreements.

It became apparent from the evidence that wage theft was in reality the norm and a basis for a business model directly competing with law-abiding employers and that it was of epidemic proportions. The problem with wage theft in terms of those seeking redress meant that workers were often alone in pursuing those lost entitlements. Responsibility tended to fall on the individual worker rather than the employer in terms of ensuring workers were receiving their full entitlements.

It was the evidence of many workers that, in an environment of ignorance, they would avoid complaining for fear of losing their jobs and future employment prospects. Migrant workers employed under temporary work visa arrangements and international students gave evidence to the inquiry that they were often paid well below the award rate and were required to work excessive hours in breach of their visa requirements whilst simultaneously facing the threat of deportation.

Some employers argued that the reason for noncompliance related to the very structuring of industrial law. It was the evidence of some employer representatives during the inquiry that awards and agreements were difficult to interpret and mistakes occurred as a consequence. For some employers the absence of legal training of staff appeared to be the main reason for mistakes occurring in terms of underpayment and loss of entitlements. By the same token, it was startling that there was no evidence of employers overpaying workers in relation to their entitlements.

The absence of legal training did not seem to be a problem for trade unions in understanding and interpreting awards and agreements, according to their evidence. Some representatives of employer umbrella organisations did provide evidence that they played a role supporting and advising their members but were not forthcoming with data in that regard. Some employer umbrella organisations were of the view that their role was to provide support and assistance to member employer groups at times of disputation when a claim for underpayment had been made by a worker, and they played a minor role in preventative and education programs for their members to ensure that they understood their obligations.

Several employers who gave evidence were of the view that the primary reason for underpayment related to the industrial structures that they were required to operate under, whilst at the same time those same employers also noted satisfaction with the current structures and regulatory frameworks that were in place to deal with any issues of underpayment. This, of course, is despite the evidence of the breadth, depth and complexity of noncompliance and wage theft within the Australian labour force which continues to escalate and alarming rates.

The committee heard evidence of myriad methods being utilised by some employers by not paying or ignoring workers' legal entitlements, which included: non-payment of annual leave; personal leave; parental leave; long service leave and public holidays; non-payment of penalty rates and leave loadings; non-payment of workers compensation, redundancy or severance pay; and non-provision of pay breaks and minimum periods of engagement for shifts.

The committee also heard evidence of more opportunistic forms of wage theft such as: cash in hand payments; employees having to pay an up-front deposit for a job; working for free whilst being trained; employees attending work or training and being paid with gift vouchers; unpaid internships and work experience arrangements, including employees being asked to volunteer extending their work shift but without any pay; employees being required to pay money back in cash to employers after receiving their wages; employers making unauthorised deductions from employees' pay; employees being supplied food and beverages in lieu of wages; and apprentices paying for their TAFE fees and their books, which are obligations that the employer should be paying—and the list goes on and on.

Both before the establishment of the committee and throughout this inquiry we have seen various media reports regularly recounting various cases of big and small businesses—including Coles, Domino's, Woolworths, 7-Elevens, Caltex and the numerous celebrity chefs of this world—massively and deliberately not paying their workforce properly over sustained periods of time.

The evidence adduced confirms what many in our society have suspected, that wage theft is a fundamental component of exploitative practices and misconduct in the workplace. The findings of the inquiry confirmed that there were cases of unscrupulous employers who will take the odds against civil penalties in the belief that there is little chance of being caught and even less so in terms of any punishment or penalties.

In addition to addressing the issue of unfair work practices, there did not appear to be strong support for attempts to level the playing field for employers in circumstances where those employers were doing the right thing by their workers and that they should not be put at a commercial disadvantage by employers who are not playing by the rules. By having a system that does not discipline employers it became apparent that wage theft was undermining law-abiding competitors and driving down wages for all workers in certain industries.

Many workers who gave evidence resented the fact that they were being short-changed by their employer and felt powerless to do anything about it, and this was particularly apparent in areas of low workplace organisation. Despite the existing structures, the McKell Institute submissions saw little federal oversight of wage compliance in South Australia, 'given that there are fewer workplace audits today than there were in the 1970s, 1980s and 1990s'. Their submission goes on to detail that there have only been 23 audits conducted by the Fair Work Ombudsman since 2010, totalling 1,726 (1.19 per cent) employers, with 37.1 per cent of those employers found to be noncompliant to varying degrees.

Similarly, SA Unions submitted that it is 'abundantly clear that the regulatory framework is ineffective'. Submissions and witnesses highlighted how the regulator's approach is ineffective, with

the absence of adequate resourcing added to its ineffectiveness. Wage theft is pervasive in small and large industries across the country. The committee heard it to be more prevalent in hospitality; retail; agriculture and horticulture, particularly in fruit picking and vegetable picking as well as food processing; the social and community sector, including NDIS providers; the financial industry; call centres; hairdressing; local government, particularly in libraries; university, education and training; cleaning; butchering and the meat industry; fast food; warehousing; labour hire; and construction.

The federal government's inability to oversee the huge number of underpayments through the FWO means that something has to change. Many said to the inquiry that only a small number of cases are pursued and that the system is unable to cope with the volume of grievances and complaints. The interim report gives substantial evidence that the current systems are failing.

The McKell Institute thoroughly investigated the extent of wage theft and produced significant data to the committee, based on data from every nationally focused audit conducted by the Fair Work Ombudsman. Between 45 per cent and 76 per cent of workers are underpaid or not paid penalty rates. Between 21 and 56 per cent of workers have had to work an unpaid trial. Fifty-one per cent of workers are not paid or are underpaid over time. Sixty per cent of workers did not have tax withheld by their employer. Forty-nine per cent have experienced off the clock violations. Thirty-nine per cent of workers have had entitlements withheld, and 17 per cent of workers have experienced unreasonable deductions from their pay.

Throughout the hearings and submissions, the committee was able to establish three overarching recommendations: firstly, the importance and need for greater oversight and regulation in a more systemic and integrated way; secondly, increased penalties for offenders, including criminalisation in extreme circumstances—this recommendation was widely supported as it was viewed reflecting community expectations for rampant theft, but as, importantly, penalties and possible gaol time would play a deterrence and education role—thirdly, streamlining the court processes, which would render wage theft and underpayment claims expeditious and cost effective.

After the committee has considered the extended terms of reference into slavery and slavery-like practices and the impacts of coronavirus, a final report will be made with further detailed recommendations. This report gives parliament a clear picture of the epidemic proportions of wage theft that have been going on in this state.

I would like to thank the research officer, Margaret Robinson, and the secretary, Leslie Guy, for working with the committee to achieve this paper. I would also like to thank each of the former and present members of the committee: the Hon. Connie Bonaros, the Hon. Emily Bourke, the Hon. Tammy Franks, the Hon. Jing Lee, the Hon. Terry Stephens and the Hon. Russell Wortley.

Debate adjourned on motion of Hon. D.G.E. Hood.

Bills

YOUNG OFFENDERS (AGE OF CRIMINAL RESPONSIBILITY) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:51): Obtained leave and introduced a bill for an act to amend the Young Offenders Act 1993 and to make related amendments to the Spent Convictions Act 2009 and the Youth Justice Administration Act 2016. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:52): I move:

That this bill be now read a second time.

In September of last year, Dujuan, a 12 year old from Arrernte and Garrwa country and the star of the documentary *In My Blood It Runs*, delivered a speech to the United Nations Human Rights Council in which he called for Australian governments to raise the age of criminal responsibility. Dujuan, who narrowly escaped being imprisoned himself, a fate suffered by so many young Indigenous Australians like him, said:

I came here to speak to you because the Australian government is not listening.

Whether or not Australian governments are still not listening, we may know next week, as the attorneys-general from around the country gather to consider whether to raise the age of criminal responsibility from 10 to 14 years.

Listening to the voices of youth is a powerful experience. One young Indigenous lad I listened to yesterday at a conference organised by the Public Interest Advocacy Centre described his experiences in youth detention, including degrading strip searches—up to a dozen a day—and the sheer drudgery of pointless incarceration with little to do and few helpful services. He talked about one little boy, a 10 year old, who was not even tall enough to reach up to the counter that he was asked to put something on.

Regardless of the outcome of the discussion between the attorneys-general, the Greens believe that it is well past time for the South Australian government and the South Australian parliament to listen to Dujuan and to the growing chorus of voices calling for our state to get behind the international campaign to raise the age of criminal responsibility.

Governments around the world, including in our state, have not been listening to the neuroscientists who say that a child's brain is yet to fully develop between the ages of 10 and 14. In fact, the human brain continues to develop well into our 20s. Governments have not been listening to the criminologists, who's data suggests that when 10 to 14-year old children—and they are children—are incarcerated they are three times more likely to become long-term offenders. On the other hand, the findings of the recent Northern Territory royal commission into youth detention found that the vast majority of children who are dealt with outside the formal criminal justice system do not reoffend.

Governments have not even been listening to the economists, who normally would have a reserved seat at any government policy table. According to PricewaterhouseCoopers, in a report from 2017 by their Indigenous consulting firm, they found that a nationwide raising of the age of criminal responsibility would save upwards of $10 billion a year if custodial sentences were replaced by therapy and support. The royal commission in the Northern Territory I mentioned before also recommend raising the age.

So, despite all the evidence, why has this reform not yet been implemented? According to satirical cartoonist First Dog on the Moon this week:

> The United Nations wants us to stop locking up children, but we enjoy it too much.

That might be cynical, but there is something in that. Our instinctual human impulses do not always deliver the most effective solutions, and we are seeing that play out across the world as we speak. For example, social distancing, wearing masks and sanitising your hands every time you enter a building goes against our customary way of living, yet the science, the data, shows that it stops the spread of COVID-19, so we do it.

The incarceration of children in Australia is a hidden plague upon this land. Whilst the instinctual and politically expedient response to kids behaving badly may currently be, 'Lock them up. That will show them right from wrong', the data just does not back this up. Just like COVID-19, the plague of childhood incarceration disproportionately causes harm to the disadvantaged, to racial minorities, the poor and those with disabilities. I want to explore some of these points in more detail.

In relation to neuroscience, Dujuan is obviously not the only person who is speaking inconvenient truths at the United Nations. We have all seen the power of climate activist Greta Thunberg, who's example led to protests in every corner of the planet, including on the steps outside the building where we are today. In response to Greta, our Prime Minister Scott Morrison said, 'Let our children be children.' So he accepts the dichotomy between childhood and adulthood.

The notion that children are not adults pervades our regulatory framework. A person cannot vote, buy alcohol or go to a nightclub until they are 18 years old. There are age restrictions on when you can drive a car, engage in consensual sexual intercourse and, as President of the Law Council of Australia, Arthur Moses, noted:

> There is something wrong when children can't join Facebook until 13, but in Australia can be prosecuted for a criminal offence at 10. It does not make our country safe, but exacerbates the problem.

What is wrong is that the law has not caught up with the advances in neuroscience. Through functional magnetic imaging we can now see a child's brain and how it tangibly differs from an adult's brain. We do not need to use legal reasoning and abstract tests to see what a defendant does or does not understand; we can look at the MRI.

As the Ohio State Journal of Criminal Law states, 'Since its advent, magnetic imaging has shown that the adolescent brain is structurally different to that of a mature adult, and particularly in the area devoted to impulse control and decision-making, inclined to risk taking.' A more succinct way of describing this has been that children get the accelerator before they get the brake.

If we extend the driving analogy even further, a 10-year-old child may be able to intellectually comprehend that speed limits exist and they may be able to understand that it is wrong to break them, but they may also lack the impulse control to adhere to those rules—to foresee the consequences of breaking them, to silence the potential reward of getting somewhere quicker or the pleasure of travelling fast—by assessing that the risks outweigh that reward. This is why we do not let children get behind the wheel. They will not be capable of controlling themselves in that circumstance.

The Royal Australasian College of Physicians put out a media release last year. RACP spokesperson and paediatrician Dr Mick Creati said:

> Children experiencing significant neurological development can't be held responsible in the same way as adults—it's not just unjust, it is not supported by evidence.
>
> A study published last year of 99 children in detention in Western Australia found that 89% had at least one severe neurodevelopmental impairment.
>
> Holding a child criminally responsible under these circumstances is highly ethically problematic.
>
> The fact that this issue is disproportionately affecting Indigenous young people is of additional and serious concern.
>
> If we then remove these children from families, schools and positive influence it becomes even more damaging—locking in a vicious cycle that is very hard to undo.

At this point, I think it is useful to provide a summary of the law that exists in South Australia. I am grateful in this regard to University of South Australia legal academic Sarah Moulds, who wrote about this in an opinion piece in InDaily on Human Rights Day, 10 December, last year. Like me, she had been to a special screening of the film *In My Blood It Runs*, which was organised jointly by the Guardian and the Commissioner for Children and Young People. It featured the young Indigenous boy Dujuan, whose quote I used at the start of this contribution. I should say to members that the film is still available on ABC iview but only until 4 August. I would urge you, if you have not seen it, to watch it now.

As Sarah Moulds explained to me, the current South Australian approach to the age of criminality is actually a hybrid model. In legislation, we have section 5 of the Young Offenders Act 1993, which provides a bottom floor by stipulating that a person under the age of 10 years cannot commit an offence. Then, the common law provides a rebuttable presumption that children aged between 10 and 14 lack the capacity to be criminally responsible for their acts. This presumption is called doli incapax (it is Latin) and it can be rebutted if the prosecution can show that the child possessed the necessary mental element of the offence and knew that what they were doing was wrong according to the ordinary principles of reasonable people.

Whilst technically this means that safeguards do exist for children aged 10 to 14 in South Australia, in reality case law suggests that the difficulty in proving a child's capacity at the time of the alleged offence has resulted in questionable legal reasoning, highly prejudicial material being included in proceedings and a practical reversal of the onus of proof. The case law was summarised in 2015 by Justice Peek in the case of Johnson. The test focuses not on the defendant's impulse control and decision-making capacity but rather on whether they have been exposed to information, such as school rules, that alerts them to the wrongness of their behaviour.

This is bizarre, and it is also a logical fallacy. You can expose a five-year-old child to algebra, but that does not mean they will understand it or know what to do with it. The sad reality is that the burden of proof is not on the prosecution to prove that the child understood the wrongness and

consequences of their action but rather it is on the defendant to prove that they did not. This requires access to expensive psychological evaluation that, given the demographics where childhood offending is most prevalent, is not within the means of the average defendant's family.

Let's now look at the demographics and the context within which these young 'offenders' live. Put quite simply, the criminalisation of 10-year-old to 14-year-old children is the criminalisation of poverty, race, disability and disadvantage. According to President of the Law Council of Australia Pauline Wright:

> The Australian Institute of Criminology…released a report in December 2019 highlighting the over-representation of children known to the child protection system in juvenile justice—this is known as the 'care to custody pipeline'.

Our most vulnerable children, children in state care, sometimes never make it out of state custody. In 2017, the Queensland Family and Child Commission found a:

> …direct correlation between criminality and entrenched social and economic disadvantage. The major risk factors for youth criminality include poverty, homelessness, abuse and neglect, mental illness, intellectual impairment and having one or more parents with a criminal record.

Whilst the star of *In My Blood It Runs*, Dujuan, escaped incarceration, that was largely due to the support of his extended family. But 64 per cent of 10 to 13-year-old prisoners in Australia between 2018 and 2019 were Indigenous. That is, two-thirds were Indigenous.

Whilst films such as *In My Blood It Runs* have raised awareness, these issues are not new because back in 2011 the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs produced a report entitled 'Doing time—Time for doing—Indigenous youth in the criminal justice system'. What this report showed was that police are more likely to arrest Aboriginal children and to lay formal charges against them rather than issuing a warning by helping them find a different track. Aboriginal kids are more likely to be locked up in prison as they wait for their day in court instead of being released on bail. That is, they are on remand, not found guilty of anything.

In South Australia, according to statistics released this month by the Australian Institute of Health and Welfare, the rate of imprisonment of Aboriginal and Torres Strait Islander young people was approximately 20 times the rate for non-Aboriginal and Torres Strait Islander young people. According to the Law Society of South Australia, Indigenous children comprise only 4.5 per cent of children in this state but 62 per cent of children detained in the Adelaide Youth Training Centre.

So to make it really clear, they are less than one-twentieth of the relevant population but nearly two-thirds of those incarcerated. It is no surprise then that parallels have been drawn with the stolen generation. Let's be really clear. We are still taking children away from their parents. We are still stealing generations. I have no doubt that in the future we will need to apologise again for this international atrocity, for this abdication of our responsibilities under international law.

What has international law got to do with this? This is about the criminal justice system in our state. Let me explain. Australia is a signatory to the Convention on the Rights of the Child, and this convention states in article 40(3) that state parties shall seek to promote the establishment of laws and, in particular:

> (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law.

Last year, the Convention on the Rights of the Child committee in a general comment encouraged state parties to the convention to increase their minimum age to 'at least 14 years of age' and they commended state parties that have a higher minimum age such as 15 or even 16.

Our law on paper should protect children under the age of 14 but, as I have explained, it does not. Due to loopholes and interpretation, the effective age of criminal responsibility in this state and in this country remains 10—it is not 14—and that is still well short of the level that the CRC commends as a goal. Six years in the life of a child is a very long time indeed.

But the world is moving in response to the campaign. Countries that have already raised the age of criminal responsibility to 14 include China, Russia, Germany, Spain, Sierra Leone, Azerbaijan, Cambodia, Rwanda and others. In Australia, at a federal level, my Greens colleague in the Senate

Rachel Siewert has been working on this issue for many years. In July last year, she moved a motion with the support of the ALP's Pat Dodson to urgently raise the age of criminal responsibility from 10 to 14. This was voted down by the Liberal government.

Attorney-General Christian Porter stated that he believes the current system works 'quite well'. On all of the evidence I find it impossible to understand how he reaches that conclusion. Centre Alliance's Rebekha Sharkie has also supported the campaign with a private member's bill. That was introduced into the federal parliament last October.

In South Australia, our Attorney-General, Vickie Chapman, has stated that she is open to reform, but she prefers a national response and is awaiting the report from the Council of Attorneys-General. As I said before, I understand that this could happen as early as next week, and I look forward to seeing what they come up with. However, I have to say, given the past history of failed national reforms, I think this matter is too urgent to wait for a national response.

The Greens believe that we need to act now to protect children locked away in contravention of international human rights norms. I recently obtained a copy of the Law Society of South Australia's submission to the Attorney-General on this issue. I should say that the submission was not in response to my bill; I do not even know if they had seen my bill at that point.

The Law Society was writing to the Attorney-General because they knew that, nationally, this topic was back up for debate and consideration. Their submission is very welcome because it effectively says in more detail most of the things that I have put on the record today. The Law Society points to the neurological evidence and they highlight the international law obligations.

I now want to address the issue of alternatives to prison. What do we do instead? It is a logical question and we all need to think about this. The question is: if we are not going to lock these young people up, what is the alternative? What do we do about young people who commit acts that have serious consequences, including death or injury to others? If we do raise the age of criminal responsibility, we also need to consider how do we transition out of prison those children who are currently there?

In a media release on Universal Children's Day last year, Wayne Muir, who is the co-chair of the National Aboriginal and Torres Strait Islander Legal Services, said, as have many others, that the youth justice system is failing all of us and it has to be overhauled. He wants it replaced with a system that is therapeutically and culturally responsive. He said:

> Children are being labelled criminals when all of our efforts should be focussed on keeping children safe and supported within their communities. Removing children as young as ten from their families and forcing them into the criminal justice system takes away their basic rights as children to learn, grow and thrive.

So how do we encourage children to learn, grow and thrive? Mr Romlie Mokak, who is the CEO of the Lowitja Institute, said that it was critical that our governments commit to reducing the number of young people in the justice system. He said:

> To maximise children's chances to lead healthy, fulfilling lives, governments must focus on early intervention and diversion services. In doing this, it is critical to prioritise engagement with Aboriginal and Torres Strait Islander Peoples, organisations and researchers, particularly in early design of programs and later monitoring of outcomes.

What these people are really saying is that it is back to the justice reinvestment campaign that had some traction a few years ago. That campaign is still alive and well and it makes as much sense now as it did 10 years ago. We need to invest in communities as an alternative to investing in more gaols. We know that it saves money and we know that it saves lives.

However, even the most socially progressive jurisdictions in the world, such as in Scandinavia, do acknowledge the need for detention as a very last resort. In Denmark, for example, children demonstrating deviant and antisocial behaviour may be detained even in high-security institutions, but this is established as a welfare initiative, with the emphasis on therapy and rehabilitation, not as a criminal sanction. So there may be detention for the protection of the community and the rehabilitation of the young person, but not a criminal conviction. As the International Juvenile Justice Observatory states:

…unlike a court procedure there is no legal control by a judge of the criminal guilt of the child, no legal control of the evidence and no legal decision on the length of the period where the child must stay in the alternative place. The criteria are described as the need of the child.

Detention of children under the Convention on the Rights of the Child is permissible, according to article 37(b) of the convention, so long as it is the 'last resort' and for 'the shortest time possible'.

Inevitably, this debate ends up focusing on the outliers rather than the vast majority of children in detention, who are not murderers or rapists. The young boys who killed toddler James Bulger in the UK all those years ago will inevitably be raised in these debates as why we need to reserve the right to imprison children between 10 and 13. Incarceration as a consequence of this behaviour is absolutely an option that society needs to have available to it.

The vast majority of childhood offenders in prisons around the country are not murderers or rapists. They are sometimes kids who have been busted for stealing a strawberry milk or for acting as a lookout for their parent. Many offences involve property damage or the illegal use of motor vehicles. In the latter case, yes, death or serious injury can result, but whether that inevitably means that young people must be dealt with in the criminal justice system as offenders is a very different question to the issue of whether consequences should flow from this type of behaviour.

We know that imprisoning young children causes immense harm and does not ultimately work to keep the community safe in the long run or to help get these young people back on track to fulfil their potential and live constructive lives. It is imperative that we get these kids out of prison before more harm is done. As I have said, it is one thing to stop incarcerating children under 14, but we must also look at transitioning those already locked up into more appropriate arrangements. Whether that is returning home or to some other arrangement depends on what is best for the child and for the community.

In the bill I have a commencement date of one month after the act receives assent. I hope the government will move quickly to establish alternative pathways for young people who behave in unacceptable ways. It very likely will take longer than a month. I am certainly open to negotiation with the government or with other members on a longer implementation period. If this is members' only concern, then absolutely let's look at providing more time to put in place alternative measures, but let's not drag our feet on the threshold question of the age of criminal responsibility.

Every day these people spend in the Youth Training Centre is a day too long, especially when there are so many better alternatives that we could put in place. When it comes to releasing children from detention, I think that those who are suffering from physical or intellectual disabilities such as fetal alcohol syndrome should be the first to go, and that should be made a matter of urgency.

Finally, I want to acknowledge those organisations and individuals who have been working tirelessly on the Raise the Age campaign, sometimes for many years. There is a website members can visit, raisetheage.org.au, which has more information. Some of the groups that have signed up to the campaign are NATSILS (National Aboriginal and Torres Strait Islander Legal Services), AIDA (Australian Indigenous Doctors' Association) and Change the Record. Members may not have heard of Change the Record, but that is Australia's only national Aboriginal-led justice coalition of legal, health and family violence prevention experts. Their mission is to end the incarceration of, and family violence against, Aboriginal and Torres Strait Islander people.

For members who are keen to read more, have a look in the *Sydney Morning Herald* today. There is an opinion piece by Shahleena Musk and Sophie Trevitt. That article starts:

As lawyers we did all we could to keep Aboriginal children out of prison. Children who should never have been there.

Also on this list are the Human Rights Law Centre, the AMA (Australian Medical Association) and Amnesty International, and I would urge members to look at their submission which is based on our international law responsibilities. I note they have an online petition as well, which has reached the 60,000 signature mark. Also on the list are the Law Council of Australia, the Public Health Association of Australia and the Royal Australasian College of Physicians. Other groups that have supported the campaign through submissions and statements include UNICEF Australia and the Lowitja Institute.

I offer my thanks to all those groups for their leadership on this important issue. I look forward to seeing the outcome of the meeting of attorneys-general next week, and I also look forward to the contribution of other members in this place when this bill comes to a vote later in the year. I commend the bill to the house.

Debate adjourned on motion of Hon. D.G.E. Hood.

Motions

REGIONAL BUS SERVICES

The Hon. C.M. SCRIVEN (17:20): I move:

That this council—

(a) acknowledges the importance of regional city and township bus services to rural communities;

(b) calls on the state government to conduct a review of all regional city and township bus services to ensure they are adequately funded and are providing a transport service that meets the needs of those communities; and

(c) calls on the state government to provide the completed report to this council by 30 October 2020.

If you live in regional South Australia you need a car because if you rely on public transport to get somewhere, to where you want to go, you will not get there. It is a fact and something that every single regional resident of our state would no doubt be aware of.

South Australia's regional public transport system is in dire need of an overhaul. If you live in metropolitan Adelaide your modes of transport are many. You have access to buses, trains and trams that virtually run around the clock—except, of course, when the Minister for Transport cuts services, cuts stops, cuts routes, etc., but of course that is a different issue. However, in regional areas services are few or non-existent. If we want a regional public transport system that actually serves people living in regional areas, first there needs to be a review and then there needs to be funding to implement the required changes.

I would like to acknowledge the member for Mount Gambier who has moved a similar motion in the House of Assembly, and I will outline the differences in our two motions later in this contribution. In my home area of Mount Gambier, Mount Gambier Bus Lines is contracted to operate the Mount Gambier bus service and I am advised that the managing director Sam Lucas fully supports this call for a review.

For a transport system to be effective it need three things: a suitable span of hours, suitable frequency and geographical coverage. For many people in Mount Gambier this falls at the first post. I spoke with a young woman—I will call her Annabelle—who does not own a car and who is employed at the Mount Gambier hospital. She lived until recently near Jubilee Highway East. It is not a huge distance—I think it is about three kilometres—and in fine weather she walks to work. Anyone who is familiar with Mount Gambier knows that we are blessed with abundant rainfall, most days of the year sometimes it seems, and so those fine days sometimes are not very frequent, so instead she would like to be able to use the bus.

There is a bus loop that connects her home and the hospital but it starts at 8.30 in the morning. It starts at 8.30 in the morning but she needs to be at work by 8.30 so it is of no use to her. It is not a criticism of the service, it is a product of the funding arrangements that are in place, but it is important. It limits the employment options for those who do not have a licence or who do not have a car.

For people who have medical conditions, for example, that prevent them from gaining a licence, this is a major barrier. It is a major barrier to their employment because they simply cannot get to a workplace at a normal starting time. We are not talking about having buses that run for people who start at 4am or 5.30 in the morning or those who perhaps do not have the most common time to start work, we are talking about an ordinary start time of 8.30, and it cannot be accommodated in the current service.

The public transport service available for Mount Gambier residents is a service that operates on a 30-year-old model. Bus routes in Mount Gambier have not changed since 1990. The time has

come for a review of these services in Mount Gambier but also across other parts of regional South Australia. After all, regional residents pay their taxes and make a significant contribution to South Australia.

If the state is to succeed in its plan to grow the regions, to increase populations in regional towns and cities, incentives need to be offered. It is fair to say that the availability of basic public transport is one of the criteria that many people would look for before moving to a regional area. As the regions grow so should the public transport networks.

Those of us who live in regional areas, and I know there are now two of us in this chamber instead of only one—I was the only one until recently—

An honourable member interjecting:

The Hon. C.M. SCRIVEN: Sorry, apart from Victor Harbor, of course. Lots of people do not consider Victor Harbor regional, but that is another issue.

The PRESIDENT: The Hon. Ms Scriven!

The Hon. C.M. SCRIVEN: We are not unreasonable in regional areas. We know we do not have the population to have services running every five minutes to every part of the region, but major regional services, Mount Gambier being one example, should have sufficient services to be usable around common working hours and common needs.

The latest census tells us that 81.8 per cent (8,700) residents living in Mount Gambier travel to work in a private car, and 8,100 of them drive as the only occupant in that car. The RAA estimates that it costs anywhere between $7,000 to $17,000 a year to run a car. That is a major economic impact on people living in the regions who must have a car because there are no other choices. Improvements to the public transport system in Mount Gambier and indeed across other parts of regional South Australia will provide residents with options.

As I mentioned, we have few transport services of any kind in regional areas. We saw that the Marshall Liberal government was willing for even one of those few, the Overland, to disappear. The Overland travels from Adelaide to Melbourne through Murray Bridge and Bordertown and it is an important option for people who experience difficulty in accessing other modes of transport, particularly people with disability. But the government cut the relatively small amount of funding provided to this service, and it was only because the Labor government in Victoria came to the rescue that South Australia has not lost this iconic train service and what is an important option for those people living in the areas that I have mentioned.

I understand the member for Mawson in the other place has also long advocated for the need for the town of Myponga to be connected to regular and reliable public transport, the sort of transport that metropolitan residents have long enjoyed. The member for Giles has also raised the issue of public transport in his area of Whyalla. I know they would not be alone in the major population centres outside metropolitan Adelaide.

The three demographics identified as being most in need of public transport systems are young families, youth and older people. There are currently 12 regional community passenger networks in South Australia, which are smaller services provided by trained volunteers. In Mount Gambier, the South-East CPN service is operated by the Red Cross and mainly caters for people aged over 70. The service, however, is designed to be a last option for those who need it for local medical appointments, shopping and social activities. Small communities now rely on locally funded buses like the community bus which services Port McDonnell, Allendale and Kongorong.

Just to ensure that members are aware, Port McDonnell, for example, where I live, is about 28 kilometres to Mount Gambier, so a similar distance from Elizabeth to Adelaide or Noarlunga to Adelaide. If you do not have a car and you want a job in Mount Gambier, which, after all, is where the majority of jobs in that part of the country are located, there are no options. The community bus has particular criteria; it only operates twice a week, I think it is. Certainly, it is twice a week at the moment; I think it may have been three times in less recent times.

One young person who normally had access to private transport was unable to use that at one stage, so they took a taxi to work—$90. It was $90 to get to work one morning because there

were no other options. That was an exception, but what it means is that those smaller townships still in quite close proximity to Mount Gambier have no options except private vehicles. I would be very surprised if anyone, even in this chamber, thought about paying $90 to get to work. Someone from Elizabeth would not do that; they would not be able to do it, most likely. Someone from Noarlunga would not be able to do it; they would not be able to do it on a regular basis. It is not feasible, and yet that is what people are facing even though they are not far from the major population centre.

The peak industry body representing bus and coach services in South Australia is Bus SA. They have their Moving People SA 2025 Agenda, which recommended that regional accessibility committees should be established in the Riverland, in Mount Gambier and in the Port Pirie region. A study was conducted in 2017 by then minister Stephen Mullighan, the member for Lee in the other place, that led to the trial of the regional accessibility committee for a year in Port Pirie. Much of this study would still be relevant today, and I would urge the government to have a look at it.

I commend the member for Mount Gambier for moving a similar motion in the other place. The difference between his motion and mine is that I have proposed a date by which a report should come back to us. We do not want this issue to get lost or to be ignored. I am hopeful that the government actually will work on this, giving it some priority because they tell us that #RegionsMatter. It would be good to see some proof of that. Even without this coming to a vote in this place this week, I hope that it will have some attention from the government.

I will also take the opportunity to indicate my intention to bring this motion to a vote on the next Wednesday of sitting. I think it is appropriate that a date is set and a time line put in place because regional residents deserve attention to this matter. It would be good for local residents, it would be good for the local economy and it would be good for the state. I commend the motion.

Debate adjourned on motion of Hon. D.G.E. Hood.

LEGAL PROFESSION, HARASSMENT

The Hon. C. BONAROS (17:31): I move:

That this council calls on the Attorney-General, within three months of the passing of this motion, to instigate an independent inquiry by the equal opportunity commissioner into the prevalence of harassment, including sexual harassment, in the legal profession in South Australia and to report to the parliament on the following matters:

1. The adequacy of existing laws, policies, structures and complaint mechanisms relating to harassment, including sexual harassment, in the South Australian legal profession; and
2. Improvements that may be made to existing laws, policies, structures and complaint mechanisms relating to harassment, including sexual harassment, in the South Australian legal profession.

And that the inquiry into the above matters include consideration of, but not be limited to, the following:

(a) identifying measures to implement policies and procedures to appropriately address the issue, including the development of clear and enforceable standards of appropriate conduct;

(b) considering the establishment of an independent complaints body as a mechanism for individuals to make complaints in a confidential and supportive environment with appropriate legal protections against recrimination;

(c) ensuring any independent complaints body:

  (i) has a diverse membership;

  (ii) is transparent in its processes;

  (iii) has appropriate investigative powers;

  (iv) consults widely with a broad range of stakeholders; and

  (v) provides for appropriate avenues of redress in the event a complaint is made out.

(d) consider any other relevant matters.

As we know, the reputation of the Australian legal profession is in absolute tatters following revelations that former High Court justice, Dyson Heydon, subjected six of his associates to sexual harassment. Just to put that into some sort of context, that is a judge presiding in the highest court

in the land being found to have sexually harassed his junior staff. It is reprehensible and abhorrent behaviour. It has opened a can of worms throughout the legal fraternity, with genuine, real fears that if a High Court judge has sexually harassed staff just how widespread is this problem?

That is why this motion is calling for South Australia's legal profession to be put under the microscope by a comprehensive independent inquiry into harassment, specifically including sexual harassment. Sadly, I think you would be hard-pressed to find a lawyer who at one time or another throughout their career has not been subjected to some level of harassment. I think you would be hard-pressed to find a female member of the profession who has not been subjected to some form of sexual harassment or whose staff have not been subjected to the same improper conduct.

That is a big statement. It is a huge statement, but frankly I know that I am not alone in recounting countless discussions, with women in particular, over what has come to be accepted in some ways as a norm in the profession. It is something I have experienced, my friends have experienced and many of our colleagues have experienced, and it is something that goes on unaddressed or that is swept under the carpet.

As has been reported, there is a vacuum within the legal profession that allows inappropriate conduct to go unaddressed. It is, as Professor Appleby from the University of New South Wales has highlighted, a professional culture many of us have lived and observed, a culture that tolerates sexual predation amongst other forms of inappropriate behaviour.

It is my firm view that a thorough and transparent inquiry, to be undertaken by the equal opportunity commissioner, Dr Niki Vincent, is imperative, following the disturbing revelation that an investigation commissioned by the High Court found that one of its own sexually harassed six young female associates when he was on the court. The community has every right to expect its lawmakers to be subject to the very same laws they make for everybody else. There should not be, and there cannot be, one law for the common person and another for judges or lawyers, or anyone else for that matter. As with MPs, the Equal Opportunity Act makes no provision for complaints of sexual harassment between members of the judiciary, and this is unequivocally wrong.

As I have said, the reputation of Australia's legal profession has been rocked, with the revelations that one of our former High Court judges sexually harassed six of his associates. It led to the Chief Justice of the High Court taking the unprecedented and bold step of issuing a public statement on behalf of the High Court. In her statement, Chief Justice Kiefel said:

> The findings are of extreme concern to me, my fellow justices, our chief executive and the staff of the court. We are ashamed that this could have happened at the High Court of Australia.
>
> We have made a sincere apology to the six women whose complaints were borne out. We know it would have been difficult to come forward. Their accounts of their experiences at the time have been believed.

The Chief Justice acknowledged one of the worst kept secrets, that the legal profession is rife with sexual harassment. The profession already had a bad name before the latest allegations surfaced. If we cannot expect it from the top of the profession, from a person who sits in judgement of others, the alarm bells are ringing as loud as they possibly can.

In South Australia, we know only too well that when a member of the legal profession chooses to speak out against sexual harassment they run the very real risk of being dragged through disciplinary proceedings for bringing their profession into disrepute. It taints, as I said previously in their place, their reputation forever, for something they did not ask for and something they are not to blame for. They are the victims, let's not forget that.

We cannot afford to continue to provide excuses for certain people occupying positions of power, and we certainly cannot continue to tell members of the legal profession, or any other profession for that matter, not to rock the boat because it may be detrimental to their career progression. We cannot continue to accept that this behaviour goes on unaddressed. We cannot continue to sit idly by as it happens. None of us should be above the law, but those laws must meet community expectations.

Today, more than ever, there is no question that an investigation into the professional body is absolutely required. We have reached a tipping point on this issue. As I have said before in this place, the standard you walk past is the standard you accept. Bullying behaviour is a troubling and

persistent feature of modern day legal practice. Gender imbalance continues to dominate legal offices and chambers, and we know sexual harassment is rife in the legal profession.

We know that women experience it more than men. We know that men are, more often than not, the culprits of that behaviour. We know that behaviour is not typically isolated; rather, it is more likely to be part of a pattern or a series of events. It is a conversation that has been going on and on for too long. We know it is a significant problem; something must be done. The Chief Justice of the High Court has confirmed the extent of the problem within her own ranks. It seems we cannot even expect restraint from the highest court in the land. If we cannot expect it from the top of the profession, from a person who sits in judgement of others, as I said before, the alarm bells should be ringing as loudly as they can.

In an open letter to the federal Attorney-General, Christian Porter, some 500 working female lawyers in the law called for substantive changes to protect members of the profession. In that letter they said:

> We believe the abuse the allegations raise provides an important opportunity to implement wider reforms to address the high incidence of sexual harassment, assault and misconduct in the legal profession. Deep cultural shifts in how men treat women in the law are required, as well as reforms to prevent the manifestations of what many fear may be institutionalised sexism that has allowed this culture to continue. We must reach a position where all people, regardless of their sex, sexual orientation, gender, gender identity, intersex status, age, race, ethnicity or disability, are treated with equal professional dignity. Of course, no single reform can achieve these shifts, and we understand many different forms of change must be pursued.

The signatories encourage the creation of an independent complaints authority, amongst other things. As we know, this issue is not limited to harassment of a sexual kind; in fact, it is not even limited to harassment. The profession is competitive and it is hierarchical. There are strong power gender imbalances in the workplace, and there are issues around all of those matters that I have just outlined in terms of status, age, race, ethnicity, disability, gender identity and sexual orientation.

On 26 June, the Law Society of South Australia praised the High Court for the manner in which it dealt with the recent allegations via a media release. The president, Mr Tim White, said:

> We hope it will give those in the profession who have been subject to sexual harassment the confidence to speak out, and for their complaints to be taken seriously and be subject to just processes.

He went on to say:

> The Law Society, through participation in and conduct of local, national and global surveys, and through the work of its various dedicated committees and taskforces, is acutely aware that sexual harassment is a significant problem in the profession across Australia.

We also know that a disproportionate number of victims are women in junior roles, and that harassment often occurs in circumstances where there is a power imbalance between the victim and the perpetrator. It is clear, too, that victims of sexual harassment often face an invidious situation where, if they speak out about the mistreatment suffered, they risk personal and career repercussions.

Mr White urged all practices to adopt the Law Council's diversity and equality charter, as the Law Society itself did in 2015. But I am afraid that words are not enough. It is a one-page document and it is simply not enough. Despite discrimination, bullying and sexual harassment being contrary to the solicitors' conduct rules and barristers' conduct rules, it still continues. This behaviour is rife. Despite there being a Legal Practitioner Conduct Commissioner and a Judicial Conduct Commissioner, it still continues. This behaviour is rife, and it needs to end.

In May 2019, the International Bar Association's legal policy and research unit delivered a report on sexual harassment in the workplace, titled *'Us Too? Bullying and Sexual Harassment in the Legal Profession'*. After analysing responses from almost 7,000 members of the legal profession, hailing from 135 countries, it was reported that one in three female respondents had been subjected to sexual harassment in their workplace. This compared to one in 14 males. Of the Australian responders to the survey, almost 30 per cent reported that they had been sexually harassed, compared with the global survey of 22 per cent.

The Australian Women Lawyers Association has written to the Law Council of Australia, the Australian Bar Association, the law societies, bar associations, legal professional conduct

commissions, law firms—all legal employers—seeking action. Former Prime Minister Julia Gillard, herself hailing from the profession, spoke at the International Bar Association in Seoul last year of her wish for all sexual harassment to be eradicated, just like the ink pot and quills of a bygone era. She said bullying and sexual harassment is not one horrible moment in time; it undermines a sense of self, corrodes confidence, can give rise to anxiety, depression, even suicide. Her suggestions for correcting legal workplace climate, based on the US research, included the establishment of an online reporting tool similar to what has been implemented in American universities.

The three options would include: firstly, lodging a secure and encrypted time stamps record that no-one else can access, preserving evidence for the future if the victim decides to take the matter further; secondly, they can hit 'send' on the report to instigate an investigation; and, the third option is to opt into a repeat perpetrator matching system to see whether they are part of a group. Offenders are commonly part of a group of more than one person. These are just some of the tools that an inquiry could consider.

The motion that I have, as you know, sets out a number of provisions which call for an investigation into, firstly, the prevalence of harassment in the legal profession, and that includes everybody in the legal profession, the sorts of policies, measures and practices that could be implemented to address that behaviour, and anything else that needs to be done, including the implementation or establishment of an independent body, which importantly could hear matters on a confidential basis in terms of addressing issues of harassment and sexual harassment in the workplace. Of course, the equal opportunity commissioner is well placed to undertake those investigations.

I close by indicating for the record that I have had discussions with the President of the Bar Association, Mr Hoffmann QC, and former SA Bar Association president, Mr Whitington QC, two eminent local silks who have indicated their support for the inquiry. Today, more than ever, there is absolutely no question—none whatsoever—that an investigation into the legal profession is absolutely critical. The equal opportunity commissioner and her team deal with this area of the law each and every single day. That is what they do, so it makes perfect sense that she undertakes such an inquiry.

I urge the Attorney-General to consider this motion favourably. It is what the community expects of this parliament, of this government and of her as our Attorney-General. As has been reported in the media, ripples from the sexual harassment allegations against the former High Court judge continue to spread. Other jurisdictions are taking note and they are acting accordingly. The complacency and complicity of the legal profession is now being challenged. There are deep cultural shifts that are absolutely required, and it is the right time for South Australia to follow suit. With those words, I commend the motion to the chamber.

Debate adjourned on motion of Hon. D.G.E. Hood.

HER MAJESTY'S THEATRE

The Hon. F. PANGALLO (17:46): I move:

That this council—

1. Acknowledges the contribution of Her Majesty's Theatre venue to the Australian and South Australian arts and the community;
2. Recognises the theatre's history, tradition and irreplaceable heritage value to this state and nationally;
3. Congratulates the Adelaide Festival Centre, Cox Architecture, Hansen Yuncken and the Department of Planning, Transport and Infrastructure on the stunning $66 million redevelopment of the theatre; and
4. Wishes Her Majesty's Theatre a long and prosperous future as an iconic theatrical venue.

It gives me great pleasure to introduce this motion to celebrate the latest reincarnation of one of our state's—in fact, the nation's—artistic treasures, Her Majesty's Theatre on Grote Street. The theatre has just undergone a $66.2 million transformation and it is simply, to borrow from its name, majestic, making it one of the finest venues of its kind in the country and indeed the world.

It is a Shakespearean-esque tragedy that it is yet to be formally opened and host a sellout audience because of the intrusion of the COVID-19 coronavirus. Performances by the State Opera and other musical theatre events have had to be put on ice for now. However, I am certain that any artist or ensemble who plays there once things return to normal will agree with my assessment: the facilities and the comfort for audiences and performers are second to none.

In June, I was given a tour of the newly completed theatre by excited and enthusiastic Adelaide festival theatre staff, including one of my former Channel 7 colleagues, Francesca Belperio. It was built in 1913 and is the last remaining vestige of the famous chain of Tivoli theatres. In those days, there were 2,170 seats, with 1,300 patrons having to sit on wooden benches—bums on seats risked getting splinters. There were three toilets: two for ladies and one for men.

Her Majesty's has had several name changes, from the Tivoli in 1913 to 1920 to the Prince of Wales Theatre until 1930. It then reverted to the Tivoli for the following 32 years, from 1930 to 1962. Then, for the first time, it became known as Her Majesty's Theatre until 1977. It was privately owned by the Waterman family over a period and was called The Opera Theatre from 1977 to 1988 because it was the home of the State Opera Company, and then it went back to Her Majesty's.

It has experienced crude transformations in the past which not only robbed the theatre of almost half of its original seats but its stylish architecture. Thanks to the vision of Adelaide Festival Centre CEO and Artistic Director, Douglas Gautier AM, the bold project to reinvigorate Her Majesty's back to the status it once commanded began in June 2018. The $66.2 million is money well spent, and kudos to the previous Labor government and the current Liberal government for their support for the project.

The redevelopment was designed by Adelaide-based COX Architecture with credit to architects and interior designers Adam Hannon and Zoe King. It was built by national construction company Hansen Yuncken, managed by the South Australian Department of Planning, Transport and Infrastructure, and the Adelaide Festival Centre. The project employed more than 150 construction workers at its peak and engaged a 90 per cent South Australian workforce, including specialist artisan contractors and local craftspeople.

While the building's heritage facade and eastern wall have been preserved, there is the stunning addition of the glass-fronted west wing. The theatre now features a 1,467-seat auditorium over three levels, with the Grand Circle returning for the first time in more than 50 years. As members in this place will discover when they get the opportunity to experience it, the attention to detail is captivating and most impressive.

I was extremely impressed by the fastidious workmanship applied, from the backstage to the luxurious and spacious royal red seating where there is an air conditioning vent under each one, the reintroduction of Edwardian touches like the impressive pressed metal ceiling, elegant architraves and mouldings. A standout is the stunning custom-built wood finish in the fittings, the curved railings of the balconies and two magnificent sweeping staircases in the main foyer area which required custom moulding, and painstaking patience and skill to achieve the breathtaking result.

There is a roof garden and an exhibition space for the Performing Arts Collection of South Australia. Backstage areas are extremely spacious and include a spacious mirrored and timber-floored rehearsal room. There is also a touch of showbiz superstition. You will not find the number 13 on any of the lush dressing rooms that will cater for even the most demanding star. The increased capacity, combined with more expensive backstage facilities, will allow Her Majesty's Theatre to host at least 50 extra performances a year and attract some of Australia's most popular touring shows and musicals.

The roll of honour, who have graced its stage, oozes showbiz royalty, both Australian and from far and wide abroad. If only those walls could speak, the stories they could tell would be rich in content and candour. In fact, one wall does speak in a way. There is the famous signature besser brick wall that was disassembled over nine days from its original position and then repositioned brick by brick backstage. It contains signatures and messages scrawled by so many who trod the boards there. They will bring smiles, laughs and even some blushes.

Allow me to read one or two that I noted down on my visit. Barry Humphries, who wowed and charmed Adelaide's blue rinse set as the sparkling tinsel-dressed and gladiolus-chucking Dame Edna Everage on 20 November 1993, wrote:

Look at me when I'm back on the wall! Fond memories of three decades.

There was also this tongue-in-cheek note:

27 January 1913. The first farewell tour. Best audiences and crew ever.

Barry is in his fifth decade and hopefully we might see a return of that farewell tour. In fact, I could not think of a better person to officially open the new theatre than Barry Humphries or his alter ego Dame Edna, but certainly not that gregarious lecher Sir Les Patterson. There was this quote from American star actor and comedienne Whoopi Goldberg: 'When I get back we'll all have a bickie or two and watch *Dynasty*.' That was a reference to the hit TV show at the time she was there.

There is a gentle tickle of the ribs from two of the biggest British TV stars of the seventies: tough guy Edward Woodward from TV's *Callan* and *The Equalizer* fame, and Michelle Dotrice from the hit comedy *Some Mothers Do 'Ave 'Em*. They appeared in one of the most popular stage shows staged there, *The Male of the Species*, in 1975, which I was fortunate enough to see. Michelle boasts about getting top billing ahead of Woodward, who then wrote, 'Lang may yer lums reek'. I hope I have got that right. It literally means, 'Long may your chimney smoke,' and is a traditional Scot's wish for a long life and prosperity used primarily as a toast when drinking or as a farewell.

The gossipmongers on the British tabloids had a field day with their relationship at the time, and Her Majesty's most likely accelerated the romantic spark that led to their eventual marriage, lasting 22 years until, sadly, Edward's death in 2009. Edward Woodward loved Adelaide's art culture. I interviewed him when he returned in 1979 to work on Bruce Beresford's acclaimed and Oscar-nominated SA Film Corporation production *Breaker Morant*, where this time he could boast top billing in the title role.

The foyer and bar areas are a dizzy walk of fame. Tiles inlaid with gold plates engraved with the galaxy of stars who have been there, plus one other: a stagehand called William Fischer, who had the grave misfortune of falling to his death onto the stage on opening night of 5 September 1913. Talk about breaking a leg on the glitzy opening night! Theatre folklore has it that Bill's ghost may still be heard rattling through the place.

Gazing at the tiles brought back so many memories for me that I had forgotten just how many shows I had the pleasure of seeing there. One of my first shows was the acclaimed flamenco guitarist Paco Pena and the last was an episode of the ABC's *Q+A* that was recorded there in 2017. Allow me to give a short roll call that covers a variety of artistic fields that you will see on those plaques. We can start with W.C. Fields. He may not be as well known to today's millennials but he was a huge early Hollywood star playing opposite that blonde femme fatale Mae West. But in 1914, at the start of World War I, he made his way here as a vaudevillian juggler and comedian.

Other names include Sir Robert Helpmann, Luciano Pavarotti, Dame Joan Sutherland, Rudolf Nureyev, Roy 'Mo MacCackie' Rene, Slim Dusty, Bill Haley and His Comets, Dame Judi Dench, Marcel Marceau, Sir Michael Redgrave, Sir Keith Michell, Dame Maggie Smith, Angela Lansbury, Dionne Warwick, Nancye Hayes, Googie Withers, Kamahl, Jimmy Barnes, Dave Allen, Warren Mitchell, Spike Milligan, Guy Sebastian, Lauren Bacall, Glenn Shorrock, Rowan Atkinson and Garry McDonald. Even Sir Donald Bradman and acclaimed aviation pioneers Sir Ross and Sir Keith Smith were feted there. I could go on of course.

Sitting suspended from 17:59 to 19:45.

The Hon. F. PANGALLO: Before the dinner break, I was going through the great names that have performed at Her Majesty's Theatre. I wanted to make special mention of three local identities who have always kept the flame burning at Her Majesty's Theatre. The late Dame Ruby Litchfield, who was the first woman appointed to the board of the Adelaide Festival Centre Trust, was a leading light in the community.

There is Adelaide vaudeville legend Phyl Skinner who, I am told, is actually the last surviving Australian vaudevillian. She turns 99 in September and is apparently threatening to make a

comeback to the stage that she has graced more than any other artist. I am sure that if she did do that and it happens, and I hope it does, it would bring a tear to the eye of anyone who will be there that night.

I also mention ABC radio host and a thespian himself, Peter Goers, who is a strident supporter of the venue, which he lovingly calls the 'miracle of Grote Street'. Amen and women. Peter is a beacon for our vibrant arts community.

The Hon. I.K. Hunter: A living legend.

The Hon. F. PANGALLO: Absolutely. There is a sense of deja vu or history repeating itself with the current COVID-19 pandemic and lockdowns that have prevented the theatre from operating at full capacity. It has impacted greatly on those working in the arts community. During the Great Depression years from 1929 to the mid-1930s, theatres were closed right around the nation. Not only did they have the battle of people with no money and more than 30 per cent unemployment but the state government at the time, in their wisdom and attempting to survive, put an entertainment tax on tickets, which also did not help, nor would it have gone down well. Let's hope the current situation does not last as long.

Performances with restricted seating arrangements will recommence with the State Theatre Company's season of *Gaslight* from 4 to 19 September, with more shows to be announced soon. In the meantime, Her Majesty's Theatre is ushering in a new era with guided Curtain Up public tours that I am sure will be well received. Soon I would envisage that Her Majesty's will be a priority induction into the Adelaide Music Collective's South Australian Music Hall of Fame. I commend the motion to honourable members.

Debate adjourned on motion of Hon. I.K. Hunter.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: USE OF OFF-ROAD VEHICLES

Adjourned debate on motion of Hon. N.J. Centofanti:

That the fifth report of the committee, on an inquiry into the use of off-road vehicles in South Australia, be noted.

(Continued from 17 June 2020.)

The Hon. M.C. PARNELL (19:50): I do not serve on this committee but I do pay attention to its work. This was a self-initiated report, so presumably it arose from the personal interests of committee members or perhaps it was suggested by stakeholders. Regardless of how the inquiry and report came about, the result is very disappointing. Despite the opportunity that was presented to the committee to offer some real reform for the protection of the environment, this report simply continues the decade's old tradition of kicking the can down the road, or in this case, kicking it down the beach.

It seems to me that the committee has capitulated to the off-road lobby and completely ignored the verified, documented environmental impacts of what is effectively an unregulated industry of driving off-road vehicles on beaches and in coastal areas. I say 'effectively unregulated' because, of course, there are regulations; it is just that they are very often ignored and very rarely enforced.

Given the comprehensive evidence that was received by the committee, I expected that they would have recommended a complete ban on driving off-road vehicles on certain identified beaches in South Australia, and in certain identified coastal areas. Instead, they squibbed it. A statewide code of conduct simply does not cut it. As the committee itself acknowledged, the vast bulk of off-road drivers are not members of clubs, not bound by their codes of conduct, and do not participate in their training programs whether they be based on skills or based on ethics. A code of conduct simply will not cut it.

Off-road vehicles are causing a huge amount of harm in sensitive environmental areas and there is no return other than the short-term thrills of a relatively small number of four-wheel-drive

owners. The committee was told clearly which beaches were most affected yet there were no site-specific recommendations made in the report.

I will give you a couple of submissions. One was from the Louth Bay Coastal Action Group, and in their submission they say:

> Years of rehabilitative community work is often undone within minutes and community members have no authority with whom they can work with to ensure protection of coastal areas.

Further in their submission, they said:

> The degradation of the dune system has been obvious over the last 10 years. Added to the seemingly more extreme weather events, ORVs [off-road recreational vehicles] are attempting to drive higher up the beach, particularly at high tide. The encroachment onto the remaining vegetation and its subsequent loss has resulted in the collapse of most of the remnant dunes, and allowed seawater to breach the area behind the dune system. This has also resulted in the loss of a safe breeding zone for shorebirds such as our Hooded Plovers, Red-Capped Plovers, Sooty and Pied Oystercatchers, and Crested and Fairy Terns.

This bit in the submission got to me the most:

> All four of our monitored Red-Capped Plover nests have been destroyed by vehicle impact over the past five weeks alone.

They only found four nests. They only monitored the four nests that they found. All of them were destroyed by four-wheel vehicles on the beach and in the dunes. Another submission was from the Australian Coastal Society:

> It is the view of the ACS [Australian Coastal Society] that the current regulatory framework is woefully insufficient to manage ORV use in coastal environments. It recommends a range of measures including the following:

There is a long list but the first dot point is:

> - Careful consideration of legislative approaches that have proven successful in other Australian states, including a state-wide ban on the use of ORVs in the coastal zone.

There are many other submissions. I am not going to refer to them all or read them all, but I will refer to a couple, including the Friends of Shorebirds SE (South-East). This is a group of volunteers who work towards the conservation of migratory and resident shorebirds. Their emphasis is on physical protection works, as well as education and other sorts of programs. They are based in the South-East. They point out the impact of ORVs in their neck of the woods. They say:

> The direct crushing of eggs and/or chicks during the breeding season of beach nesting birds [is a major impact]. The South Australian coastal and inland sites are used by a number of species including…

There is then a similar list as before: the vulnerable hooded plover, the rare Australian pied oystercatcher and sooty oystercatcher, the endangered fairy tern and little tern, plus the red-capped plover, crested tern and Caspian tern. They go on about the disturbance to feeding and roosting sites.

A number of submissions included quite graphic photographic evidence of the impact of off-road vehicles on the environment: on beaches and on shorebirds in particular. They also pointed out some things that would not be apparent unless you were someone who studied birds: the wheel ruts created in sand by off-road vehicles provide nice sheltered spots for birds to shelter in. There were photos of the birds all sitting in the wheel ruts, effectively waiting for the next four-wheel drive to come along.

Other submissions that I thought the committee should have paid much more attention to certainly include the submission from Birdlife Australia and the submission from Birds SA. As a matter of disclosure, I will admit to being a member of both of those organisations. It was the submission from Birds SA in particular that included a large number of photographs showing the impact on places such as Long Beach at Coffin Bay.

I know that in this chamber we have former ministers for the environment. The issue of driving off-road vehicles on Long Beach at Coffin Bay has been around as a controversy for decades, yet we still have a parliamentary committee that had the opportunity to look at this issue and make a recommendation and it did no such thing. I think that I understand why. It is because the Friends of

Shorebirds, which I mentioned before, a pragmatic bunch down in the South-East, said in their submission:

> While the total removal of ORV's from South Australia beaches is considered to be a politically impossible outcome it is certainly recommended that the State Government, in conjunction with local councils and DEW develop and implement legislation and by-laws which stipulate areas where:
>
> - ORVs are permitted without restriction
> - ORVs are permitted, subject to specific rules
> - ORVs are not permitted.
>
> In addition that the responsible authorities…[should properly] enforce these restrictions and impose penalties for non-compliance where required.

The part of that submission I want to draw your attention to is that they considered it to be politically impossible, and that shows you the power that people realise the four-wheel drive, or the off-road lobby, has. My point is that I am disappointed that this particular parliamentary standing committee was given the opportunity to make some recommendations that favoured the environment for a change over recreational vehicle use and they squibbed it.

Whilst I certainly will not be opposing the motion to note this report, my note is that it is disappointing. I think that particular committee does have a proud tradition of excellent reports. I think of their report that related to the gas industry. They quite rightly pointed out that in the South-East there was no social licence to operate. They named it and, as a result, the law changed, but when it comes to off-road vehicles, this committee on this occasion has squibbed it.

The Hon. R.P. WORTLEY (19:59): I stand up this evening to speak to the fifth report of the Natural Resources Committee inquiry into the use of off-road vehicles in South Australia. The Natural Resources Committee self-initiated this inquiry into off-road vehicles in South Australia in June 2019. What we sought to do was to inquire into and report on the efficacy of the current legislative and regulatory framework, impact on the environment, particularly the coastal areas and protected areas, the impact on the state in areas such as tourism, recreation, land rehabilitation and loss of biodiversity, and other related matters.

Submissions ranged widely across the matters envisaged by the terms of reference. The inquiry received 34 submissions and heard evidence from a significant number of witnesses. Those who made submissions or who were witnesses include:

- Birds SA;
- BirdLife Australia;
- Friends of Shorebirds, South-East;
- a significant number of local councils;
- the Toyota Landcruiser Club;
- DPTI;
- the Coastal Protection Board;
- Friends of Louth Bay;
- Friends of the Simpson Desert Parks;
- Four Wheel Drive South Australia;
- the Aldinga Washpool and Silver Sands Heritage Group;
- National Parks and Wildlife SA;
- Friends of Innamincka Regional Reserves; and
- the Subaru FWD Club of South Australia.

This is not an exhaustive list but they are the ones that come to mind at the moment. The current inquiry is the first undertaken at state level and has illuminated the complex issues raised as part of the inquiry.

The last time there was a relevant inquiry it was the 'Off-road vehicles: impact on the Australian environment/third report of the House of Representatives Standing Committee on Environment and Conservation, March 1977', so it has been a long time since there has been a look at this issue. The issues raised were as follows:

- the growing number of people who are participating in off-road vehicle use and the spin-offs for tourism, and the economic activity that it brings;
- the impacts of off-road vehicles on safety, amenity, protected areas, cultural heritage, coastlines and fauna;
- the framework used to manage off-road vehicles in South Australia; and
- the innovative options for managing the impacts of off-road vehicles.

The outcome of this inquiry was never going to please everyone, as we saw with our friend, the Hon. Mr Parnell, and I understand that. When you are trying to balance the interests of stakeholders and the interests of various people on the committee, there is always going to be someone who is not happy.

We have put quite a number of recommendations, including that the government:

1. Encourages the development of appropriate infrastructure to support off-road vehicle use in South Australia, such as public-private sector partnerships in dedicated four-wheel drive parks, and/or further investigates the potential to allow off-road vehicle access in plantation forests.

2. Develops a code of practice—I know the Hon. Mr Parnell would like legislation and no doubt that would be much more effective—in partnership with local governments, relevant statutory authorities, First Nation stakeholders and landscape boards and stakeholders, that would apply statewide, to set standards for off-road vehicle use in South Australia and explain the importance of protecting locally significant places.

3. Implements education and monitoring of the requirement, notwithstanding applicable speed limits, for vehicles driving off-road to travel safely according to all of the prevailing conditions.

4. Further investigates the introduction of a permit system for off-road vehicle use in South Australia, such as exists in other states.

5. Undertakes an inventory in partnership with local government to identify areas that would be prohibited either seasonally or permanently, areas which could be opened for limited use, and areas where environmental impacts are likely to be lowest.

6. Supports local governments and relevant authorities in accessing and applying funding for place-specific initiatives such as increased signage and remediation projects.

While the recommendations may not please everyone, I will say there were a significant number of submissions and witnesses for whom environmental impact was a major concern. Hopefully, the recommendations we have put up will go some way to ensuring the environment is protected. I support the noting of this report and look forward to seeing a response from the minister.

Motion carried.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: ABORIGINAL LANGUAGES IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That the report of the committee on Aboriginal languages in South Australia be noted.

(Continued from 3 June 2020.)

The Hon. J.S.L. DAWKINS (20:05): I stand tonight to firstly note that my Legislative Council colleagues on the committee, the Hon. Tammy Franks and the Hon. Kyam Maher, support this motion

but did not wish to delay the business of the chamber. I think they were also very supportive of me putting on the record, as I conclude this motion, that there has been quite a bit of community interest in the report from within Indigenous communities and certainly across non-Indigenous sections of South Australia and beyond.

I was pleased that InDaily did quite a comprehensive coverage of the work of the committee. I also had the great pleasure one evening recently of going on ABC radio Adelaide with Peter Goers to talk about Aboriginal languages at some length. With those words, I commend the motion to the chamber.

Motion carried.

Bills

DISABILITY INCLUSION (COMMUNITY VISITOR SCHEME) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 June 2020.)

The Hon. T.A. FRANKS (20:07): I think it is safe to say that many South Australians are still reeling from the death of Ann Marie Smith. As we continue to unpick the systems and the circumstances that allowed for this to happen, we have now had the Safeguarding Taskforce provide their interim report, which has identified, amongst other things, that there are gaps in undertaking proactive visits to vet the performance of service providers.

I would also note that the task force has raised concerns around significant parts of the bill that we have before us today. While they do agree that the role of the community visitors should be looked at, changes should not be rushed. I also note that the task force is due to report at the end of this month, some mere days away.

While I appreciate the sense of urgency with which the members of the opposition have put forward this legislation, I also feel there is quite significant merit in listening to the task force, which is due to present that final report in coming days. Regardless, this bill is coming to a vote today, and so today I indicate the Greens will be cautiously supporting this legislation.

However, we do have some serious concerns that we believe need to be addressed, so we will be moving a series of amendments that we circulated earlier this week, and their success will be reflected in our third reading vote on this bill. The Greens' amendments to the bill are based on the concerns raised by stakeholders but also particularly the issues raised with the bill by the Law Society. I note that the Hon. Clare Scriven also has an amendment relating to the definition of 'supported independent living premises'.

In brief, the Greens' amendments remove provisions relating to warrants. The rationale for this is that stakeholders, people with disability, the Law Society and certainly in my communications with our federal Greens spokesperson on this, Senator Jordon Steele-John, have raised quite significant concerns around the privacy and rights of people with disability should the bill remain in its current form.

There are serious concerns about people—often volunteers, it is worth remembering—who can be given warrants to enter private residences. This is an extraordinary power that we cannot support within the bill as it currently stands. As stated by the Law Society in point 12 of their submission, it is important to note that community visitor schemes were originally established under the Mental Health Act and were designed around visits occurring in institutional settings, like hospitals and mental health facilities.

As such, the society suggests that continuing to use community visitors as the predominant way to safeguard people with disabilities living in the community in their own homes, requires a more detailed consideration of how statutory powers to visit and inspect are balanced with people's rights to privacy and to be out in their community. Certainly in conversations I have had with other stakeholders and people with lived experience, the privacy and dignity of people with a disability was a significant concern raised around this approach when it came to the issue of warrants.

I am deeply uncomfortable with the idea of volunteers being granted warrants to enter people's private residences, and that is why the Greens have sought to amend the bill to remove those provisions. Our amendments would also seek to establish a register of supported independent living premises. Again, this is raised on the concerns and issues raised by the Law Society in their submission, noting a lack of clarity around supported independent living premises in this setting.

We also would enable, as the Law Society has suggested, neighbours to refer matters to the Community Visitor Scheme. The rationale for this is that, as the bill currently stands, it actually does not capture the scenario where people are isolated in the community, as Ann Marie Smith was. It would not allow for her neighbours to contact the Community Visitor Scheme. Point 24 of the Law Society's submission states:

> The Society is concerned that proposed ways for a Community Visitor to discharge their functions (i.e. conduct visits) are limited in scope, in particular that they do not allow for a neighbour or bystander to request a visit. Section 24E(1) is very much limited to the person with a disability or someone close to them [a family member for example or a friend] requesting the visit. Therefore, it seems the proposed model is unlikely to capture scenarios where people are isolated in the community, like Ms Smith was.

In point 26, they have certainly suggested an amendment to address this issue to expand section 24E(1) to enable, in their suggestion, bystanders or neighbours to refer matters to the CVS, and we have taken up that in part.

We also have amendments to create a statutory requirement for the Principal Community Visitor to refer matters to the Commissioner of Police, the Ombudsman, the Health and Community Services Complaints Commissioner and, of course, the NDIS Quality and Safeguards Commission, where there are incidents of abuse, neglect or exploitation. These are rightly the places where these complaints should be going, not to volunteers.

The rationale is based on several recommendations again from the Law Society. Currently in South Australia, beyond first responders, such as child protection and SAPOL, and no doubt ambulance officers, as was the case here, there is no specific overarching legislative framework to protect people with disabilities living in the community who experience violence, abuse, neglect or exploitation. The society has called for greater powers for the community visitor to be able to respond to those incidents of abuse, neglect or exploitation and we have taken up that call with our amendments.

Ensuring that reporting to the minister who has no other responsibility for disability services or community care is not actually acceptable. At the very least, the Principal Community Visitor should have a statutory requirement to refer matters to the Ombudsman, the Health and Community Services Complaints Commissioner and SA Police. In particular, we have taken that further, extending that Principal Community Visitor's mandatory reporting requirement to include the NDIS Quality and Safeguards Commission.

We have also finetuned that reporting requirement for the police to be the Commissioner of Police as opposed to SAPOL. Given this is a high-level statutory obligation, it should be formalised rather than being a simple phone call to the local police station. I note as well that coming out from the discussion around this legislation other concerns have been raised about the adult safeguarding unit and the jurisdiction in which that particular act now applies and its transitional provisions.

However, I also note that there is an Ageing and Adult Safeguarding (Disapplication of Transitional Provision) Amendment Bill, which, of course, is in a different portfolio from the one we deal with tonight. Those transitional provisions have been identified also in other forums as in need of attention. I understand that the government could in fact possibly take action on that without the necessity for parliament to be changing the act itself but indeed by regulation.

The transitional provisions, while well-intended at the time they were introduced, have been proven to cause unintended delays in people receiving very necessary protections. I note in particular and thank a former member of this place, the Hon. Kelly Vincent, for her work in putting those issues on the agenda of adult safeguarding and working quite closely with the now Minister for Health and Wellbeing, then the shadow, the Hon. Stephen Wade.

We look forward to the committee stage of this debate. The death of Ann Marie Smith has touched us all, no doubt. The fact that, in such a well-heeled suburb, somebody could live in such a

condition should be a shame to all of us. However, to apportion blame where it is not appropriate helps no-one, so we will not buy into those arguments. We will seek to do the best we can for the future and ensure that this parliament focuses on addressing the real issues and ensures that the Ann Marie Smiths of this world are not used as political footballs.

The Hon. C. BONAROS (20:16): Can I start by echoing the sentiments that have just been expressed by the Hon. Tammy Franks. I think it is extremely disappointing that this issue surrounding Ann Marie Smith's death has become a political football in this place. I think it is extremely disappointing that, when attending briefings on this bill, the rationale and justification for it was that if we had this scheme up and running then we may not have ended up with those tragic circumstances on our hands. I am extremely disappointed in the way that this issue was politicised, particularly throughout the course of the discussions that took place in relation to this bill.

Frankly, I do not shy away from telling anyone in here, just as I told the member from the other place who introduced this bill, that this bill would have done zero to assist Anne Marie Smith. The suggestion that a volunteer scheme would have somehow prevented her death is—I do not even know what the word is. I found it completely and utterly unacceptable that the member could make those sorts of assertions when we attended our briefings. We are talking about a scheme in this bill that relies entirely on volunteers. There is nothing in this bill that changes that. There is no magic provision in this bill that requires the government to go out and sign up volunteers.

I understand that there are currently about 40 volunteers. Despite the feedback provided to me at one of my meetings with the member, there is zero in this bill that would result in the government giving any sort of undertaking in terms of going out and signing up additional volunteers to a scheme that is 100 per cent reliant on volunteers. It is not like the CFS, as was put to me. We are relying on the goodwill of people who are happy to be part of a scheme where they pay visits to people in their homes and may make reports if they see or witness things that are inappropriate or questionable or that concern someone's welfare.

I have to say that the one thing I am pleased to see is that the opposition has seen some sense and dropped the proposal that a warrant could be executed to enter into a private home, which I considered completely unacceptable and would have been reason enough for us to completely reject this proposal outright.

None of us want to see anybody fall through the cracks. Absolutely none of us wanted to see what happened to Ann Marie Smith and none of us want to see a repeat of what happened to Ann Marie Smith. For my part, instead of relying on a volunteer scheme, I think where our focus ought to be is relying on a well-funded and resourced scheme that provides some safeguards for individuals who are living in situations and in circumstances similar to Ann Marie. I do not think it is appropriate that we rely on volunteers in our community to pick up on issues like that.

Not one person, as far as we are aware—not one member of the public, not one neighbour, not one family member, nobody as far as we are aware—reported any incidents or made any complaints regarding Ann Marie Smith. That does not change just because we are introducing a bill for a community visitor scheme. That does not change the fact that not one person picked up on the fact that Ann Marie Smith's life was in grave danger, and that danger ultimately resulted in her death.

I am extremely disappointed at the level of blame that I think has been inappropriately levelled in this debate. I am extremely disappointed that this bill has been used as a political football when we know that it would not have done anything to prevent those tragic circumstances that resulted in Ms Smith's death. I am extremely sorry that we are still here, talking about this issue in this context.

My position in relation to this bill remains the same. I acknowledge the work of the Hon. Tammy Franks to make this bill better. They are amendments that SA-Best ultimately supports but, frankly, I am not sold on this as the answer that the opposition is selling it as. I do not think that this provides the safety net that we are all looking for.

We do not need to be relying on volunteers. We want well-resourced, well-funded processes and programs in place to ensure that people are safe. There is no place for a reliance on volunteers to provide those services. The opposition will argue that in this instance, given that we have dropped

the issue of the warrant, this is an opt in scheme and those individuals who want to opt in can opt in and they will have the benefit of having somebody visit them in their homes.

That is all well and good, but there is no magic wand that will be waved that will see that number of 40 increase to 400 or 450 or 500 or 1,000 volunteers across the state and will somehow make the problems that exist today, the problems that have been highlighted as a result of Ann Marie Smith's death, go away.

My feedback to the opposition would be that if this is the best you can come up with then perhaps we ought to use the winter break to come up with something more workable, more reliable, and with real teeth that will actually provide the safety net that we should all be looking for in this instance. I just do not think that this bill provides that.

SA-Best does not intend on standing in the way of this bill passing here, if that is the will of the opposition, but I will put money on it and I will bet—I am not a betting person, but here we go—right now that this bill will not see the light of day if it passes this chamber. I think that it is incumbent on the government and on the minister to come up with a better scheme that actually addresses the sorts of issues that we have been dealing with as a result of Ms Smith's death. For my part, this bill does not do that.

As I said, we will not stand in the way of the passage of the bill. We will support the amendments that the Hon. Tammy Franks has introduced, because I think that they are well-intentioned and I think that they are designed to go some way towards addressing the concerns that we have raised over and over at meetings. Again, I do not think that this is the response that we ought to be looking at in response to the death of Ms Smith and in response to the most vulnerable members of the community who are falling through the cracks.

They are falling through the cracks because of various issues, and in the most tragic of those circumstances it does result in people losing their lives. A visitor scheme by volunteers is not the solution to that problem, so I implore the government to go away and have a good long think about what it is we ought to be doing to ensure that there is no repeat of this in South Australia.

The Hon. J.M.A. LENSINK (Minister for Human Services) (20:25): I rise to place some remarks on record in relation to this bill, which the government is not able to support. Indeed, I believe it is premature that it is being called to a vote today. As other speakers have noted, there is an interim report from the Safeguarding Taskforce, which we established within days of learning of the tragic death of Ann Marie Smith. We sought the expert advice of people with lived experience and people who have worked in the sector for decades, to come up with some solutions for safeguarding that we want to be lasting and genuine responses to what has shocked all South Australians.

This has been quite a bitter debate for me. I share the concerns of other speakers at the tone of the opposition, who have clearly seen this as a media opportunity. Their response has been through instruments of the parliament, through legislation. They have not participated in the task force in terms of providing them with ideas, and in my belief they are completely disingenuous.

I would be interested to know who the opposition has consulted with in terms of this as a particular model going forward. I believe it contains a number of flaws that have been identified by other stakeholders, including the Law Society, and it has been held up as a way to safeguard South Australians with disability. There are 5,500 people who have been identified by the NDIS as being vulnerable NDIS clients. As the previous speaker has mentioned, there are 40 volunteers, as has been the constant situation with the Community Visitor Scheme, so the logistical problems with that, I think, speak for themselves.

There are other issues that I wish to go into for the benefit of honourable members. The Principal Community Visitor is established under the Mental Health Act of 2009. As I have mentioned previously in this place, I moved those amendments on 30 April 2008, I think it was, to establish that in the Mental Health Act, following the Ian Bidmeade report, and the former government opposed those amendments at the time. Community visitors have their origin in providing safeguarding for people in institutional situations. That has always been the intention, and that is reflected in the way they have been crafted.

The disability community scheme was introduced by the former government in 2013. It was enabled to be enforced because the government had funding agreements with a range of those disability services providers, not through statute, but those providers were obliged to cooperate with the Community Visitor Scheme because of those arrangements.

Where we are today: following the implementation of the National Disability Insurance Scheme, the Quality and Safeguards Commission is legally responsible for the quality and safety of NDIS services and the safeguarding of participants. The scope of the CVS has always been limited to disability services either provided by or funded by the state government under the Disability Services Act. The CVS ceased visits to non-government disability accommodation in May 2019 as they were no longer funded by the state and therefore outside the statutory scope of the scheme.

This government decided to extend the role of the CVS to include people under the guardianship of the Public Advocate who receive services because we believe those people are amongst the most vulnerable in our state. Visiting people in their privately owned homes, even by invitation, has never been within the legislative scope of the scheme, and the disability CVS has never had coercive powers or right of entry to properties.

In 2018, the former government sought Crown advice on the role of the CVS because of the transition to the NDIS. The advice received, which has been confirmed on multiple occasions, was that the NDIS Act has covered the field in the area of safeguards, and therefore South Australia cannot legislate to provide those powers to a Community Visitor Scheme in relation to NDIS-funded services. The advice has been tabled in one of the parliamentary committees, so it is available. I quote from it as follows:

> Following the commencement of the NDIS Safeguards Commission Bill on 1 July 2018, there is a significant risk that state legislation purporting to create a Community Visitor Scheme with coercive powers to enter properties operated by registered NDIS providers would be inconsistent with the NDIS Act and invalid.

That means that if the scheme is invalid, all those volunteers are potentially exposed in terms of their insurance risk and other concerns that I will also go into a little bit more detail.

To go back a little bit, earlier this year the Disability Reform Council commissioned some work from WestWood Spice to determine how the set of Community Visitor Schemes that operate around Australia—and they are not uniform and do not operate in every jurisdiction—should operate going forward because that is one thing that the DRC does. It tries to look at these things in a uniform manner.

There is certainly a strong inclination that quality and safeguarding should be nationally consistent across Australia, so that was commissioned. It was the view of the South Australian government, particularly based on our advice, that the WestWood Spice report needed to consider that legal position. We have been concerned consistently that that legal position has not been considered. The report looked at things from a policy point of view rather than considering that as well.

That report was provided to me late last year and not long after that—because it did not answer the central question, which is what should happen in a governance sense with the Community Visitor Scheme going forward—I sought the advice of Dr David Caudrey, our disability advocate, as to how the South Australian Community Visitor Scheme should operate in this environment where things have significantly changed.

I would like to talk a little bit about the WestWood Spice report, which was published in December 2018 and made public probably 12 months later. It acknowledges that the role of Community Visitor Schemes is changing because of the changing landscape of the NDIS. The report states:

> Review feedback suggested that although community visiting is widely supported and highly regarded in all the jurisdictions, the advent of the NDIS means changes are required to current arrangements.

It confirms that the Quality and Safeguards Commission is the independent body responsible for abuse and neglect, and again I quote:

> For the first time under the NDIS Commission there will be one external organisation with responsibility for complaints relating to disability service providers used by NDIS participants, registered and unregistered, as well as

reportable incidents. The NDIS Complaints Commissioner will receive complaints relating to breaches of the NDIS code of conduct, as well as matters relating to service quality, violence, abuse and neglect.

CVS are part of the safeguarding landscape, but their role is different from the Quality and Safeguards Commission, and in the hierarchy of the parts of the system the Community Visitor Scheme is not the first line of defence. Questions were raised by WestWood Spice about whether the CVS has prevented abuse, and I quote again from the report:

> Feedback on the CVS from stakeholders was consistently very positive in all states and territories. However, it is hard to measure the impact of such schemes. There is no data on abuse which has been prevented, or good practice which has been encouraged, and there is no general evaluative data available to draw on this for review.

It also reports that the schemes concentrate on what you might call lower level issues, that being not those matters of abuse and neglect. I quote again:

> It is important to note that many issues raised with the CVS are not complaints that would require referral to the NDIS Commission. The vast majority of matters raised by community visitors are resolved locally by the services and are not escalated.

It gives examples of equipment: washing machines, benchtop heights, and so forth. The report also talks about the role of CVS in capacity building, which is important as people with disability shift more towards self-advocacy, and that is something I have talked about in this parliament previously.

It also identifies what I think is quite important, and I think members of the Safeguarding Taskforce certainly were acutely aware of this as well, namely, that CVS can be paternalistic and counter to the goals of choice and control—choice and control being that language that is so important in the NDIS legislation.

It says as follows, that the NDIS promotes contemporary understanding of disability equality; its starting point is the CRPD, which is the Convention on Rights of People with Disabilities, and its human rights based foundation. This highlights the need to (a) assume capacity, (b) seek consent, and, (c) support decision-making. It says that, because of some proposals about potentially entering private homes:

> The powers of community visitors to enter all visitable homes—

that would be all NDIS, I am assuming, clients—

> without invitation and to access all areas, including personal files and records, could be perceived as running counter to this.

As I said, the central question of whether the commonwealth should take over the running of the CVS or not, which is something the state government certainly had assumed, was silent on that matter, which is somewhat frustrating because, given that the governance of these matters has shifted to the commonwealth, that would be the logical place for it.

The South Australian government asked Dr Caudrey to review the scheme, and we did that early this year. The Safeguarding Taskforce has a copy of the legislation and is considering it. In relation to coercive powers, one of the guiding principles of the NDIS is to enable people with disability choice and control over their lives.

This legislation seeks to take that choice and control away from individuals living with disability, and I understand there are amendments which would address these issues. However, the bill as has been tabled gives coercive powers and rights of entry to the CVS, including the use of a warrant, into people's private homes. Any proposal that has unintentional consequences on the rights of people living with disability must be thoroughly consulted with people with lived experience.

The Safeguarding Taskforce is already working on the core issue this bill seeks to address. This task force has lived experience and has not just quickly put together a bill, as the Labor Party has. They have been consulting very widely and very deeply. We must not intentionally strip away the rights of people living with disability that they have worked so hard for by rushing through a piece of legislation through this chamber. I note that the Law Society has suggested that a number of amendments are required to improve this bill. Their advice is silent on the Crown Solicitor's advice, which I think is interesting given that it is a central question.

I would go back in history a little and point out that in 2013 the former Labor Party government made the decision to transition the CVS funding as part of its then $723 million of indexed contribution for the CVS to the NDIS. There are now 35,000 South Australians accessing the NDIS, 5½ thousand of whom are considered vulnerable. One of the awkward things I think that we need to refer to in this legislation is also to revisit the issue of Oakden and the role of the Community Visitor Scheme in Oakden.

The ICAC inquiry report into Oakden was not, unfortunately, flattering of the Community Visitor Scheme. It reported that the Community Visitor Scheme had missed the abuse that was widespread and over a long period of time in the Oakden facility and described it as an exceptional facility with exceptional staff. As much as it pains me as the person who legislated for this scheme to be placed into statute with the very noble aim of trying to reduce that sort of abuse and neglect, I think we do need to bear that in mind.

As the Hon. Connie Bonaros has pointed out, we are in fact talking about volunteers, well intentioned as they may be. It depends on how many times people were to visit individuals, the sorts of behaviours that they may well detect over a longitudinal period of time, whether they notice things of a physical nature, as has been stated in the WestWood Spice report, or indeed whether they would notice those other signs of abuse and neglect.

I would like to return to the Crown law advice that was provided on 14 March 2018 because I think this also presents some risk to the volunteers. Paragraph 31 talks about potential risk to those people who are volunteers in the scheme. It states, as follows:

> Insofar as complaints are concerned, however, s73ZA of the NDIS Act will protect certain disclosures about improper conduct by NDIS providers made by identified people to the Commissioner from civil or criminal liability. The persons whose disclosures are protected under s73ZA(1) are listed as the staff of NDIS providers, and 'a person with disability who is receiving a support or service from the NDIS provider or a nominee, family member, carer or significant other of that person.' It is unlikely that a community visitor established under State legislation would fall within any of the defined categories.

That legislation can be changed, of course, but to try to put forward this legislation prior to those changes being made I think just demonstrates the prematurity of where this proposal to vote on this on this day is at.

What that really means is that if there were a visitor who in good faith entered someone's house under the auspices of the scheme, they could potentially be exposed if they discovered something that they then reported to the scheme. They could potentially be sued. We are also concerned that if they had an accident while they were on site under the auspices of the scheme, they may not be able to access any sort of compensation because, we believe, the scheme would be invalid.

I note the bill requires that the scheme report to me. That seems somewhat convoluted if we are talking about abuse and neglect. The place for complaints of abuse and neglect is quite clearly the Quality and Safeguards Commission, so what we are effectively putting into the system is another step. My belief is that we need to have the best governance arrangements, ones which are clear rather than convoluted.

I would once again urge honourable members to listen to the language of the task force, their commentary and the things that they have brought forward so far in their interim report. Dr David Caudrey talks about multiple sets of eyes and integration into the community. This scheme has been portrayed as a white knight, a saviour, a guardian of all people who are vulnerable. I think we need to be very, very honest—we owe it to Ann Marie.

The Hon. C.M. SCRIVEN (20:46): I would like to thank the Hon. Ms Franks and the Hon. Ms Bonaros for their heartfelt contributions and also acknowledge the response from the minister. I want to thank the crossbench also for working with the opposition in moving amendments in line with the Law Society advice. I am sure we all have at heart the safety of people living with disability in this state. This legislation is one part of improving the circumstances. It is only one part, but it is an important part, and it needs to be moved and passed before the winter recess.

The interim report of the minister's task force has recommended that the Community Visitor Scheme is strengthened. Why would we delay acting upon that? This move has been supported by

many in the community and in the disability sector. It has been supported by the former principal community visitor, Mr Maurice Corcoran. The minister has referred on a number of occasions to the advice that apparently says that such a scheme cannot operate post the NDIS. However, the Victorian Labor government corrected the anomaly in their legislation in 2018.

Victoria, the ACT and Queensland all have made changes that have enabled the community visitors in their jurisdictions to enter NDIS services. I do not think the opposition would disagree with the statements of the Hon. Ms Bonaros that we need to have a well-funded system that has all the safeguards in place that are required; however, we are unable to introduce money bills, so that is not an option open to us from opposition or indeed from the crossbench. It is certainly something that the opposition would like to see.

However, we do need to take note of the fact that the Community Visitor Scheme can be very effective. Volunteers have saved lives; the annual report of the Principal Community Visitor demonstrated that. This bill is one part of the attempts to improve the system. Adult safeguarding, better support coordination and all of those will be other parts. The expression 'having multiple eyes within the community' is, I think, a very worthwhile one, and this bill is attempting to assist with exactly that by being one part of it.

The opposition and my colleague in the other place the member for Hurtle Vale have consulted with the Law Society, with the former principal community visitor and of course with people with lived experience of disability. We have also made reference to other jurisdictions and the federal review. The opposition would have appreciated it if the minister had been able to attend a briefing with the member for Hurtle Vale or have some meetings to discuss the bill. That would have been very helpful; it would have been useful to be able to progress an approach. Fortunately, the crossbench has been willing to engage in briefings and so on.

The statement made by the minister that introducing this bill is premature should be addressed, albeit briefly. We have seen other jurisdictions that have been able to introduce a scheme to operate in the way this bill is designed to assist, but those opposite have had two years—since they came into government—to move on this, and they have not. Perhaps it is not surprising that people are feeling that this government has not acted when it could have done.

The mechanisms in place under the NDIS are clearly not sufficient to protect vulnerable people, despite the minister saying a number of times that they are. As I mentioned in my second reading speech, the tragedy of the death of Annie Smith must be heeded, it must be a catalyst for change in this state. We do not want Annie Smith's death to be in vain, we do not want it to be for nothing. Her death and legacy can be the protection of other people in her situation.

This bill is one part of that—a small part but an important part. In fact, we can dedicate this bill to Annie Smith. We hope it will pass, that it will be taken up, and that it will go some way to protecting the lives of South Australians into the future.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: The honourable member mentioned the former principal community visitor and the Law Society. Is she able to advise what other organisations she has consulted with, that support the bill in its current form?

The Hon. C.M. SCRIVEN: In addition to the Law Society, the former principal community visitor, and people with lived experience. The opposition has put this bill to the task force; it has that. There have been discussions with Dr David Caudrey and Richard Bruggeman and other members of the task force individually, as well as with members of the public who either have direct lived experience themselves or are carers or other support people for people with a disability.

The Hon. J.M.A. LENSINK: Can the member advise why the Labor Party decided to put this to a vote before the task force has provided its final report?

The Hon. C.M. SCRIVEN: The interim report recommends an expansion of the Community Visitor Scheme. The opposition feels this is an important change that can be moved on quickly. It has already been too long. As I mentioned in my summing-up, this government has been in for two years and could have made changes. Clearly, there is the opportunity to have such a scheme, including post the NDIS, which is now rolled out. That has not happened. It needs to have some urgency attached to it because it is one part of the framework that is needed to ensure people have the protections they need.

The Hon. J.M.A. LENSINK: Has the honourable member read the Crown law advice that I think was dated 14 March 2018?

The Hon. C.M. SCRIVEN: My understanding is that the Crown law advice was in specific reference to a particular question. I think we would all be aware that, when there is a question put in a particular way, sometimes it will elicit a particular answer. If it had been put in a different way, then you may indeed have had a different answer. What we can see is that there is the opportunity. In other jurisdictions, they have enacted legislation that enables such a scheme to be enacted without contravening anything to do with the NDIS. Therefore, that is why we would like to see this progressed.

The Hon. J.M.A. LENSINK: Has the Labor Party sought any separate constitutional advice that would contradict what the Crown has provided?

The Hon. C.M. SCRIVEN: My understanding is that advice has been sought from the University of South Australia. I would also draw the minister's attention to something I referenced in my second reading explanation which was that the member for Hurtle Vale in the other place received a letter from Mr Graeme Head, the Commissioner for the Quality and Safeguards Commission, who said:

> The NDIS Act does not prevent community visitors from accessing environments in which NDIS participants receive supports and services.

The Hon. T.A. FRANKS: When the honourable member said that advice has been sought from the University of South Australia, could that be given to us more specifically? From whom at the University of South Australia or from which unit or department or person?

The Hon. C.M. SCRIVEN: I will take that on notice.

The Hon. J.M.A. LENSINK: In relation to Mr Graeme Head's advice, is it the honourable member's understanding that he was referring to visiting in an individual capacity or with coercive powers?

The Hon. C.M. SCRIVEN: My understanding is that he was referring to the ability to access environments in a general sense and that he did not consider that there was anything that prevented community visitors from accessing those environments.

The Hon. J.M.A. LENSINK: Has the Labor Party done an estimation and sought to revert to the categories of places that used to be visited under the scheme prior to the government accepting the Crown law advice? Has the Labor Party sought to work out how many sites are potentially visitable should its bill be successful?

The Hon. C.M. SCRIVEN: I am sorry. The first part of that question was a little bit vague. Could the minister repeat that question please?

The Hon. J.M.A. LENSINK: By way of explanation, the Community Visitor Scheme used to be able to visit supported accommodation sites, day options programs, and there may have been another category as well. The legal advice deemed that those sites were no longer able to be visited because of the constitutional issue and because of the advent of the Quality and Safeguards Commission. Has the Labor Party done any calculations on how many sites it would be able to visit if its bill were to be successful?

The Hon. C.M. SCRIVEN: I am advised that there are about 2,200 people who were dropped from the previous service and, of course, it would be more than that given that this would allow the scheme to be extended to private homes. In terms of the actual sites, in terms of numbers, I guess that can be variable. It could be subject to policy.

The Hon. J.M.A. LENSINK: How many times a year is the Labor Party envisaging that each person who was eligible would receive a visit?

The Hon. C.M. SCRIVEN: In terms of the number of visits, that can be determined through policy, and that would be based on what is considered appropriate by the implementers of the scheme.

The Hon. C. BONAROS: Based on the current number of volunteers, which is 40, and the current number of individuals, and perhaps you can provide us with that number, how many visits would be able to occur per year per household, and how often?

The Hon. C.M. SCRIVEN: The advice that I have been provided with is that, as I mentioned, there were previously 2,200 people who were visited. In terms of the number of visits, that is going to be on a case-by-case basis. The government would perhaps need to actively recruit more volunteers to enable a greater expansion of the scheme, and that would be something that they would determine through their own policies.

The Hon. C. BONAROS: What provisions in the bill require the government to actively seek volunteers to become part of the scheme?

The Hon. C.M. SCRIVEN: I think that is a very good question from the Hon. Ms Bonaros. Clearly, if we were able to introduce money bills, we would be able to introduce—

The Hon. C. Bonaros interjecting:

The Hon. C.M. SCRIVEN: I think it is clear that, if the bill is to pass, the intention is that there are a suitable number of volunteers to be able to implement such a Community Visitor Scheme. If, as I mentioned, we were able to introduce money bills, then we could ensure that there was suitable financial provision. Unfortunately, coming from opposition, we are not able to do that. But I think the very fact that such a bill is passed should influence the government to provide the adequate resources to ensure that there are suitable community visitors.

As has been mentioned by a number of contributors, people in this role are volunteers. They are willing to give their own time, their own effort to ensure that people who are in these situations, people living with disability, are able to be visited as often as possible. They are very, very worthy goals, and I would hope that the government would take into account the intent of the chamber, if this bill does pass, and ensure that there is the opportunity to recruit new volunteers to the Community Visitor Scheme, that they do fund it appropriately and that they do take seriously the opportunity to put one plank into a foundation that will assist to ensure that people who are vulnerable have more protections.

The Hon. C. BONAROS: Can the member provide an explanation as to how that additional funding will assist in the recruitment of unpaid individuals to undertake the role that she has just described?

The Hon. C.M. SCRIVEN: I think everyone would welcome a paid scheme overall. Resources, of course, are needed to advertise for more volunteers to expand the system. It makes sense that anything that is involved in training volunteers, recruiting volunteers, looking after the wellbeing of volunteers to the extent that that is possible, takes resources, and so that is what we would like to see some resources devoted to.

The Hon. C. BONAROS: My question specifically is that this is a scheme that relies on volunteers. Even with additional funding from the government towards resourcing and training, how is it intended that this will result in the recruitment of an appropriate number of volunteers to undertake a volunteer role as described in this bill?

The Hon. C.M. SCRIVEN: I am advised that other states have hundreds upon hundreds of volunteers. I think there is the capacity, the scope, if there is the will from the government, to attract people to these roles. Yes, they are unpaid roles. Yes, we would like to see a fully paid scheme with appropriate resources, and that certainly is not precluded in any shape or form by the passage of this bill. We would like to see more volunteers. The passage of this bill will ensure that there is some more understanding in the community about the need, about the opportunity to give up one's time

for a very, very worthwhile cause. I would hope that the government would take it seriously, take it on board and do the role of recruiting, training and then supporting those volunteers.

The Hon. C. BONAROS: What level of training, and what does the opposition understand of what that training that is to be provided to volunteers will look like under this bill?

The Hon. C.M. SCRIVEN: Fortunately, the minister here is also the minister for volunteering so I am sure that she has quite a lot of resources at her disposal in terms of looking at what the appropriate training is. I am sure that she would have regard for what the current training is for the 40 volunteers that we currently have. It is a matter of policy that obviously we cannot set out within legislation.

The Hon. C. BONAROS: What is the current level of training that applies to the 40 volunteers who are under the scheme already?

The Hon. C.M. SCRIVEN: I am sure the minister for volunteering would be happy to answer that.

The Hon. C. BONAROS: I am asking you as the person who is responsible for this bill, what is the current level of training that applies to the 40 individuals who are a part of the scheme?

The Hon. C.M. SCRIVEN: Since setting out the training for those volunteers does not form part of this bill, as I mentioned in my previous answer, the current training is under the auspices of the current government. I am sure the current minister would be able to answer what it is that is currently provided. If she thinks that is inadequate then I am sure she is in a position, as the minister for volunteering, to expand that and ensure that it is appropriate.

The Hon. C. BONAROS: Given that this is an opposition bill and one that relies on volunteers, I think it is entirely appropriate that the member provide an explanation as to their understanding of what level of training they expect to apply to a proposal of theirs. I am not asking the minister to provide me with an explanation of her understanding of the training that occurs; I am asking the mover of this bill to provide us with an understanding of what their expectation is in terms of that training. If it was my bill, and I had a level of training required, I would certainly have some expectations of what that would entail. I am asking the member to provide an explanation as to your expectations in relation to that training.

The Hon. C.M. SCRIVEN: As I have said, the training that currently exists would be the baseline. I am not making any criticisms of the current training that is under the auspices of the minister for volunteering. I do not think this debate is part of that discussion. That provides the baseline. Additional training would be useful and beneficial. I am sure I would like to see that pursued. That is part of policy rather than part of legislation.

The Hon. C. BONAROS: Let me move away from your expectations then. Do you know what level of training individuals who are currently signed up under this volunteer scheme are required to undertake at present? Do you know what that level of training is?

The Hon. C.M. SCRIVEN: I have a general understanding of the level of training. I think one of the things we need to remember when we are looking at volunteers, the training is certainly important, the support from government agencies is certainly important, but also the motivations of those volunteers. Volunteers across the state take on a huge amount of work in our state in all sorts of fields.

The minister, I think, or it may have been the Hon. Ms Bonaros, mentioned the CFS earlier. We have volunteers in every aspect of our lives. In regional communities, of course, they take on an even greater level of involvement and support. Many of our services in the state only continue because we have excellent volunteers, so I think we need to look at all of those aspects. Indeed, I would hope and expect that that is what the minister is currently doing in terms of all volunteers within the state, and particularly those for whom the government is responsible for training.

The Hon. T.A. FRANKS: A supplementary on that: I was wondering what are the competencies and the number of hours required of volunteers before they can commence their visits?

The Hon. C.M. SCRIVEN: I am happy to take that question on notice.

The Hon. C. BONAROS: We all have a great deal of admiration, respect and acknowledgement of the work that our volunteers do. We celebrate them in here on each and every occasion. The member has said that she has a general understanding of the requirements that relate to those current volunteers under the scheme. Can she please provide an explanation of her general understanding of those requirements?

The Hon. C.M. SCRIVEN: As I said, I will take that question on notice and bring back further information to the chamber.

The Hon. T.A. FRANKS: I am still waiting for an answer on who provided the legal advice. I was going to then ask for the legal advice to be tabled, so I am hoping we have a name for that.

The Hon. C.M. SCRIVEN: I think that I did provide the information that it was the University of South Australia Council and various lecturers, I am told. I will seek advice as to whether we can release that information and come back to you within this debate.

The Hon. T.A. FRANKS: The mover did indeed say that it was the University of South Australia, and then my question was: who at the University of South Australia? We still have not been provided with that information. Are they legally trained? Do they have a name?

The Hon. C.M. SCRIVEN: As I mentioned, I will check that we can release that information and come back within this debate.

The Hon. C. BONAROS: In relation to that same point, the member has responded to a question from the minister specifically saying that they have advice that counters the advice that the minister has put on the record. I think it is only appropriate that if we are going to be told that we have advice that provides a different analysis, in terms of the constitutional grounds for this legislation, it is only appropriate that we should have access to the advice itself so that we can consider it as part of our deliberations.

The Hon. C.M. SCRIVEN: If I recall correctly, I did mention a couple of sources of advice, one being the letter from Mr Graeme Head, the Commissioner for the Quality and Safeguards Commission. As I said, I am happy to check that we are able to release the name of the person who provided the advice and I will come back to the members within this debate.

The Hon. C. BONAROS: It is not just the name of the advice. I think that what we are seeking is the actual advice so that we can compare that against the advice that is being provided by the minister, which is obviously at odds with the advice you are suggesting has been provided to the opposition.

The Hon. C.M. SCRIVEN: I think I have answered that I will come back within this debate to answer that, but also I think we need to remember that we have other jurisdictions that have introduced a similar scheme, so clearly those jurisdictions have reason to believe that it is not unconstitutional. Those jurisdictions are operating at the moment within the confines, if you want to use that term, of the NDIS. Those jurisdictions have been able to introduce a scheme very similar to what we are talking about here, so I think that members can rest assured that there is not a major constitutional barrier if they have been able to be enacted in other jurisdictions.

The Hon. T.A. FRANKS: I asked the movers of this bill in a briefing for the Victorian experience, which I understand is now the jurisdiction the member just referred to. Could she answer whether or not the provisions we are now debating have actually been used in that jurisdiction?

The Hon. C.M. SCRIVEN: They are similar to those used in that jurisdiction. I am able to now advise the chamber that we have received advice from people who would like to remain anonymous. Parliamentary counsel has advised that these provisions should not be at odds with the other advice.

The Hon. T.A. FRANKS: My question of the mover of the bill is: in Victoria, has a warrant been used for the purposes that are outlined similar to this bill?

The Hon. C.M. SCRIVEN: I did not hear the beginning of that question.

The Hon. T.A. FRANKS: In Victoria, has a warrant been used for the purposes outlined in this bill that are being seen as similar and in another jurisdiction?

The Hon. C.M. SCRIVEN: My advice is that it has not.

The Hon. T.A. FRANKS: Why have they not been used?

The Hon. C.M. SCRIVEN: I could not answer why Victoria has not used a warrant. My advice is that they have not used it, and I think the member is aware that we are supporting the amendment that would remove warrants.

The Hon. T.A. FRANKS: That is my amendment.

The Hon. C.M. SCRIVEN: Indeed. We are supporting the Hon. Ms Franks' amendment to remove the warrant and are happy to do so.

The Hon. J.M.A. LENSINK: I have another question. Can the member advise—I cannot remember his name off the top of my head—whether the honourable member has sought the cooperation of her colleagues in the federal parliament to overcome some of the challenges in relation to what would potentially expose community visitors to civil and criminal liability?

The Hon. C.M. SCRIVEN: My advice is that discussions have been held with the Hon. Bill Shorten about matters to do with the scheme that is proposed.

The Hon. J.M.A. LENSINK: Is the honourable member aware whether a bill has been drafted yet or whether there are any plans to change the NDIS Act in the federal parliament?

The Hon. C.M. SCRIVEN: I am not aware whether a bill has been drafted or not.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

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

Amendment No 1 [Scriven–1]—

Page 3, lines 23 to 26 [clause 5, inserted section 24(1), definition of *supported independent living premises*]—Delete the definition of *supported independent living premises* and substitute:

supported independent living assistance means any of the following supports and services provided to a person at the person's residence:

(a) supports funded under the *National Disability Insurance Scheme Act 2013* of the Commonwealth;

(b) mainstream supports and services provided to the person to—

(i) assist the person with daily living; or

(ii) assist the person to learn and develop knowledge, skills and abilities necessary for, or related to, independent living;

supported independent living premises means premises (other than disability accommodation premises), or part of such premises (as the case may be), at which a disability services provider provides supported independent living assistance to a person with disability, being, or being part of (as the case may be), the person's place of residence.

This amendment inserts a definition of supported independent living assistance. This amendment was in line with the recommendations of the Law Society to ensure that the type of assistance being carried out falls within the jurisdiction of the Community Visitor Scheme.

My understanding is that the Law Society made a number of recommendations and we were happy to move this amendment so that there is greater clarity of what is meant by 'supported independent living assistance'. On the advice of the Law Society, it will be beneficial to this bill.

The Hon. J.M.A. LENSINK: I would like to make some comments in relation to this amendment. The advice I have received is that although supported independent living assistance is defined, the term 'mainstream supports and services' is not being defined in the proposed legislation.

The amendment proposed does not provide enough clarity and appears to expand the scope far more than intended.

The terminology is generally taken to mean services that are not disability-specific and available to all citizens, such as transport, education and health, which would include any service or support that is not a specialist disability support. The term could, for instance, capture home and community care supports and services if those supports and services are provided to a person at the person's residence who is needing the assistance requirements as outlined. As 'mainstream supports and services' is not qualified by the term 'funded', it could extend to supports and services provided by volunteers or family.

The Hon. C.M. SCRIVEN: I just have a comment in regard to the comment by the minister. I am advised that the terminology is based on the current regulations and Victorian law. If, however, the minister is of the view that they would be improved, we are certainly happy to receive amendments and would have been happy to do so had she agreed to have a meeting with the member for Hurtle Vale about the proposed bill.

The Hon. J.M.A. LENSINK: I am going to object to this whole notion that somehow I am supposed to fix the Labor Party's bill. This bill was called to a vote last week. It certainly was not the convention that I used to observe when I was a shadow minister in this place. I used to give ample time for people to be aware of when I was calling things to a vote. This is premature.

I am not going to try to improve the Labor Party's amendments. I have outlined why this amendment is worse than what is in there at the moment. It is the government's intention to oppose the legislation. If the Labor Party can stop trying to be cute and act like they have all the answers and develop a bit of humility, that would be great for everyone.

The Hon. C.M. SCRIVEN: I would point out to the minister that the bill was introduced on 3 June, so that is certainly more than a week of notice. Secondly, I would have thought our invitation to not only discuss it with her but for her to move further amendments that we would be happy to discuss shows that we are full of humility.

The Hon. J.M.A. LENSINK: I am not going to labour this point, but we were waiting for the final task force report, and everyone knows that this is just very disrespectful to that whole process.

The CHAIR: The Hon. Ms Franks, do you want to give me an indication of what you are going to do with this?

The Hon. T.A. FRANKS: To be honest, Chair, due to the COVID restrictions in this place and the doors being opened and people outside talking I could not hear the mover's speech before, so I am a little at a loss as to what to do with this particular amendment. Would the mover like to repeat what this amendment does, who supports it and what impact it will have?

The Hon. C.M. SCRIVEN: Certainly; no problem at all. I think we all agree that COVID is making a few things difficult that you would not even think about, and not being able to hear in this chamber might be one of them. This amendment inserts a definition of 'supported independent living assistance'. It is in line with the recommendations of the Law Society to ensure that the type of assistance being carried out falls within the jurisdiction of the Community Visitor Scheme. It also provides definitions for the interpretation of the bill. In addition to being a Law Society recommendation, I am advised that it is based on current regulations and Victorian law.

The Hon. T.A. FRANKS: Chair, I appreciate that. I am aware of the arguments. I just missed where this was going to come up in the debate. The Greens will be supporting this.

Amendment carried.

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

Amendment No 1 [Franks–1]—

Page 6, after line 24 [clause 5, inserted section 24B(2)]—After paragraph (c) insert:

(ca) to refer matters to the Commissioner of Police and any other appropriate authority in circumstances of suspected abuse, neglect or exploitation of a person with disability;

At clause 5 after paragraph (c) this inserts (ca) 'to refer matters to the Commissioner of Police and any other appropriate authority in circumstances of suspected abuse, neglect or exploitation of a person with disability.' This of course requires, where these situations arise, where abuse, exploitation and similar circumstances are suspected, that the police be informed, but not just the police, but indeed the Commissioner of Police because we do not want the sort of loose ends that we currently have. Also, these matters quite rightly often should be dealt with by the police or other relevant authorities, and it allows that particular scope to be opened up in this bill.

The Hon. C.M. SCRIVEN: I would like to indicate that the opposition supports this amendment. I thank the Hon. Ms Franks for working constructively with the opposition to come up with an amendment which I think certainly improves the bill. We are happy to support it.

Amendment carried.

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

Amendment No 2 [Franks–1]—

Page 7, lines 4 to 24 [clause 5, inserted section 24C(3), (4) and (5)]—Delete subsections (3), (4) and (5) and substitute:

(3) Despite any other provision of this Part, a community visitor may only exercise a power under this Part in respect of supported independent living premises—

(a) if the premises are registered under section 24CA; or

(b) if a request to see a community visitor has been made—

(i) by a resident who is provided with supported independent living assistance at the premises; or

(ii) with the consent of a resident who is provided with supported independent living assistance at the premises, by a person authorised to make a request under section 24E(1); or

(c) with the consent of a resident of the premises who is provided with supported independent living assistance at the premises.

As I noted, these are taking up recommendations of the Law Society, but I also note that at 3(a), anticipating that an amendment to come of mine that does not have support of the council, required the register, that 3(a) in fact would not be able to be implemented.

The Hon. C.M. SCRIVEN: Given the problem the honourable member has indicated, may I suggest that it would be appropriate to deal with the following amendment first and then come back to this one? Alternatively, if that is not the will of the council, could I seek clarification on what would then occur to this amendment if the following amendment, which has linkages, is not then passed?

The CHAIR: We have to deal with this amendment first, otherwise we would possibly have to recommit the amendment.

The Hon. T.A. FRANKS: Knowing the numbers and given the lack of support for the amendment that I was to potentially move next is not in this chamber and I was not going to move it, I just note that '(a) if the premises are registered under section 24CA; or' will become an anomaly should this amendment get the support of the council, and we probably would have to recommit to fix up that wording. I seek leave to move the amendment in an amended form as follows:

Amendment No 2 [Franks–1]—

Page 7, lines 4 to 24 [clause 5, inserted section 24C(3), (4) and (5)]—Delete subsections (3), (4) and (5) and substitute:

(3) Despite any other provision of this Part, a community visitor may only exercise a power under this Part in respect of supported independent living premises—

(a) if a request to see a community visitor has been made—

(i) by a resident who is provided with supported independent living assistance at the premises; or

(ii) with the consent of a resident who is provided with supported independent living assistance at the premises, by a person authorised to make a request under section 24E(1); or

(b) with the consent of a resident of the premises who is provided with supported independent living assistance at the premises.

The Hon. C.M. SCRIVEN: That is a fine solution to that anomaly, I think. I indicate that the opposition will be supporting that amendment as it has been moved in an amended form.

The Hon. C. BONAROS: I am extremely grateful that the Hon. Tammy Franks has moved amendment No. 2 [Franks—1] because it goes some way towards addressing some of my concerns in relation to this. Specifically, I would like to know from the mover, given the powers of a community visitor under 24C, what the interplay is between them and the role of various individuals who may undertake very similar activities under the NDIS. For instance, I assume that this is broad enough. I will use subsection (1)(c) as an example:

(c) make enquiries relating to the provision of supports and services to the residents;

That is something that is covered under the NDIS.

(d) request any person to produce documents or records…

Is there a requirement to produce such documents or records that are covered by the NDIS? Subsection (b) refers to inspection of any equipment that is on the premises. Invariably, in most cases that is equipment that will be funded by the NDIS.

(e) examine documents or records produced and request to take extracts from, or make copies of, any of them.

Again, that would include documents that are provided as part of a plan that is approved under the NDIS. What is the mover's understanding of the interplay between these provisions and a plan approved under the NDIS? How does that work in the interstate jurisdictions that do have a community visitor scheme? Have any issues been identified in terms of material being requested that falls under the auspices of the NDIS?

The Hon. C.M. SCRIVEN: My understanding is that there is not a problem with the two acting and being complementary to each other. What we need to remember is that this is an option for a scope of things that can be looked at by a community visitor, it is not a list of everything that must be looked at. Frankly, even if it were, I am not quite sure how that would necessarily cause a difficulty with the interface with the NDIS. The NDIS plan is worked out, and there are various funded supports. People might manage it themselves if they have the capacity and desire to do so, or people might have a plan manager. So I am not sure there is any difficulty. I do not think the interface will cause a problem; I think this can easily be complementary.

The Hon. C. BONAROS: As someone who has a great deal of lived experience with someone who is under an NDIS plan, I beg to differ in terms of my opinion in relation to that. I can see that there would be issues in relation to this. There are myriad services, providers and activities that are administered under the NDIS, and it is very, very carefully planned to ensure that everyone has access to whatever it is that they need. A huge concern of mine is that a person who falls under the community service scheme, a volunteer, could come in over the top of that and potentially disrupt the plans that have been put in place via the NDIS and on what grounds that could occur.

The Hon. C.M. SCRIVEN: Could the honourable member outline how she thinks that could be disrupted?

The Hon. C. BONAROS: No, I am asking you.

The Hon. C.M. SCRIVEN: Well, I have said that they would be complementary. The honourable member has said that she sees that it would be a severe disruption—I am not quite sure of the exact term that was used. If she could provide an example, that might assist.

The Hon. C. BONAROS: Perhaps the member can provide an example of when it would be relevant to make inquiries relating to the provision of support and services, when it would be relevant to request someone to produce documents or records or when it would be relevant to

examine, produce extracts from or make copies of any of those documents that are administered under the NDIS.

I know, as someone who has a great deal of input into an NDIS plan, that I would be somewhat reluctant to hand it over to somebody who has very limited access to the patient in question, who visits them on a not-very-often basis and who may visit once every—I do not know how often 40 people can get around to 2,200 people who are under the scheme.

Given the level of planning and work that goes into establishing one of these plans and one of these schemes and everything that goes along with that, I would be extremely concerned about providing those documents to somebody who is a qualified volunteer and can potentially disrupt the services that are provided to an individual.

The Hon. C.M. SCRIVEN: I would just point out that the people who we are referring to are participants in the NDIS, they are not patients.

The Hon. C. BONAROS: Thank you for your clarification.

The Hon. C.M. SCRIVEN: I think it is important, and certainly I think it is good for us all to remember that. We do not need to take it as a personal slight; it is just a reminder for all of us.

The Hon. C. BONAROS: I will take it in the way it was meant, thank you.

The Hon. C.M. SCRIVEN: Yes; good. So the people who are living in state government accommodation are still, of course, NDIS participants. The community visitor can access those plans. We need to remember the role of the community visitors is visiting and raising concerns. They are not in there to do an inventory of all the documents and so on, they are there to see whether there is evidence or strong suggestion of neglect, abuse or coercion.

All those things are important and that is part of their role. My understanding is that in other jurisdictions, the two schemes have been able to work in tandem with each other without raising the disruptions or significant problems that the honourable member is querying.

The Hon. C. BONAROS: What sorts of documents does the mover expect a community visitor would potentially request under 24C(1)(d) in terms of the production of documents or records that relate to a person who is subject to one of these community visitor schemes?

The Hon. C.M. SCRIVEN: My understanding is that it could be such things as medication charts or care plans. It could be things to do with: is the participant currently having insulin medication, for example? What are their goals? All those kinds of things would be appropriate. Things like care plans will enable a community visitor to have some understanding, at least, of whether the care that the person appears to be receiving is in line with those care plans.

It might be quite obvious that some of those care plans are not being followed, so they are the sorts of documents that it would be appropriate and potentially useful for the community visitor to request be produced and to have a look at. As we have mentioned throughout this debate, that is one of the ways of helping to increase the safeguards for vulnerable people.

The Hon. C. BONAROS: What part of the training of a volunteer under the current scheme would make them an appropriate person to assess somebody's medication charts?

The Hon. C.M. SCRIVEN: I do not think the role of the community visitor will be to assess the medication chart, to use the term the honourable member has used, but if one can look at a medication chart and see that it has not been updated or that it has not been referred to for a considerable period of time, for example, then that would be the type of thing that might be suggestive of someone being neglected or not having the care they are entitled to. That would be just one example of where a piece of information might raise red flags, which could then enable further investigation that might well safeguard that person and be the difference between life and death.

Amendment carried.

The CHAIR: The next indicated amendment is amendment No. 3 [Franks-1].

The Hon. T.A. FRANKS: I will not be proceeding with this amendment.

The CHAIR: The amendment is withdrawn. The next amendment is amendment No. 4 [Franks-1].

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

Amendment No 4 [Franks–1]—

Page 8, line 6 [clause 5, inserted section 24E(1)(c)]—Delete 'or friend' and substitute ', friend or neighbour'

This adds a neighbour who may not be a friend, family member or the resident themselves and allows for that bystander, who the Law Society has noted should be able to express their concern and seek the visit of a community visitor, to feel empowered to do so.

The Hon. C.M. SCRIVEN: The opposition will be supporting this amendment. We agree that it is a useful one as neighbours, in many instances, do have a greater ability to see if a neighbour needs assistance and can often have a greater line of sight. I understand it is also consistent with the Law Society recommendations. We will be supporting this amendment.

Amendment carried.

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

Amendment No 5 [Franks–1]—

Page 8, lines 8 and 9 [clause 5, inserted section 24E(1)(d)]—Delete paragraph (d) and substitute:

(d) any other person who—

(i) is providing support to a person referred to in paragraph (a) or (b); or

(ii) becomes aware of circumstances relating to a person referred to in paragraph (a) or (b) that the person considers warrant inquiry by a community visitor.

In a similar vein, this is simply broadening slightly the scope of the bill.

The Hon. C.M. SCRIVEN: The opposition will be supporting this amendment. It does give a more robust ability for oversight, and we are happy to support it.

Amendment carried.

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

Amendment No 6 [Franks–1]—

Page 9, after line 6—After section 24G insert:

24H—Report to SA Police and appropriate authority in certain circumstances

(1) If, arising out of the performance of the functions of community visitors under this Part, there are reasonable grounds to suspect that a person with disability is being, or has been, subjected to abuse, neglect or exploitation, the Principal Community Visitor must report that suspicion and the grounds for it to—

(a) the Commissioner of Police; and

(b) any other appropriate authority who, in the circumstances, the Principal Community Visitor considers may take action in respect of the suspected abuse, neglect or exploitation, such as the NDIS Quality and Safeguards Commission or the Health and Community Services Complaints Commissioner.

(2) In this section—

NDIS Quality and Safeguards Commission means the NDIS Quality and Safeguards Commission established under section 181A of the *National Disability Insurance Scheme Act 2013* of the Commonwealth.

This is the final of my set of amendments. This, at clause 5, after section 24G, inserts a new section 24H. This takes up, again, those suggestions made by the Law Society to ensure that we are not simply having community visitors go and observe, but ensuring that should action need to be taken appropriate delegated lines of communication are also undertaken.

The Hon. C.M. SCRIVEN: The opposition supports this amendment. My advice is that it was a recommendation of the Law Society, providing greater statutory obligations for reporting to relevant organisations. We will be agreeing to it.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. C.M. SCRIVEN (21:43): I move:

That this bill be now read a third time.

The house divided on the third reading:

Ayes................12
Noes 9
Majority 3

AYES

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

NOES

Centofanti, N.J.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A. (teller)
Lucas, R.I.	Ridgway, D.W.	Wade, S.G.

Third reading thus carried; bill passed.

STATUTES AMENDMENT (ANIMAL WELFARE REFORMS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 June 2020.)

The Hon. I.K. HUNTER (21:48): I rise on behalf of the Labor opposition to make a very brief contribution to the Statutes Amendment (Animal Welfare Reforms) Bill. The opposition supports the proposal by the Hon. Tammy Franks to establish a joint committee to consider and report on the bill. Labor governments have a proud history of animal welfare reform, including the significant revamping of the laws and regulations governing dog and cat management, and I would like to acknowledge the leadership of the former premier, the Hon. Jay Weatherill, in leading these reforms and implementing real change.

In government, Labor introduced new mandatory standards for dog and cat breeders aimed at unscrupulous puppy and kitten farmers in South Australia who operate with little or no consideration for animal welfare. We also worked with local government to implement and develop an online registration system, and we introduced mandatory microchipping, mandatory desexing and breeder registration. These reforms were a significant step forward. Having bedded those down, it is reasonable to consider what further changes can be made now to advance the cause of animal welfare law and protection of companion animals in particular.

After consultation with animal welfare groups, including the RSPCA and the Animal Welfare League, the opposition is pleased to support the establishment of a joint committee to examine how existing laws can be improved upon.

The Hon. C. BONAROS (21:49): I rise to speak briefly in broad support of the Statutes Amendment (Animal Welfare Reforms) Bill 2020, which is to be referred to a joint committee for further examination. I understand that the bill has been developed to respond to the public's demand for more humane and accountable treatment of animals. It is well known that South Australia has the weakest animal welfare laws in the country, and those responsible for enforcing and prosecuting these laws have, over many years, expressed their frustration about their inability to effectively police and address animal cruelty in this state.

As members here would know, we have been strong advocates for increased penalties for those who offend against officers of agencies like the RSPCA, who have none of the protections of police officers, and have advocated also for them to be afforded increased protections in the Criminal Law Consolidation Act. They do remarkable work, and I thank the Hon. Tammy Franks for bringing this bill to parliament, and acknowledge the extensive consultation, research and finessing she and her staff have undertaken to bring this bill to this stage.

I think it is a very smart move to send the bill to a joint committee as the bill is comprehensive. This work has been a long time coming and we certainly need to get it right. The measures in the bill are such that they have a great deal of support in terms of smart sheltering, in terms of reducing the number of dogs and cats that are needlessly euthanised, and in ensuring the rescue organisations are licensed. We do have some minor concerns about the proactive actions to prevent animal cruelty, but I think these can be fully examined by the joint committee.

Just going on in terms of that list, the bill would enable inspectors and the RSPCA to take action to prevent animal cruelty, which they have not really been able to do under the current legislative framework. The RSPCA has long advocated for animal cruelty intervention orders to prevent cruelty to animals, particularly while legal proceedings are ongoing. The bill's provisions, as they currently stand, for a more transparent greyhound racing industry are extraordinarily welcome. Like all Australians, I was horrified to see the abuse of greyhounds in the racing industry exposed in the media, especially the high number of greyhounds abandoned and euthanised when they are of no further value in their industry.

I understand the bill mirrors those in a number of states in America, and results from there have been highly encouraging. I will be interested to see how this bill compares with some of the laws in other jurisdictions, particularly those that have been more effective than ours. With those words, I indicate again our principle support for the bill and look forward to the report of the joint committee.

The Hon. J.M.A. LENSINK (Minister for Human Services) (21:52): I commend the mover of this bill for bringing it forward and seeking to reform various animal welfare laws, including to create a code of conduct and licensing requirements for animal shelters; rehousing services and for animal rescues, including puppy farms; reducing the number of dogs and cats that are euthanised by rescue organisations and shelters; creating the power for magistrates to issue animal cruelty intervention orders; creating provisions relating to the greyhound racing industry, requiring them to submit to various reporting requirements; and become subject to freedom of information requests.

These reforms are aimed at contemporising the standard of animal welfare protections to be consistent with evolving community expectations, in particular around increasing the transparency and accountability of animal shelters and rescue organisations that are largely unregulated at present. They may also deliver improved efficiency, reducing the burden on the judicial system by providing welfare inspectors with an alternative to proceeding to a full prosecution.

I would also like to acknowledge the work of the honourable member in this area, particularly in the last parliament, 2014 to 2018. Ms Franks was very active in the animal welfare space, in particular advocating for what is referred to as 'no kill shelters'. I also acknowledge Mia from the Paw Project, who contacted a number of us in relation to these issues.

I do hold concerns in relation to these areas as well. I think we are all aware from time to time of people who say that they are running animal shelters informally. The potential for hoarding of animals and a range of things I think is something that probably needs to be looked at in this context. Therefore, the government is supporting the referral to a select committee as a sensible way to find a way forward.

The Hon. T.A. FRANKS (21:55): I thank the speakers who have made a contribution to this bill tonight: the Hon. Ian Hunter, the Hon. Connie Bonaros and the Hon. Michelle Lensink. I also thank both minister Speirs and the shadow minister, Susan Close, and minister Speirs' adviser Pia George, who have all been most constructive in working to progress this matter. I note that this bill does indeed seek to have more humane and accountable laws and protections in this state but it does absolutely build on the work that has been done in recent years by many, including former minister Hunter, and I commend him again for that.

I note that this has had some input from the RSPCA, the Animal Welfare League and, quite importantly, from Mia Auckland of the Paw Project. In particular, minister Lensink and the Hon. Connie Bonaros noted that it is based on that Paw Project work and the advocacy that comes from what is called companion animal protection acts in the United States in some jurisdictions, including in our sister city of Austin, Texas.

I thank, in particular, my adviser Malwina Wyra for the enormous amount of work that she has put in to get it to this stage, but I also note that there is an enormous amount of work to come and that there are some concerns about some of the minor details that I think will best served by proper community consultation, ensuring that the voices of the voiceless are indeed heard through the consultation.

Bill read a second time.

The Hon. T.A. FRANKS (21:58): Contingently, on the Statutes Amendment (Animal Welfare Reforms) Bill being read a second time, I seek leave to move contingent notice of motion No. 2 in an amended form.

Leave granted.

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

1. That the bill be withdrawn.
2. That, in the opinion of this council, a joint committee be established to consider and report on the Statutes Amendment (Animal Welfare Reforms) Bill 2020.
3. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by two members who shall also form a quorum of council members necessary to be present at all sittings of the committee.
4. That this council permits the joint committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the council.
5. That standing order 396 be suspended to enable strangers to be admitted when the joint committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.
6. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

Motion carried.

ROAD TRAFFIC (SOUTH EASTERN FREEWAY OFFENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 March 2020.)

The Hon. C.M. SCRIVEN (21:59): I rise as the lead speaker for the opposition on this bill and indicate that we will be supporting it. Initially, we did have some questions in regard to the ability for this parliament to change the definition of a bus for this particular stretch of road; however, the Hon. Mr Pangallo has stated that he has advice that this is possible. Certainly, if this bill does pass, if further concerns exist, they can be addressed in the other place.

This is an important matter. We would all be familiar with the tragedy that occurred on the South Eastern Freeway that was a particular catalyst for the changes to which this bill is referring. No-one wants to see any more fatalities on that stretch of road—that obviously goes without

question—nor do we want to see unintended consequences of the act. Because it is important, it should be considered seriously by this government. If the bill passes, it will enable all the issues to be addressed in the other place. I therefore commend the bill to the house.

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (22:00): I rise on behalf of the government to provide a response to the Hon. Frank Pangallo's bill. Prior to these recent amendments, the Road Traffic (South Eastern Freeway Offences) Amendment Bill 2020 sought firstly to remove the South Eastern Freeway offences from applying to all buses as defined in the Road Traffic Act 1961 and the Australian Road Rules and secondly to allow the courts to reduce or mitigate the applicable licence disqualification period for a first offence when sentencing if it considers the offence to be trifling.

In relation to the first matter, the recent amendments to the bill now propose to delete the definition of 'bus' and instead include a new definition of 'large bus', being buses that seat over 25 adults, including the driver, so that the South Eastern Freeway offences would not apply to buses that seat between 12 and 24 adults. Both measures are problematic and undesirable. Firstly, bus definitions: trucks, large buses and buses travelling on the down track of the South Eastern Freeway will be subject to different penalties and sanctions for the same offence. A bus is currently defined nationally within the Australian Road Rules as a motor vehicle built mainly to carry people that seats over 12 adults, including the driver.

Introducing a new definition of a 'large bus' just for the South Eastern Freeway descent would create further confusion for the heavy vehicle industry and the community, particularly concerning the application of down track speed limits. Buses as currently defined in the Australian Road Rules, seating over 12 adults, already have the potential to expose a large number of passengers to death or serious injury in the event of a crash and are most often driven for commercial purposes. A bus with up to 24 seats travelling at a high speed poses an even greater safety risk. Passengers have a right to expect that a vehicle they are travelling in is being driven in accordance with the appropriate safety standards.

On the court mitigation topic, the concept of 'trifling' is vague and unworkable in respect of speeding or low gear offences, which are largely camera detected. The issue of removing offences from applying to buses and inserting a new definition of large buses is again problematic. The existing South Eastern Freeway offences in section 45C of the Road Traffic Act apply to trucks and buses as defined in the Australian Road Rules. A 'truck' means a motor vehicle with a gross vehicle mass (GVM) of over 4.5 tonnes—except a bus, tram or tractor—and a 'bus' means a motor vehicle built mainly to carry people that seats over 12 adults, including the driver, regardless of the gross vehicle mass of the vehicle.

Small buses with one to 12 seats are not subject to the South Eastern Freeway offences in section 45C but are still subject to the speeding offences in the Australian Road Rules regulation 20 that apply to all vehicles. In South Australia, the holder of a C-class licence is not authorised to drive a truck or a bus, as defined under the Australian Road Rules. Drivers of trucks and buses are required to hold a Light Rigid (LR) licence class as a minimum. It is the responsibility of the driver of the vehicle to ensure both that the vehicle is registered and the driver holds the appropriate class of licence to operate the vehicle before driving on South Australian roads.

If the Hon. Frank Pangallo's bill and recent amendments are passed, trucks, large buses (as redefined) and buses (as defined in the Australian Road Rules) travelling on the down track of the South Eastern Freeway will be subject to different penalties and sanctions for the same offence. I will repeat that: if the Hon. Frank Pangallo's bill and recent amendments are passed, trucks, large buses (as redefined) and buses (as defined in the Australian Road Rules) travelling on the down track of the South Eastern Freeway will be subject to different penalties and different sanctions for the same offence.

Trucks and large buses seating over 25 adults will continue to be subject to higher penalties and sanctions, whereas all other buses seating 12 to 24 adults will be subject to regular speeding offences under the Australian Road Rules and the associated monetary penalties and demerit points applying to a driver of a light vehicle.

There would be no automatic licence disqualification imposed by the registrar or six demerit points applicable to buses over 12 seats and under 24 seats, as per the current offences. Additionally, these buses would be subject to the low-gear offence in Australian Road Rule 108, which attracts only three demerit points and an expiation fee of $382.

As existing buses over 12 and under 24 seats would no longer be captured, and the low-gear signage on the South Eastern Freeway would refer to trucks and large buses, there is a risk this confusion may inadvertently result in drivers thinking they would be allowed to travel at the 90 km/h speed limit on the down track of the South Eastern Freeway that is applicable for light vehicles. However, the 60 km/h speed limit would still apply to all trucks and buses as per the definition in the Australian Road Rules.

In October 2019, the Hon. Frank Pangallo introduced this private member's bill proposing to amend the sanctions and penalties applying to South Eastern Freeway offences by introducing a new category of vehicle called a restricted truck and restricted bus, defined as being a vehicle with a gross vehicle mass of over eight tonnes. The government opposed the new category of restricted vehicles, as it would potentially create further confusion for the heavy vehicle industry, as existing rules applying to trucks and buses, including those that apply nationally, would continue to apply as per the existing definitions in the Australian Road Rules, which are based on the number of seats and not the gross vehicle mass of a vehicle.

All the existing offences under the Road Traffic Act and the Australian Road Rules apply to the existing definition of a bus, and the Australian Road Rules are national. Introducing different penalties now for large buses as distinct from buses seating 12 to 24 adults is not desirable and is likely to create more confusion for the industry and the community.

Further, buses that seat over 12 adults, including the driver, as currently defined have the potential to expose a greater number of passengers to death or serious injury in the event of a crash. Most often, buses of more than 12 seats are driven for commercial purposes rather than for personal use, and passengers have a right to expect the vehicle they are travelling in to be driven in accordance with the appropriate safety standards—that is, not exceeding the speed limit—and not be at risk of losing its brakes as it descends the long, steep South Eastern Freeway.

Sections 45C(1) and 45C(2) of the Road Traffic Act, being the South Eastern Freeway speeding offence and the South Eastern Freeway low gear offence respectively, were inserted into the act to implement two coronial recommendations, with variations. Whilst the focus of the coronial inquiry that resulted in the South Eastern Freeway penalties and sanctions was on incidents involving trucks over 4.5 tonnes, the recommendations called for a significant increase in the penalties for road rule 108 (which includes buses) and for heavy vehicles exceeding the 60 km/h speed limit.

As both road rule 108 and the speed restrictions in force on the South Eastern Freeway descent already apply to trucks and buses, in determining how to implement these recommendations the increased penalties were applied to both types of vehicles. Appropriate penalties were developed based on the coronial recommendations, which included the terms of imprisonment, and how these offences may be practicably enforced and communicated to the community.

Regarding the suggestion that many small businesses, tourist operators and not for profits who operate the smaller buses of less than 25 seats have been severely impacted by the South Eastern Freeway laws, the government has already addressed this concern by amending the six-month licence disqualification sanction applicable to a first offence to apply only to second and subsequent offences.

Given that this has been in operation since 6 December 2019, small businesses and tourist operators should no longer be caught out unexpectedly by the severity of the South Eastern Freeway penalties, as they would be well aware of their responsibilities to drive below 60 km/h and use low gear on the South Eastern Freeway down track.

The revised penalties passed by parliament in the 2019 amendment bill better reflect community expectations, particularly around first offences, while maintaining strong penalties for repeat offenders who have chosen to disregard the law by putting themselves and other road users at greater risk. No further amendments are therefore considered necessary.

I now turn to the court's ability to reduce or mitigate the applicable licence disqualification. In relation to the proposed amendment to allow the court to impose a lesser licence disqualification when sentencing for a first South Eastern Freeway offence, it is not clear what a court would consider to be 'trifling' in relation to a speeding or low gear offence or what evidence or circumstances would be necessary for the court to reach this determination. In the absence of robust policy reasoning to support this proposal, the concept of 'trifling' appears to be vague and unworkable.

Other trifling offences contained in the Road Traffic Act relate to different types of offences which all have various elements that need to be satisfied by some form of judgement, discretion or decision-making from SAPOL to enforce. None of the existing offences are camera-detected like the majority of the South Eastern Freeway speeding offences in section 45C.

Unlike with the existing 'trifling' offences, there is nothing drafted in the proposed amendments to assist the court in determining what could be considered 'trifling' in these circumstances. The inclusion of such a provision also risks a greater number of people nominating to be prosecuted so they can plead their case in court. This is likely to have an impact on finite court resources.

In relation to retrospectivity, if the amendments relating to retrospectivity are passed, the transitional provision will apply to allow a court to reduce or mitigate the minimum licence disqualification for a first South Eastern Freeway offence to not less than one month if it is considered it to be 'trifling'. This is because the transitional provision provides that the sections apply for the purposes of any proceedings determined after the commencement of the act, regardless of whether the offence to which the proceedings relate occurred before or after that commencement.

It is important to note that no other retrospective provisions are contained in the bill that will, if passed, reduce or remove sanctions and penalties, including licence disqualifications, for drivers of trucks and buses for any South Eastern Freeway offences committed to date. This will mean that a six-month licence disqualification will continue to apply for a first South Eastern Freeway offence that was committed prior to 6 December 2019 upon expiation. SAPOL has been consulted and supports the government's intention to oppose this bill, so I urge members to strongly oppose this bill and remove all the ambiguity this has created.

The Hon. F. PANGALLO (22:12): While my private member's bill was passed in 2019 with the most immediate issues related to the severe loss of licence penalty for a first offence under these laws, this bill, and my amendment [Pangallo-1] 1 currently before you, seeks to ensure that small buses under 25 seats are excluded from these offences.

Buses were never meant to be included in these offences but, unfortunately, since May 2019, small buses have become the unwitting victims of the unintended consequences of the government's South Eastern Freeway legislation. The government has shown no inclination to address this problem which has had enormous impacts on small businesses and individuals alike. It has also failed to recognise the very real risk presented by forcing these buses to share the same lane with large, articulated, usually heavily laden vehicles.

Ideally, no buses would share the lane with large B-doubles and similar heavy articulated vehicles. But my amendment has limited this to buses below 25 seats to ensure larger buses have to comply with the reduced speed limit on that section of the freeway. The other issue my bill addresses is that it restores judicial discretion regarding matters where the driver or owner elects to be prosecuted. In the interests of justice, my bill gives back this important discretion to magistrates.

I note that the minister Stephan Knoll in February said he believes there is a discretion to a certain degree by the courts. To date, there is no discretion. We have also sought advice from the police commissioner as to any discretion that SAPOL may have. It saddens me to say this but, along with the many drivers caught by unintended consequences, I have been extremely disappointed at the lack of accurate and prompt information and long delays to our questions by both the transport minister and the police commissioner.

They have been ducking and weaving on this since we first raised the chaos and unfairness of the legislation in regard to this stretch of the South Eastern Freeway before, and after we amended it late last year. Freedom of information documents we have recently received from SAPOL, dated 7July, reveal that they have made significant changes last September to the front of traffic expiation

notices, which now state, 'Demerit or licence disqualification may apply,' whereas for those who got notices when it came into effect in May last year, it simply stated, 'Demerit points may apply', that is all. Email correspondence reveals the change only came about because of media scrutiny.

Information on registration papers was also changed in the wake of the uproar, warning of heavy penalties to trucks and buses. This flies in the face of minister Knoll's claims that everyone was properly notified. Many drivers of buses do not even own these vehicles. I note that it was mentioned also by the Hon. David Ridgway in relation to the Coroner's findings and recommendations. The minister also wrongfully implied the laws were the result of the Coroner's recommendations into a fatal crash on the South Eastern Freeway. The Coroner had to correct the minister that it did not refer to vehicles under 4.5 tonne GVM. I will table that letter from the Coroner.

I have also placed questions on notice to the police commissioner, and I hope we get a response in a timely manner, unlike the three to six months it took him and SAPOL to respond to desperate and distressed drivers who faced losing their licences and livelihoods and were seeking the commissioner to exercise a discretion to waive penalties. One Dallas Coull of Taste the Barossa, says he will be forced to close his business next month. The commissioner told us he was awaiting legal opinion on whether he even had the discretion. Six months is a long time to get such a simple answer: yes or no.

It now turns out that he sort of does, but he, through his expiation branch, has flatly refused to exercise that discretion. One of those distressed drivers who contacted my office in February, Kimberley Pagon, said she had to wait until last week to be told her penalty would not be waived, and the licence disqualification stood. If she copped it on the chin when she got the notice, the licence disqualification would have been served by now. Kimberley begged for leniency because of extenuating personal circumstances and a business impacted by COVID-19.

I can accept that the police commissioner has the final verdict on exercising discretion. It is a tough call, and SAPOL perhaps do not want to start precedents that could be exploited by others. However, it should not take half a year to make that decision when there is so much at stake for a lot of drivers and businesses.

I would like to thank Adrienne Gillam from my office and lawyer Karen Stanley from Stanley Law for their valuable input. I am pleased to hear I have the support from the honourable members of the opposition and the crossbenchers, the Greens. With that, I conclude my summing-up and commend the bill to the council.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–1]—

Page 2, line 13 [clause 3(1)]—Delete subclause (1) and substitute:

(1) Section 45C(1)—delete 'or bus' and substitute 'or large bus'

This amendment deals with taking out buses under 25 seats by referring to other buses as a 'large bus'.

The Hon. D.W. RIDGWAY: I indicate that the government will not be supporting the amendment. As I said in my second reading contribution, it looks like we will have different offences for different vehicles on the same stretch of road and it is quite confusing, so we certainly will not be supporting this amendment.

The Hon. C.M. SCRIVEN: We will be supporting the amendment.

Amendment carried.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–1]—

Page 2, line 14 [clause 3(2)]—Delete subclause (2) and substitute:

(2) Section 45C(2)—delete 'or bus' (twice occurring) and substitute in each case:

or large bus

Amendment carried.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–2]—

Page 2, after line 19—After subclause (3) insert:

(3a) Section 45C—after subsection (5) insert:

(5a) If, on a prescribed road—

(a) a speed limit; or

(b) a direction that a vehicle be driven in a specified marked lane or other part of the road,

is, pursuant to a traffic control device, applicable to a person driving a truck or bus (not being a traffic control device that is also applicable to persons driving other vehicles), that speed limit or direction is not applicable to the driver of a bus that is not a large bus.

This amendment deals with signage that would be necessary to deal with all buses if you did exclude them all, or for under 25-seaters that you intend to exclude as the signage would still apply, so it needs to be specifically stated that it does not apply to under 25-seaters.

The Hon. D.W. RIDGWAY: I indicate that the government will not be supporting the amendment. It looks like we would have to have a billboard on the South Eastern Freeway with so much information that it would distract drivers. We are certainly not supporting this amendment.

The Hon. C.M. SCRIVEN: We will be supporting the amendment.

Amendment carried.

The Hon. F. PANGALLO: I move:

Amendment No 3 [Pangallo–1]—

Page 2, line 20 [clause 3(4)]—Delete subclause (4)

Amendment No 4 [Pangallo–1]—

Page 2, after line 20—After subclause (4) insert:

(4a) Section 45C(7)—after the definition of *bus* insert:

large bus means a bus that seats over 25 adults (including the driver);

Amendments carried.

The Hon. F. PANGALLO: I move:

Amendment No 2 [Pangallo–2]—

Page 3, before line 1—Before subclause (5) insert:

(4a) Section 45C(7)—after the definition of *length* insert:

marked lane means a marked lane for the purposes of the *Australian Road Rules*;

It is needed whether you delete all buses or just buses under 25 seats because it deals with the signage that would otherwise still apply to all buses, even the ones that you want to exclude.

The Hon. D.W. RIDGWAY: I indicate that the government will not be supporting the amendment. As you can see from the amendment, it is really creating even more confusion on the South Eastern Freeway.

The Hon. C.M. SCRIVEN: The opposition will be supporting it.

Amendment carried.

The CHAIR: Amendments Nos 5 and 6, the Hon. Mr Pangallo, are consequential. You can move them together.

The Hon. F. PANGALLO: I move:

Amendment No 5 [Pangallo–1]—

Page 3, line 1 [clause 3(5)]—Delete subclause (5) and substitute:

(5) Section 45C(7), definition of *primary brake*—delete 'or bus' and substitute:

or large bus

Amendment No 6 [Pangallo–1]—

Page 3, line 2 [clause 3(6)]—Delete subclause (6) and substitute:

(6) Section 45C(7), definition of *relevant speed limit*—delete 'or bus' and substitute:

or large bus

Amendments carried; clause as amended passed.

Clause 4 passed.

Clause 5.

The Hon. F. PANGALLO: I move:

Amendment No 7 [Pangallo–1]—

Page 3, lines 13 to 15 [clause 5]—Delete clause 5 and substitute:

5—Variation of regulation 9C—Low gear offence (rule 108) not applicable to drivers of trucks or large buses on prescribed road

(1) Regulation 9C—delete 'or bus' and substitute 'or large bus'

(2) Regulation 9C—after its present contents (now to be designated as subregulation (1)) insert:

(2) In this regulation—

large bus has the same meaning as in section 45C of the Act.

This clarifies that you are only dealing with large buses being not subject to the low gear offence, which is already the law, and it clarifies the definition of a large bus, that is, that it is over 25 seats. To clarify, we did seek extensive opinion about whether it changes the definition of buses or not and the opinion was that these amendments are actually quite applicable and will not do that.

The Hon. D.W. RIDGWAY: The government will be opposing it, as I said in my second reading contribution. We have consulted with SAPOL and they do not support this bill or the amendments.

The Hon. C.M. SCRIVEN: We will be supporting the amendment.

Amendment carried.

Remaining clause (6) and title passed.

Bill reported with amendment.

Third Reading

The Hon. F. PANGALLO (22:29): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 12
Noes 9

Majority............ 3

AYES

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

NOES

Centofanti, N.J.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Ridgway, D.W. (teller)	Wade, S.G.

Third reading thus carried; bill passed.

CORRECTIONAL SERVICES (ACCOUNTABILITY AND OTHER MEASURES) AMENDMENT BILL

Introduction and First Reading

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

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

Introduction and First Reading

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

At 22:35 the council adjourned until Thursday 23 July 2020 at 11:00.

Answers to Questions

HUMAN SERVICES DEPARTMENT

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (17 June 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

The Riskman system does allow staff to routinely add and update information on an incident report after an incident has initially been entered into the system. Riskman has a built-in version control capability. This feature creates an electronic audit trail of any changes to the report, what the change consisted of, the time/date the change was made and who made the changes.

DISABILITY SERVICES

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (17 June 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): I was advised of the incident on 5 June 2020.

DISABILITY SERVICES

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (18 June 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

Since March 2018 I have been advised of one allegation in a state-run disability care facility. The allegation was investigated by SAPOL and the department's Incident Management Unit and was not substantiated.

I have not been notified of a person being convicted of rape that occurred in a state-run disability care facility since March 2018.

I have been notified of a conviction of aggravated indecent assault by a Department of Human Services disability support worker. The worker was convicted in April 2018 for an assault that occurred in 2017.