LEGISLATIVE COUNCIL

Tuesday, 16 February 2021

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:15 and read prayers.

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

Bills

COVID-19 EMERGENCY RESPONSE (EXPIRY) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (COSTS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (OMNIBUS) BILL

Assent

His Excellency the Governor assented to the bill.

RADIATION PROTECTION AND CONTROL BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General's Report—Passenger transport service contracts—Heavy rail, Report No. 4 of 2021

By the Treasurer (Hon. R.I. Lucas)—

Stony Point Environmental Consultative Group, Report, 2019-20
By-laws—
- Berri Barmera Council—
  - No. 7—Local Government Land Amendment
- City of Marion—
  - No. 10—Shopping Trolley Amenity (Exemptions) Variation

Fee Notices under Acts—
- Forestry Act 1950

Regulations under Acts—
- Development Act 1993—Designated Day—COVID-19
- Fair Trading Act 1987—Fuel Pricing Information
- Forestry Act 1950—Miscellaneous
- Petroleum and Geothermal Energy Act 2000—Regulated Substance

Determination of the Remuneration Tribunal No. 1 of 2021—Berri Country Magistrate Housing Allowance
Report of the Remuneration Tribunal No. 1 of 2021—Berri Country Magistrate Housing Allowance

Return pursuant to section 74B of the Summary Offences Act 1953 Road Blocks—Report by the Commissioner of Police 1 October 2020 to 31 December 2020
Return pursuant to section 83B of the Summary Offences Act 1953 Dangerous Area Declarations—Report by the Commissioner of Police 1 October 2020 to 31 December 2020
The Motor Vehicle Insurance and Repair Industry—Response to the Eighth Report of the Economic and Finance Committee dated 19 January 2021

By the Minister for Human Services (Hon. J.M.A. Lensink)—

Report by the Guardian for Children and Young People on the Review of the Charter of Rights for Children and Young People in Care

By Minister for Health and Wellbeing (Hon. S.G. Wade)—

Regulations under Acts—
Controlled Substances Act 1984—Poisons—Storage of Pentobarbital
Fire and Emergency Services Act 2005—Miscellaneous

Parliamentary Committees

COVID-19 RESPONSE COMMITTEE

The Hon. T.A. FRANKS (14:19): I bring up the interim report of the committee.

Report received and ordered to be published.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. D.W. RIDGWAY (14:20): I bring up the report of the committee, being the annual report for 2019-2020.

Report received and ordered to be published.

Ministerial Statement

CHILD PROTECTION, RICE INQUIRY

The Hon. R.I. LUCAS (Treasurer) (14:22): I table a copy of a ministerial statement made in another place today by the Deputy Premier and Attorney-General on the issue of the government response to the report of the independent inquiry conducted by Paul Rice QC. I seek leave to table a copy of the said report, the report of independent inquiry by Paul Rice QC, dated 9 February 2021.

Leave granted.

HUGO, MR J.H.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I table a copy of a ministerial statement on the passing of James Henry Hugo OAM made today in another place by the Minister for Police, Emergency Services and Correctional Services.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

COVID-19 QR CODE SECURITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): My question is to the Minister for Health and Wellbeing regarding COVID-19. In view of the State Coordinator's announcement of penalties for misuse of QR code and check-in data earlier today, can the minister inform the chamber what penalties apply for misusing data that was gathered before today's announcement? Secondly,

can the minister describe what security measures are in place for the protection of QR code data and paper check-in data?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I am yet to see a copy of the direction, because my expectation, as is the State Coordinator's practice, is that it would be issued at one minute past midnight. But even if it has been issued, I haven't seen it yet.

My understanding is that the State Coordinator's particular concern is in relation to physical contact sheets. The government has consistently allowed people to use contact sheets so that people who don't have smart phone technology can still record their presence. The concern that the State Coordinator is responding to is the prospect of that being misused.

My understanding is that if a person does breach the direction as updated, if they are a natural person they will be liable to an expiation fine of $1,000, if they are a body corporate they will be liable to a fine of $5,000. If the circumstances are of an aggravated nature, my recollection is that the penalty for a natural person is $25,000 and the penalty for a body corporate is $75,000. If I have those details incorrect I will certainly provide an answer to the question on notice.

It is clearly a risk of data being misused. I think I should stress that this is not only directed at business operators. I think there is a legitimate concern from members of the public that if they put their details on a contact sheet, and that contact sheet is left in a public place—and by that I also mean within a restaurant or the like—that others, not the business operator but others, using that premises might get access to that data.

So I think it's the sort of concern that the Hon. Mark Parnell is picking up in legislation before this place, which would be quite disorderly of me to refer to without the *Notice Paper* bringing it on. I'm not saying the Hon. Mark Parnell's bill is the best response to that issue, all I'm saying is that it shares a concern that people's privacy be respected.

To be frank, that is really important from a public health point of view. If we have people not putting their contact details down when they don't have access to QR code technology, that increases the risk that if we need to chase that person we won't be able to.

COVID-19 QR CODE SECURITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary arising from the answer: minister, is it your understanding that there are any penalties that currently apply for the misuse of data that is not on a paper sign-in sheet?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): I would just like to clarify: is the honourable member therefore referring to the data that goes into the government's QR code system, the electronic system?

The Hon. K.J. MAHER: I'm happy to clarify. Yes, are there any sanctions that apply for the misuse of electronic data from the scanned QR code system that goes into a central electronic system?

The Hon. S.G. WADE: I can certainly seek further information on that, but I should make clear—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: My understanding is that any misuse of that would be a breach of the Public Sector Code of Ethics. The database is not actually managed by Health. It is managed by the Department of the Premier and Cabinet.

COVID-19 QR CODE SECURITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Final supplementary: is the minister able to inform the chamber what his understanding is of—are there any particular circumstances in which these protections could be breached? That is, are there any circumstances in which the privacy to which the minister has referred as a potential breach could be breached?

Members interjecting:

The PRESIDENT: Order! No conversations in the chamber.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): To be honest with you, I don't know what the honourable member is referring to.

CHILD PROTECTION, RICE INQUIRY

The Hon. C.M. SCRIVEN (14:29): My question is to the Minister for Health and Wellbeing regarding child safety. What is your or your agency's duty of care to ensure that information is shared when a pregnant teenage girl in state care presents to a public hospital and, after reflecting on the Rice report, what could you or your agency have done better to avoid the significant failings experienced by the Minister for Child Protection?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): There is certainly a high level of awareness in our department and in our responsibilities in terms of mandatory reporting, and those obligations are delivered on. In terms of the Rice report, I certainly have referred a copy of it to my department but I have not received a briefing as yet.

CHILD PROTECTION, RICE INQUIRY

The Hon. C.M. SCRIVEN (14:30): Supplementary: does the minister agree with the Hon. Paul Rice QC that there has been significant failure on the part of the Minister for Child Protection?

The PRESIDENT: I do not know that the minister's opinion should be sought. You might like to rephrase that.

CHILD PROTECTION, RICE INQUIRY

The Hon. C.M. SCRIVEN (14:30): I will ask a further supplementary in any case: what directions has the Minister for Health issued to SA Health to ensure that he is notified of cases where there is a serious risk to child safety?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): It is established practice in the Department for Health and Wellbeing to advise me of what they call SAC 1 (Safety Assessment Code 1) matters, and they are referred to me through a critical incident brief.

CHILD PROTECTION, RICE INQUIRY

The Hon. C.M. SCRIVEN (14:30): Further supplementary: are those directions or practices in writing and, if so, could the minister provide that information to the chamber?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): There are certainly detailed policies in terms of the management of the Safety Learning System and the SAC codes, but I do not think the policy explicitly highlights the processing of SAC 1s through the chief executive to me.

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:31): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. E.S. BOURKE: Kirsty is a single mum who has appeared repeatedly in the media after being knocked back for hundreds of rental properties, despite having great rental references. The opposition has been advised that the SA Housing Authority has suggested that Kirsty should live in a motel for $250 per night. My question to the minister is: after responding to questions two weeks ago by saying, and I quote, 'It depends on your definition of homelessness,' can the minister explain how Kirsty's situation aligns with her definition of 'homeless'?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I will repeat what I have said many times in relation to individual client matters, that I will not discuss people's personal details. In terms of the general support that the Housing Authority provides, there are a range of support services. We provide support through the private rental system. We also provide emergency accommodation and people can register for our public housing system. So my general advice to any

client in that situation is to adhere to the advice of the South Australian Housing Authority in terms of ways to maximise their own opportunities to obtain accommodation. The Housing Authority is there for those people who are unable to access their own according to the criteria.

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:33): With regard to accessing housing, how many empty public housing homes are in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): It is quite a dynamic situation, so in terms of the vacancy rates they do vary. The advice I have received in terms of the size of the portfolio is that it is quite consistent with the private sector. Part of the definition, and some of the statistics that have been used by the Labor Party in public commentary on this matter, includes properties due to be demolished and a range of things that fit within that definition. By standards in comparison with the private sector, the South Australian Housing Authority is on par.

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:34): Supplementary: does that definition of housing support fall into the category of paying $250 per night for a motel?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I think the honourable member is referring to the emergency assistance program. What the authority and the homelessness services will do is provide support. In terms of payment, I can't comment on the particular value that she is talking about because I would need to double-check with the agency about what has been offered, and again that is probably going to identify matters in this case. The policy is that people seeking support are asked to pay commensurate with their capacity to pay.

SINGLE TOUCH PAYROLL

The Hon. D.G.E. HOOD (14:35): My question is to the Treasurer. Are there any recent ABS figures on single-touch payroll which indicate the pace of economic recovery in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:35): I am sure all members will be delighted to have seen the figures released late this morning, or at lunchtime today, by the Australian Bureau of Statistics, indicating the pace or extent of economic recovery in all the states and territories throughout the nation. Pleasingly, as I said, I am sure all members, no matter their political persuasion, would welcome these figures, that since the low point of the global pandemic in the middle of April last year there has been a 10.1 per cent growth in jobs in South Australia, which leads the nation and all states and territories.

Previously, we had trailed Western Australia in terms of the pace of economic recovery as measured by the single-touch payroll figure. The national figure is 7.2 per cent and our bigger Eastern States jurisdictions are in and around that mark, at 7 per cent and 7.5 per cent for New South Wales and Queensland. Victoria trails the field at 5.6 per cent.

As I have said previously, just as important is the measure that the single-touch payroll produces fortnightly, which is watched with as much interest as the jobs figures that the politicians watch. The economists like to look at the employee wages figure because it measures, in essence, the extent of pay and wages that are being paid to people who are working, whether they are working part time or full time, whether they are underemployed or fully employed, or not.

Pleasingly again, what it shows is that since the low point in mid-April of COVID-19 in terms of economic impact, South Australia's growth has been 5.6 per cent. The national figure is just 3.1 per cent, so we have almost twice the national growth rate in terms of growth in employee wages. That is critical because it is dollars in the pocket for those households that are fortunate enough to continue to be working and finding new work or continuing work.

What is critical for the state's and the nation's economic recovery is confidence. I highlighted this in the November budget, that the focus of the budget was twofold. It was jobs and confidence, because we need businesses confident enough to spend more money and invest and to employ more South Australians, but we need more South Australian households who are unimpacted directly by COVID—that is, they have worked all the way through the COVID pandemic—to return to pre-COVID spending patterns.

The household savings ratios in the nation and South Australia have risen extensively. Australians and South Australians are being cautious and conservative, understandably, in terms of their spending patterns, but from the economic viewpoint that's the worst thing in the world. We need people to be returning to their pre-COVID spending patterns, generating jobs and business for small and medium-sized businesses in South Australia, so that those businesses can grow and employ more South Australians. As I said, I am sure all members will be delighted to see those figures that, relatively, South Australia is leading the nation in terms of pace of economic recovery.

INFRASTRUCTURE AND TRANSPORT DEPARTMENT INVESTIGATIONS

The Hon. T.A. FRANKS (14:38): I seek leave to make a brief explanation before addressing a question to the Treasurer in his role as minister for the public sector on the topic of departmental investigations.

Leave granted.

The Hon. T.A. FRANKS: Reports that the Department for Infrastructure and Transport has been spending, I believe, some thousands of dollars of public money on private investigators to find staff members who have purportedly leaked agency information to the media have come to light in recent days. My questions to the minister are:

1. Is this standard practice across the public sector, to hire private investigators to conduct investigations of staff within departments? Does the Commissioner for Public Sector Employment receive any oversight or updates on this?

2. If it is standard practice, in which departments has this occurred, on how many occasions has this happened under this Marshall Liberal government and what, broadly, have been the topics of these private investigators' inquiries?

The Hon. R.I. LUCAS (Treasurer) (14:39): Certainly, on my understanding I don't believe it to be standard practice but I don't think it is, I suspect, unprecedented. I must admit I was stunned to hear some of the statements being made by the Labor opposition in relation to this issue.

Some of us have long memories in this place, and I well recall the leaking or loss of a USB stick in relation to the new Royal Adelaide Hospital, and a leak inquiry or investigation was instigated by the former Labor government. When the member for West Torrens was asked as to whether or not the former government had ever undertaken this, he denied any knowledge that such practices had occurred. Of course, he is a very prominent member, so perhaps he is suffering memory loss. I'm not sure. But I was advised that if one goes to the *Hansard* of—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, order!

The Hon. R.I. LUCAS: —25 June 2009 and refers to statements made by the former health minister, the Hon. John Hill at the time, when he was asked about the leak inquiry and activities being undertaken by the former Labor government, he was asked how much did it cost.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: And he said, and I quote, 'There is no budget line. It would be in the hundreds of thousands of dollars.'

The Hon. I.K. Hunter: Answer the question you were asked.

The PRESIDENT: The Hon. Mr Hunter, order!

The Hon. R.I. LUCAS: 'I am happy to get an estimate for the member if that is possible', by the former Labor government.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: Chuck him out!

The PRESIDENT: Order! The Hon. Mr Ridgway is out of order.

Members interjecting:

The PRESIDENT: Order! I'm on my feet. The Treasurer will be heard in silence.

The Hon. R.I. LUCAS: So the hypocrisy of the—

The Hon. I.K. Hunter: Answer the question.

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. R.I. LUCAS: —Labor members knows no bounds. In response to the Hon. Ms Franks' question—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —when she asked is it standard practice: no, I don't believe it would be characterised as standard practice, but the point of—

Members interjecting:

The PRESIDENT: Order! There are no conversations on the opposition benches or across the chamber.

The Hon. R.I. LUCAS: —me recounting the facts was to demonstrate that under governments, Labor and I assume under the Liberal government, it is not unprecedented if a judgement is made that something so serious which might constitute a breach of either the Code of Ethics or the Public Sector Act, then governments, of all persuasions—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —including the former Labor government, who might like to portray themselves as holier than thou on this particular issue, have convenient memory losses when it relates to—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter will cease.

The Hon. R.I. LUCAS: —what might be euphemistically called 'leak inquiries', for those who have seen *Yes Minister.*

I also recall other examples under the former administration where leak inquiries, which employed consultants or investigators, were engaged. So my characterisation of the circumstances would be not that it's standard practice but that it's not unprecedented and that I'm sure that, under governments Labor and Liberal, when it is deemed serious enough it has occurred.

In relation to the question as to whether there is an oversight or permissions required from the Commissioner for Public Sector Employment, no, I don't believe so. These are judgement calls that chief executives of departments, I would imagine, have the authority to undertake. I will check that, but unless my advice is contrary to what I say, I won't bring back a further reply because my understanding would be certainly that, under the former government, or indeed under this government, you are not required to get permission from the Commissioner for Public Sector Employment, or indeed even to report to the commissioner, as to how you might investigate something which might, quite seriously, have been leaked by someone working within the public sector in a position of trust or confidence.

In terms of the oversight and the costs of these things, as I said I am not aware, which doesn't mean that a chief executive hasn't conducted their own leak inquiry on other issues, but in trying to think about the last three years I can't immediately recall other circumstances. There might have been other circumstances. As I said, I can remember a good number, one of which I was able to quickly turn up in *Hansard* in 2009 in relation to the former Labor government. There were a number of other examples of which I am aware and, with a little bit of time, would be able to dig up the detail in relation to the activities of former Labor government ministers in this respect.

PUBLIC HOUSING TENANTS

The Hon. R.P. WORTLEY (14:45): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. R.P. WORTLEY: 10 News reported four weeks ago about the case of Karen and Sean who live in public housing. Sean has complex disability needs and needs home modifications that have now taken around 17 months. Channel 10 reported, and I quote:

> Human services minister Michelle Lensink said in a statement that work is being done to get Karen and her family into the new home in the coming weeks.

When the opposition raised this two weeks ago, the minister said, 'It was a matter of being weeks away from being rectified, and I stand by that particular statement.' The minister keeps alleging that tens of millions of extra dollars are being spent on maintenance, but somehow critical disability needs are not being assessed. My questions to the minister are:

1. Are Karen and Sean now in their modified home?

2. If not, why not?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46): I thank the honourable member for his question and for the opportunity to talk about the work that is going on through our bringing forward of the maintenance budget and indeed the stimulus that the government is spending.

Of course, the South Australian Housing Authority, when we took office, was on a completely unmanageable footing going forward. It was an organisation that was not able to manage its own assets, so we have been undertaking a strategic asset management report to determine which properties are in highest need.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter! Order! The minister will continue uninterrupted.

The Hon. J.M.A. LENSINK: It was a completely unsustainable organisation, so we have undertaken to do an asset management report so that we know the condition of every property going forward and that will inform our strategic asset management plan. Of course, when Labor was in office they regularly cut the maintenance budget, they reduced the cash reserves and they sold public housing.

Members interjecting:

The PRESIDENT: Order! If the opposition want to listen to the answer, it would be helpful to the chamber. Otherwise, we will move on. If you don't want to listen to the answer, we will move on.

The Hon. J.M.A. LENSINK: So we have undertaken to put the organisation on a footing where we are much better managing all of the assets going forward. If I can talk about the annual maintenance program—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: Order! If the opposition don't want to listen to the answer, then we will move onto the next question.

The Hon. J.M.A. LENSINK: —which the Labor Party regularly cut to fund other of their pet projects. What we have done is bring forward maintenance funding so that we can accelerate those properties that would benefit the most in terms of having upgrades and the like, so we have increased that budget by $30 million. We had a stimulus funding of $10 million, which went towards a range of

projects in terms of assisting people, whether it is their kitchen upgrades or bathroom upgrades and other things that needed to be done. We have been accelerating that program across the portfolio.

In terms of some of our disability upgrades, there may be some that have been held up for a range of reasons, including with COVID. Retrofitting properties can be something that is more problematic than others and so we have been working assiduously through that program.

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

PUBLIC HOUSING TENANTS

The Hon. R.P. WORTLEY (14:49): Can the minister actually tell us when Karen and Sean will be moving into their house—weeks, months? Have any of the delays from getting Karen and Sean in their house been a result of a disagreement between the NDIS and Housing SA on who funds these modifications?

Members interjecting:

The PRESIDENT: Order! I think you have asked your supplementary. It didn't really relate to the answer but the minister can elaborate if she wishes.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50): I can look into those specific details for the honourable member in terms of what involvement the NDIS has in this particular matter.

Members interjecting:

The PRESIDENT: Order! You are wasting your own time.

PUBLIC HOUSING

The Hon. N.J. CENTOFANTI (14:50): My question is to the Minister for Human Services. Can the minister provide an update on the government's public housing building and sales program?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): I thank the honourable member for her question on something that I know the Labor Party should have an interest in because they have displayed a variety of positions over the years in terms of what their attitude is—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: The deputy leader is out of order.

The Hon. J.M.A. LENSINK: —towards the public housing stock, as I have just been remarking on. They did actually treat the Housing Authority portfolio as an ATM to go and raid for whatever pet projects that they wanted, and they don't like to be reminded of that. When we came to office, financial viability sales had been placed in the forward estimates by the former government, so we saw a peak in 2013 when nearly 600 properties were sold. I would just like to refer to some comments which were made by the Hon. Jack Snelling in a radio interview when he was asked about the Mid-Year Budget Review. He said:

> The problem that we've got is we have a very high public housing stock compared to interstate and that's just an historical thing.

This was on FIVEaa, so the interviewer, Mr Byner, said:

> …isn't that a good thing?

Mr Snelling said:

> …no, it isn't…because…tenants in public housing don't get Commonwealth Rent Assistance and tenants in private rental or indeed community housing do.

He then went on to say:

> I think if we were to be at the national average and I am not saying that's where we'd go…it would bring us down to probably around 30,000 [properties].

In a subsequent interview, when he was interviewed by Mr Byner, Mr Byner said:

> …you told me you were going to reduce the amount of public housing from 45,000 to 30,000. You're still sticking to that?

Mr Snelling said:

Yeah, indeed.

So there we had it, in very clear terms, that that's what the Labor Party position was. Under this government, we have managed to reduce the viability sales to one-quarter of what the Labor Party had. We then have the shadow minister who goes on radio regularly and signals that Labor is going to increase social housing and doesn't indicate how that is to occur, so Labor has done one thing in government and says a very different thing in opposition. We know that the former government sold off approximately 7,500 properties to the value of about $1.5 billion, so we do look forward to the Labor Party policy being clarified in this regard.

PUBLIC HOUSING

The Hon. T.A. FRANKS (14:53): A supplementary: has the Marshall government asked for its public housing federal debt to be waived in its term?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I will bring a more detailed response back to the house in that regard. I understand that that debt was waived several years ago and that the expectation was that the grant to the Housing Authority would be increased as a result—this was under the previous government—but that Treasury at that time just determined to continue to not increase the grant to cover that matter. That is my understanding of that situation. The federal government waived it, but Labor decided to keep using the South Australian Housing Authority (or the trust) as an ATM.

PADDY'S LAW

The Hon. C. BONAROS (14:54): I seek leave to make a brief explanation before asking the Treasurer, in his capacity as minister for industrial relations, a question about deaths caused by inhaling LPG.

Leave granted.

The Hon. C. BONAROS: This Thursday marks the one-year anniversary of the death of 16-year-old teenager Paddy Ryan who, as I have said before in this place, died of heart failure minutes after inhaling gas from a barbecue gas cylinder at a house party in his home town of Port Lincoln. Paddy, as I have said before, was a good kid who made a silly mistake, as thousands of kids do every day.

Since then, his dad, Adrian, and their family have been leading the charge to have warning labels put on LPG cylinders—a very simple change to save other victims and spare other families the same unspeakable pain and loss they have had to live with every day. Of course, there is a current proposal before parliament aimed at doing just that. My questions to the Treasurer are:

1. Have you, your office and/or your department been made aware of any other deaths or injuries caused by inhaling LPG since Paddy's tragic death last year?

2. Has SafeWork SA been made aware of any deaths or injuries and, if so, how many?

3. Have you, your office and/or your department been made aware of any deaths and/or injuries caused by inhaling LPG in the last month?

The Hon. R.I. LUCAS (Treasurer) (14:56): I am very happy to take advice on that question and bring back a reply.

DISABILITY HOUSING

The Hon. I. PNEVMATIKOS (14:56): My question is to the Minister for Human Services regarding disability housing. Out of the 33 actions in the minister's 10-year housing strategy, can the minister tell us what the one and only reference is to people with disability?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57): I would assume that the honourable member is referring to the accessibility standard target that we have for our new stock, which I understand to be 75 per cent. My understanding is that in practice it is often higher than that. People who work in this industry tell me that building accessible housing is much easier if you have a flat block and, because of the large number of flat blocks that the Housing Authority

utilises, or if it is multistorey they are able to put lifts in and the like, so the actual number of new builds is closer to 90 per cent.

BUSHFIRE RECOVERY SUPPORT

The Hon. T.J. STEPHENS (14:57): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing on the topic of support to people impacted by bushfires.

Leave granted.

The Hon. T.J. STEPHENS: In recent months, threatening fires in the Lucindale region in the South-East and Cherry Gardens and Clarendon in the Adelaide Hills resulted in the destruction of thousands of hectares of farmland and native vegetation. Family homes were lost and farms and outbuildings were destroyed. Livestock and animals in their natural habitat were also lost. Extensive investment continues to be deployed to rejuvenate the communities and economies of those regions that have been devastated by the destruction caused by these fires and those of early 2020.

Besides the physical loss, there is also the human factor and the impact on the health of inhabitants in those regions and the firefighters on the fire fronts. Can the minister provide an update to the council on the support provided to people affected by bushfires, especially regarding their mental health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I thank the honourable member for his question and I certainly agree with him that we need to support people affected by bushfires in terms of their mental health. The recent fires in the Adelaide Hills would have brought back very dark memories for a lot of people. To be frank, there is not only the people from Yorke Peninsula, the Adelaide Hills and Kangaroo Island in the 2019-20 fires but even people who have suffered bushfires long ago. I can recall a story of a lady who was affected by the Ash Wednesday bushfires—

The Hon. J.M.A. Lensink: The President was a firefighter; sorry.

The Hon. S.G. WADE: The person affected—

The Hon. J.M.A. Lensink: Was a firefighter.

The Hon. S.G. WADE: I am sure even people in this chamber have been affected by bushfires. The point I am trying to make is that recent bushfires can reactivate the grief and the distress that people have experienced in bushfires. Certainly, 2020 will be remembered primarily as the year of the COVID pandemic, but for many people the pandemic has had less impact on them personally than the devastation of the bushfires that ended at the end of 2019 and the beginning of 2020. The Marshall Liberal government recognises the ongoing impact of these fires and continues to support the resilience and mental health and wellbeing of communities affected by bushfires.

As part of this ongoing work, last week the government provided grants to 10 local community organisations to support improved mental health and wellbeing. These grants mark the first round of the Strengthening Community Wellbeing after Bushfire grants, which is part of the government's $2.6 million Bushfire Mental Health Project. Each of these grants support community-led, community-initiated projects to develop resilience in these communities.

It's not possible here to go into each project in detail, but one example of these projects is the project for animal carers run by Summit Health. One of the confronting images coming out of last year's bushfires was the terrible loss of animal life, with thousands of livestock and wildlife dying in the fires. In response to this, Summit Health will run four events for carers of animals across the Adelaide Hills and Kangaroo Island, supporting and celebrating the carers who spent so much time caring for injured animals and, sadly, euthanising those who were not able to survive. The workshops will be facilitated by experienced therapeutic practitioners, ensuring the workshops can address wellbeing in a professional and evidence-based way.

Another of the projects, on the other side of the state on Yorke Peninsula, is being run by St Columba's Memorial School and will support children and their carers through first-aid sessions and mental health information. Each family will receive first-aid training and will be supported to develop both their sense of resilience and their preparedness for these circumstances. Each family will be able to take a first-aid kit home, giving potentially life-saving aid while building their confidence.

These are just two of the 10 projects, and I wish all the communities all the best as they build and maintain their mental health and resilience. This is always important but particularly after some of the troubling experiences these communities have been through. All South Australians feel for those of us impacted by bushfires. Together, we will face each challenge that confronts us. Together, we will overcome them.

DEVELOPMENT APPLICATION REGISTER

The Hon. M.C. PARNELL (15:02): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Minister for Planning, about defective and deficient public registers.

Leave granted.

The Hon. M.C. PARNELL: Much has been made of the government's new planning system, which is scheduled to come into full effect for the bulk of South Australians on 19 March. However, one aspect of the new planning system that has been in operation for some time is the planning portal, which includes an online database of planning approvals.

However, research into that database today reveals that some of the most important information, including copies of decision notification forms, is unavailable. The reason, according to the technicians at the Parliamentary Network Support Group whom I consulted, is that the security certificate has expired, and without a valid certificate no web browser is going to load the documents. In fact, what you get instead is a red message, warning you that, 'Attackers might be trying to steal your information from apps.planning.sa.gov.au.'

On another part of the planning website is a page for the Coordinator-General, which is supposed to show details of projects worth nearly $4 billion that have bypassed the normal planning system and been ticked off by the head of the minister's department. When you search that register online you find that it hasn't been updated for six weeks and is hopelessly out of date, with many important projects missing. My questions of the minister are:

1. When will the government fix its own planning website so that its public register of development applications provides actual documents, rather than warnings about identity theft?

2. Will the minister instruct the State Coordinator-General to keep her online development register up to date as well?

The Hon. R.I. LUCAS (Treasurer) (15:04): I will refer the honourable member's question to the minister and bring back a reply.

DISABILITY HOUSING

The Hon. T.T. NGO (15:04): My questions are to the Minister for Human Services regarding disability housing. Minister, who is the South Australian representative on the Disability Reform Council, the highest decision-making body for the NDIS? Can NDIS funding be used to fund modifications in public housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): I think that generally the attitude of the NDIS—and this is a discussion that is ongoing in a policy sense—is that it has been reluctant to fund modifications where the NDIS participant is a tenant rather than a home owner. There have also been matters under discussion about whether NDIS participants can be part of a co-share arrangement with other people where the other people living with them are not NDIS participants; that is, where they are in a shared family situation and the like. I will double-check what the arrangement is in terms of whether the NDIS does provide support via Housing Trust properties.

DISABILITY REFORM COUNCIL

The Hon. T.T. NGO (15:06): A supplementary: my first question was who is the South Australian representative on the Disability Reform Council?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): I have answered some of these interesting questions before: there is the Treasurer and myself.

HOMEBUILDER GRANT APPLICATIONS

The Hon. D.W. RIDGWAY (15:06): My question is to the Treasurer. Can the Treasurer update the chamber on the HomeBuilder scheme and, in particular, any issues relating to the large number of applications that are now in place?

The Hon. R.I. LUCAS (Treasurer) (15:07): I have previously informed the chamber, and publicly, of the significant number of HomeBuilder applications, which I am advised has, as of 9 February, now grown to 8,779 HomeBuilder grant applications. I remind members that when the scheme was originally announced the commonwealth believed there would be about 1,800 applications in South Australia. This significant number of applications has placed tremendous pressures on the system collectively.

I am advised by RevenueSA that 4,500 of those applications were not actually received until just before Christmas; that is, in the month of December. The reason for that was that at that particular time there was an ongoing debate about trying to extend the period of time between the signing of a contract and when construction had to commence to be eligible for the $25,000 HomeBuilder grant. A number of builders and applicants delayed the actual lodging of the application until the last possible moment to spread their workload out.

When it got to the end of that particular period, the end of December, all of a sudden more than half of the total number of applications were dumped at RevenueSA in that month, just getting into Christmas. That has meant some delays in relation to the processing by RevenueSA of this very, very large number of applications. RevenueSA has advised me that almost half of all applications require follow-up information in terms of ensuring that the strict eligibility requirements from the commonwealth are complied with.

The most common requests for further information from RevenueSA back to the applicants have been the need to provide the building contract rather than a preliminary works agreement; the building contract not being signed by all parties or relevant schedules outlining the price not having been provided; a breakdown of payments not provided; missing land contracts where a subdivision is occurring; a builder's licence is not provided or incorrect; providing the official ATO notice of assessment for 2018-19 or for 2019-20; evidence of a change of name where an applicant is married or separated and the ATO notice of assessment is not in the same name as the build contract and the land title; official evidence of citizenship for applicants; clarification relating to demolition of an existing home; a breakdown of the works and pricing in relation to renovations, bearing in mind that this, for the first time, involves substantial renovations as one of the potential eligibility criteria for a HomeBuilder grant; and also, more importantly, evidence that a contract was not signed before 4 June when evidence and supporting documents suggest the deposit has been paid and works completed prior to 4 June.

We have had some very creative applicants, who, it is alleged, have laid the slab, for example, up to six, 12 or 18 months prior to the commencement of the scheme in the middle of last year and who creatively have sought to retrospectively—if I can put it kindly—make application for the HomeBuilder grant. It is the challenge of RevenueSA officers to distinguish that very small number, I might say—a very small number of people—who might be acting creatively, if I can use that phrase. In accordance with the commonwealth eligibility requirements that is the responsibility of RevenueSA.

So it is a huge challenge for RevenueSA. There are, understandably, pressure points as people try to manage their finance and discussions with builders. I am told as of 10 February we now have 30 full and part-time staff who have been transferred from other sections of RevenueSA, other sections of the Public Service, into this particular scheme to try to manage the eligibility criteria. I am advised we are further training others, because it does require some expertise to try to add to that particular complement.

If I could just conclude, the extraordinary nature of this scheme is that the very biggest builder in South Australia has, in that particular company—and there are three or four companies as part of that particular group—900 separate applications. The second biggest building company in South Australia has more than 600 separate applications, so that is 900 and 600 homes that those companies are going to be building in this space of time through this year. Finally, I am told that in excess of 1,400 unique builders are involved across the—

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

The Hon. R.I. LUCAS: Fourteen hundred. I didn't realise we had that many residential home builders in South Australia. I'm told that we actually have many more than the 1,400, but there are actually 1,400 separate unique home builders.

I have highlighted the issue before: there are going to be ongoing issues in relation to the quality of the work, which are being raised by some of the stakeholder groups. I know Consumer and Business Services will be keeping a watchful eye on those, as will the stakeholder organisations like the MBA and the HIA and others. But there are significant challenges.

They are wonderful problems to have, because we are managing a boom in terms of economic and jobs growth in the state, so they are wonderful problems to have as opposed to some of the problems we were addressing back in April of last year, but nevertheless in and of itself they are creating significant challenges for the home building industry, for the stakeholders in that particular industry together with the RevenueSA staff.

I place on the public record my thanks to the staff who are working long hours to try to process these applications and also to the residential home building industry, who are working long hours to build the houses within the time frames that are required under the eligibility criteria.

I will not repeat what I said in the last sitting week in relation to my sympathy that it may well be that at some stage we might need to see whether the commonwealth government is prepared to further extend—they have already been generous in extensions—the time periods, but that is an issue for the federal government. We will continue to have those discussions with the federal government at the appropriate time.

LAND VALUATIONS

The Hon. J.A. DARLEY (15:14): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General, a question about actual use valuations used by the government for rating and taxing purposes.

Leave granted.

The Hon. J.A. DARLEY: I understand the Valuer-General recently released an implementation policy concerning the valuation of land used for the business of primary production and the principal place of residence of an owner, which is not consistent with the provisions of section 22A of the Valuation of Land Act. I have written to the Valuer-General advising that I have serious concerns about the accuracy of this policy and have requested to meet on a number of occasions, but the Valuer-General has refused to meet in person or by telephone. In order to resolve this impasse, can the minister ask the Valuer-General to meet with me to resolve these inconsistencies?

The Hon. R.I. LUCAS (Treasurer) (15:15): I am very happy to refer the honourable member's question to the minister and bring back a reply.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:15): My question is to the Minister for Human Services regarding housing. My questions are:

1. According to the most recent Report on Government Services, what was the drop in new allocations of public housing to people from the waiting list in 2019-20 compared with the previous year?

2. According to the same report, what has been the change in new allocations to people with the greatest needs, including having low income and disability?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16): It is a public report, so I am not sure why the honourable member needs to ask me to confirm what he can already obtain in the public domain. I don't actually have the statistics that he is referring to in front of me.

The Hon. K.J. Maher: It's a public report—maybe you should. I don't know why you wouldn't have the report.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It is an interesting—

Members interjecting:

The PRESIDENT: Order! Order, Leader!

The Hon. J.M.A. LENSINK: It is an interesting strategy the Labor Party adopts on asking questions about what is in the public domain, which as I have said before is part of their—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition is out of order.

The Hon. K.J. Maher: A very good question.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —which is part of what's in the public domain.

Members interjecting:

The PRESIDENT: Order! The Opposition Whip is out of order. We will move on in a moment.

The Hon. J.M.A. LENSINK: I am happy to report generally on the waiting list for public housing because I think it's actually really important to—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Well, I have some very contemporary statistics about the public waiting list. So when we—

Members interjecting:

The PRESIDENT: Order! Order! Minister, resume your seat. If the opposition does not want to listen to the answer to this, then we will move onto the next question.

The Hon. J.M.A. LENSINK: So the general reporting of the—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I would really like to answer this, Mr President—it is some very important information.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: We will move on in a moment. If the opposition does not cease, we will go to the next question.

The Hon. J.M.A. LENSINK: Please, Mr President, don't move on. I would just like to answer this question. Traditionally, the waiting list for public housing has been at about 20,000. The category 1 waiting list traditionally has been at about 4,000. I would like to report to you that as at 31 December 2020 the total waiting list was 16,420, compared with 20,000. The category 1 list was 2,912, compared with 4,000. They are the most recent statistics. If the Labor Party is genuinely interested in public housing waiting lists, I can give them more up-to-date information than is in the RoGS.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:19): Supplementary with regard to some of the figures given: is it not true that you have changed the nature of the category 1 waiting list to reduce it and not actually put more people into homes as a result?

The PRESIDENT: For a start, I did not change any list, but I will ask the minister to respond.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:19): No, the Labor Party changed the definition in December 2017 to bring the homelessness definition for category 1 to align with the Australian Institute of Health and Welfare definition of homelessness, which is now used—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —widely across Australia.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee has the call.

ENERGY CONCESSIONS

The Hon. J.S. LEE (15:19): My question is to the Minister for Human Services regarding reducing cost-of-living pressures for low income households. Can the minister please provide an update to the council about how the Marshall Liberal government is cutting energy costs for low income South Australian households?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:20): I thank the honourable member for her question—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The Leader of the Opposition is out of order.

The Hon. J.M.A. LENSINK: —and for her interest in these important matters. The Department of Human Services has a number of programs that assist people on lower incomes, including cost-of-living concessions. We also have a South Australian—

The Hon. K.J. Maher: Labor.

The Hon. J.M.A. LENSINK: No, that's not true, actually. Anyway, you can continue to delude yourself.

The PRESIDENT: Conversations are out of order. The minister will continue.

The Hon. J.M.A. LENSINK: I am sorry, Mr President. There is a South Australian Concessions Energy Discount Offer, which was a Labor initiative—I will give them credit where credit is due. The original SACEDO offer was, I think, in the order of an 18 per cent discount for concession recipients from their electricity bill. That was increased in April 2019 to 20 per cent. We have renegotiated that agreement through the South Australian Concessions Energy Discount Offer to 21 per cent for our concession customers, and that has been a great thing.

In May 2018, Origin introduced a further special offer for this group of customers for an 11 per cent discount on natural gas supply and usage, which has the same unconditional benefits as the South Australian Concessions Energy Discount Offer, which is a very good program because it provides for people to have things like not being penalised if they don't pay on time and a range of things. It is very important for people who are on low incomes to be able to use that in that way, and we understand that some other energy retail providers have matched that, so that offer is being passed onto a broader number of consumers.

We have recently released a new pilot, which is also targeted at concession card holders, that will enable people who are in particular suburbs to utilise the cost-of-living concession payment over a period of 10 years to switch to a solar pilot program. We are targeting 1,000 eligible South Australian households. It's a $4.25 million program, which we have just released.

The particular locations have been determined, I think, utilising network to determine network capacity. The suburbs for this pilot include Hope Valley, Banksia Park, Tea Tree Gully, Vista, Modbury, Modbury Heights, Modbury North, Felixstow, Campbelltown, Newton, Paradise, Athelstone, Dernancourt, Holden Hill, Highbury, Redwood Park, Ridgehaven, and Goolwa and surrounds, including Hindmarsh Island.

In addition, the hard work of the very assiduous Minister for Energy and Mining, the Hon. Dan van Holst Pellekaan, has ensured that the average household in South Australia is now saving I think it is $262 per annum from their energy bills. This program applies to all South Australians, which means that we are well on track for our election commitment to achieve $302 for the average household in South Australia.

Bills

STATUTES AMENDMENT AND REPEAL (BUDGET MEASURES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 February 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:25): I rise to speak on the bill before us, the necessary annual bill that makes some necessary changes to the legislation in order to give effect to a range of measures included in the state budget. The government has included amendments to the Police Act, which effectively change the arrangements for protective security officers and bring them within the ambit of the Police Act. This will allow protective security officers into SA Police in order to conduct a range of tasks that police would otherwise be conducting. This was agreed to by the police with respect to the enterprise bargaining agreement.

Changes have also been included to simplify the Land Acquisition Act and to expedite economic stimulus measures in appropriate cases. Government, by ministerial notice in the *Gazette*, will be enabled to fix a possession date for land to be acquired that is less than three months from the date of the notice of acquisition for a specified project or projects. This will make it easier for government to effectively gain access to the land. We hope and we will be overseeing to make sure this power is used in good faith.

The bill also clarifies the definition of 'vacant land', which is now defined to include residential land on which no person is lawfully residing at the time, or non-residential land that is not genuinely being used for income-producing purposes at the time, or primary production land that is not actively being used for grazing, cropping, horticultural, horse keeping, intensive animal keeping, animal husbandry or other primary production purposes at the time. The stated purpose of this is hoped to avoid disputes and delay when vacant land is sought to be acquired.

There are some minor changes to the State Lotteries Act to better apply commissions so that they are consistent with what occurs in other jurisdictions, of which we are supportive. Unfortunately, there are some changes that yet again seek to increase the costs for the community, with the Public Trustee to increase investment management fees. This is the latest in a succession of fee increases that we have seen for clients of the Public Trustee over the last 2½ years. This government seems addicted to increasing fees and charges, and the effects of a global pandemic have not stopped this addiction.

Despite what the government tries to tell South Australians about delivering lower costs and better services, every year it seems there is an increase to many fees and charges, and new privatisations. We have had a massive increase in taxes, fees and charges in 2019 designed to raise an amazing extra $50 million a year from South Australians, and this is a 2 per cent increase which the government has tried to sneak through without so much as a press release. While other states froze fees and charges to ease the burden on families during the pandemic, the Treasurer and the Premier have not seen fit to allow that for South Australians.

The Hon. C. BONAROS (15:30): I rise on behalf of SA-Best to speak in support of the Statutes Amendment and Repeal (Budget Measures) Bill 2020 second reading. The bill seeks to implement a range of amendments to various acts, with the common theme of boosting the coffers of Treasury. I think, to be fair, those coffers have been heavily impacted by the COVID-19 pandemic, just as the resources of SAPOL and SA Health have.

This bill provides the legislative framework to expand the role of police security officers (PSOs) via regulation. That is one of the elements of this bill that I was particularly interested in learning about. I understand both SAPOL and the Police Association are in favour of utilising the PSO workforce in support roles. Currently, PSOs provide security and guard services to a variety of government buildings and facilities, like here at Parliament House. As I said, exactly what the role

will entail in SA will be in the regulations, with further limits imposed by the police commissioner. That is obviously something that we can look at in terms of further scrutiny when those regulations are introduced.

They will be able to possibly assume cell guard duties in police custodial facilities and accompany police prisoners to hospital and could also assist with the serving of warrants in low-risk situations. There may be some concerns that arise out of some of those aspects but, again, we will have the opportunity to consider that further when the regulations are introduced.

In general, SA-Best does believe that it makes sense for our highly skilled sworn police officers to be fulfilling the more specialist roles within their skill set, roles they are extensively trained and experienced to do. It has become even more apparent during the COVID-19 pandemic that more PSOs could have been utilised to monitor and enforce COVID-19 compliance.

There is a lot of ground to suggest it is not the best use of trained police officers to be issuing expiation notices at restaurants, processing paperwork at our airports and borders or guarding low-risk prisoners in hospitals or police cells. These sworn police officers need to be focusing on criminal investigation and prevention and the apprehension of offenders. They should be responding to domestic violence complaints and dealing with our drug epidemic. There is a host of very serious issues that police attend to every day, and we need them on the ground doing just that.

I understand the commissioner will determine the exact number of PSO appointments and rank structure, and I do have some apprehension about that. Our support comes with a very important caveat, that we will be looking for assurances that this is not a backdoor way of reducing frontline police numbers. That is a very key part of our concerns around this, that we are using this for the purpose that we have been told is intended, to have more police on the ground doing police work and not, as I said, a backdoor way of reducing frontline police numbers.

That increase of PSOs just cannot result in that. It cannot result in a decrease in police cadet training or general police officer numbers. If I am seeking one assurance from the government and from the minister in particular, it is just that. An expanded PSO workforce must complement the current workforce, not replace or reduce it.

Other important provisions of the bill, which I asked specific questions about, were the changes to the clamping, impounding and forfeiture of vehicles and ensuring offenders actually pay the impounding fee when they arrive at the pound to have their car released. At present, a vehicle can be returned after 28 days, up to 90 days if the commissioner applies to the Magistrates Court for an extension. As I understand it, it is then up to the court to order payment of the impound fee and for the police effectively to chase that payment. Of course, the courts can also use their discretion in terms of the actual fee that will be payable.

To put this into some context, in 2018-19, there were some 4,900 vehicles impounded by SAPOL. In 2019-20, that number increased to some 6,276. Of those, 600 were impounded as a result of drug driving, 600 were forfeited and, as I understand it, 600 out of 1,000 applications based on financial hardship were granted. Fifty out of 400 were impounded for driving 45 kilometres or more over the speed limit.

SAPOL has told us that it has missed out on some $1.5 million in funds and fees in the 2018 financial year due to the current process we have in place. It is costing a hell of a lot of money. I know that there is a lot of sympathy also for the view that hitting people with these sorts of costs when they can least afford them just continues to perpetuate a vicious cycle, and that is not extremely helpful.

But I think in these instances when we are talking about people who are on the road and they are doing the wrong thing—they are drinking, they are taking drugs or they are hoon driving, they are driving 45 kilometres over the limit—then we have to reach a point where we say, 'Actually, you have effectively lost all rights to be on the road.' If it means that your car is forfeited because you cannot afford to have it released, and there is nobody else that the car belongs to or relies on the use of, then I think the police's view is that there has to be a threshold, if you like, and basically these people have to pay for what they have done and what they continue to do, and they have to do so at the level of the cost that it is actually creating as opposed to some reduced cost.

Under changes being proposed under the bill, in the event that an offender is found not guilty or the charges are withdrawn—and there are no charges, of course, out of the same conduct—there is provision for the fee to be refunded. Hardship provisions will remain for those caught up in other people's offending, which is a very positive step.

As we know, as is often the case, a vehicle or a motorbike might be impounded but it may have been used illegally. It may have been stolen, it may have been taken from a family member without their knowledge, there is an array of reasons, and there is no reason to punish other people for the actions of those few. So they are certainly measures that we support. If you commit a crime, though, using your vehicle, then there is a very strong argument from the police that you should pay the consequences, and I think there is a very strong community expectation for the same.

As to the remaining parts of the bill, I do not propose to speak about them other than to say I do not think there is anything we are overly concerned about or that has been pointed out to us in relation to issues of contention. I look forward to hearing other views in this place and I also look forward to hearing from the government in response to the issues that I have raised with PSO measures. With those words, I indicate our broad support for the second reading of the bill, subject to the reassurances we have flagged that we will be seeking from the minister in relation to those PSOs.

The Hon. R.I. LUCAS (Treasurer) (15:38): I thank honourable members for their contribution to the bill. In relation to the Hon. Ms Bonaros's question on police numbers, I cannot remember the exact numbers. It is either 4,713 or 4,317. When we get into committee, I will clarify the exact number but there is an agreement from the former government, which the new government has agreed with, in terms of police numbers. It is not written into the award or anything like that. The Police Association has not sought that. But whatever that number is that the former government agreed to, the new government has agreed to in relation to the numbers of police.

As the member would have had explained to her in the briefings, a lot of these issues are operational decisions in relation to, for example, police stations in terms of the staffing within police stations. The current commissioner has made changes to the current staffing models within the metropolitan area and I know in some regional areas has made decisions in relation to staffing arrangements. They are essentially operational decisions.

I think the honourable member has hit the nail on the head, however, when she says in relation to this issue that the Police Association, well known and well regarded for protecting what they see to be not only the best interests of their members, which is obviously important as the Police Association, but the best interests in terms of policing, have strongly supported this particular proposal. The protection, from their viewpoint and I think from the community and the crossbenchers' viewpoint, is that the reference to regulations, which will need to be brought down, needs to be consulted on.

Clearly, given the nature of the Legislative Council, as we have seen demonstrated on any number of other regulations in recent times, there is the capacity for regulations to be disallowed should there be no agreement. My experience with the Police Association is that governments of both persuasions have generally sought to get the agreement of the Police Association and the police commissioner, two important elements of this particular discussion, and in relation to this they have both seen the good sense of this proposal and have sought assurances and have been given assurances within the construct of budget issues.

I am just advised that my recollection was correct that 4,713 is the magic number that the former government had committed to and the new government has committed to in terms of the number of police in South Australia. With that, I thank honourable members for their contributions in terms of indicating support for the second reading of the budget measures bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (15:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Resolutions

ONLINE GAMBLING

Consideration of message No. 45 from the House of Assembly.

(Continued from 23 July 2020.)

The Hon. R.I. LUCAS (Treasurer) (15:46): I move:

That the council concur with the resolution of the House of Assembly contained in message No. 45 for the appointment of a joint committee on online gambling; that this council be represented on the joint committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee; and that the members of the joint committee to represent the Legislative Council be the Hon. Ms Bonaros, the Hon. Ms Franks and the mover.

There have been discussions, as I understand, in the other house about the need for, firstly, this particular committee. I will not go on at length about the whole debate about online gambling. I think all members acknowledge the growing significance of online gambling. Often, when we have debated gaming machines in this particular chamber over the decades, I have highlighted the fact that, yes, gaming machines are important but that the clientele who use gaming machines are likely to become a smaller clientele over the years—sadly, as many of the users die off due to their age.

The growth in online gambling is amongst people of all age groups but in particular younger South Australians. Anyone who has adult-age children will know that many of them spend a good amount of their time on their devices, generally mobile phones, and engage in all sorts of standard betting options but also some exotic betting options, involving trying to pick the winners of the World Series, the Premier League, the Champions League and a variety of other options in terms of multibets. Some of these may well take up to 12 months to be concluded but have the lure that the lucky person who picks the lot of all these worldwide sporting events generally attracts a very significant sum of money in terms of winnings.

Of course, there are standard options in terms of racing and the various football codes, etc., that are available regularly, and increasingly these days non-sporting events, such as political contests and various other options in terms of online gambling. As I said, I am not going to speak at length in relation to the subject matter of the debate; nevertheless, the House of Assembly has requested the committee, and our processes are such that we either agree or do not agree, and then we nominate the members.

I indicate that normal procedure in this place is to have a member of the government, a member of the opposition and one member from the crossbench. In accordance with that practice, I sought the nomination of a member of the opposition to this committee and was advised that there would not be a nomination.

Although I have not had direct discussions—these have been going on between the shadow treasurer and the Attorney-General, who has carriage in the other place, and what goes on in the other place we will leave to members of the other place—my understanding of what is going on there is that there has been a submission or request that their normal practice of two government members and one opposition member might be changed in the House of Assembly.

I do not think I have ever been aware of that occurring in the House of Assembly under the former Labor government, where the government did not nominate two government members to a joint committee. We have to bear in mind that a joint committee is a joint committee, which means there are equal numbers from both houses: in this case it is three from the House of Assembly and three from the Legislative Council, which is generally the standard practice.

I will leave the negotiations—or however you might want to characterise what is going on in the other place—to those in the other place. All I can indicate is that we have to respond to this particular motion in this chamber, and the process is that I have to propose that we agree, which I do, to the joint committee, and I have to propose three members, which I have done.

As I said, in accordance with our normal practice I sought a nomination for a member of the Labor Party, but when I was advised that was not the case I had a quick discussion with the Hon. Ms Franks, because the crossbench's original nomination was the Hon. Ms Bonaros. I guess the other alternative was that the government could have nominated another member, but that would have disturbed the balance of the committee.

The balance of the committee will be, as it generally is, three government members and three non-government members, as is currently proposed. In the interests of not disturbing that balance, under the current proposal there will be three government members from two houses, one Labor member and two crossbench members, so three government and three non-government members. That would constitute the usual balance, albeit the non-government members would be in a different composition than normal.

I am sure that means very little to the millions of people tuned in to the direct telecast of *Hansard,* but I wanted to explain that to members in this chamber so that they understand the reason I am moving the motion in this particular way. I seek the support of the chamber for the motion.

The Hon. K.J. MAHER (Leader of the Opposition) (15:53): I will not repeat the comments the Treasurer has made in relation to why the committee is being set up. However, I will comment on some of the commentary around the formation and make-up of the committee.

As happens to allow the efficient running of this place and negotiations between parties, I am informed there was an assurance and an agreement, as an essential element of the opposition's support for the government 12 months ago, that this committee be established and not only that the committee be established but that on this occasion Labor would have two nominees in the lower house. This will go back to the lower house, and if assurances and agreements are not complied with as they were given it will make it very, very difficult to come to agreements in the future.

The Hon. C. BONAROS (15:54): I rise to indicate SA-Best's full support for the establishment of this committee, and I look forward to ensuring that we deal with this inquiry as effectively as possible. To say that the increasing popularity of online gambling fills me and others with fear I think is a gross understatement. I think there is acknowledgement across the room that online gambling is a huge issue and it needs to be dealt with.

We know that virtually anyone, anywhere, at any time of the day can gamble their lives away, and there is absolutely no escaping it. We know children are being targeted and groomed towards gambling products. Children under 10 are playing online games and being enticed to purchase mystery loop boxes which may or may not contain something of worth to them, such as a skin or access to a special game feature. We are doing absolutely everything we can to create the next generation of gambling addicts, and it is safe to say that screen time in most households has increased considerably since the onset of the COVID pandemic, making it even more concerning.

There are some interesting statistics, which I will not go into now, but I think what we can agree is that this is a problem, it is a current problem and it is facing future generations. Right now we know that more money is poured into poker machines than any other source of gambling in this country, but I think it is very timely that we look at online gambling seriously and see just what the costs of that form of gambling are.

There is some research that was done by the Australian Gambling Research Centre late last year. That was during the height of the COVID-19 pandemic. Two thousand gamblers were surveyed during that time and the survey results showed that 32 per cent of survey respondents gambled four or more times a week, which was an increase of 9 per cent. Almost one in three signed up to a new form of online gambling. Horseracing, greyhounds, sports betting and Lotto continued to be the most popular products to bet on. The expenditure of male respondents in the age bracket of 18 to 34 increased from $675 to $1,075 per month as an average.

There are lots of very concerning statistics like this and it is very timely that we should be looking into this issue. Data released in June 2020 also showed that 11 per cent of early superannuation withdrawals, accessible due to COVID, was spent not on necessities, not on renovations, not on a new vehicle, not on the cost of living, but instead on gambling. It is estimated that Australia as a country lost nearly $25 billion to gambling in 2017-18.

They are jaw dropping figures that continue to rise. As we know, and I have said in here a million times over, per head of population Australians are the world's highest gamblers. We are the world's biggest losers in that respect, too. Losses are no longer limited to the opening hours of a poker machine den or a TAB outlet because the advent of online gambling means it is available 24/7.

Even when you recognise you have a problem, it is hard to get away from it. It is constantly in your face. You cannot turn on a footy game, the radio or the TV without being given market updates. You cannot open a weekend newspaper without being bombarded with full-page ads. It is relentless and it is very damaging.

There is not a lot that you cannot bet on these days. I think the Treasurer just touched on this. International sports draft picks, the gender of a royal baby, election results, the colour of someone's tie, everything is up for a bet. When sports were all but shut down throughout the world at the time of the beginning of the COVID pandemic you could still place an online bet on Russian table tennis matches at 2am. There is always something there to feed someone's gambling addiction. It is relentless, as I have said, it is addictive and it destroys lives.

It means that you no longer have to take the walk of shame to the betting counter at your local bar or walk into a poker machine den. No-one even has to know that you are doing it. I know from young people that I know not only how accessible it is but how accepted it is amongst them. That is very concerning to me, because you know that inevitably minors are accessing these gambling products as well.

There are baiting advertisements all over the news. I have written to the federal Attorney-General with concerns over online casinos attempting to draw in customers via social media advertisements or media advertisements that say something like 'Breaking news' and that some superstar died and you press on the link, or 'this person made $1 million'. It is baiting advertising. You press on the link and instead it takes you to an international and online casino site. These are sites actively targeting Australians and South Australians and it is very clear that improvements need to be made.

With those words, I absolutely welcome the establishment of this very important committee and look forward to working with all colleagues in addressing this issue. Before concluding, I want to touch on the issues that have just been raised by the government and the opposition and remind members of the history of this motion. As we know, it was the Statutes Amendment (Gambling Regulation) Bill that saw this inquiry proposed in the first place.

That bill was introduced in the other place in September 2019 and it finally passed in this chamber on 13 November 2019, much to the credit of the opposition, which, together with the government, did a cosy deal to make gambling addiction worse than it has ever been in this jurisdiction. It was an absolutely deplorable contribution on the part of the opposition, which refused to contemplate even the most sensible of amendments. To be honest, they may as well not have been present for the debate at all, such was their contribution to gambling regulation in this jurisdiction.

They did a deal and said that their hands were tied and that they could not back away from that deal, and that deal of course was to allow note acceptors into this jurisdiction. That was to undo the single most effective harm reduction measure that South Australia has ever had in place. The opposition made no apology for that. In fact, they said their hands were tied, they did not contribute very much to the debate (it was only a couple of minutes, from memory) and refused to consider even the simplest of amendments that were geared towards providing some protections for gamblers. I found that extraordinarily disturbing.

In fact, I expected the position of the Liberal Party, but to learn that the opposition had stooped to that same level was, in my opinion, the most disappointing display I have ever seen from them in this place. As part of their support for that bill, and for the government's so-called reforms, the government also agreed to this joint committee into online gambling. This was also agreed to at least in September of last year. That bill, as I said, was finalised at the end of November. It is 16 February today, and I know that I am not the only one scratching my head wondering why we have not got this inquiry off the ground. There certainly has been a lot of chatter.

I have certainly made myself privy to conversations that have taken place between the government and the opposition about why this bill has not moved. It should not take those sorts of conversations to get this onto the agenda of this place, it should be important enough that the government and opposition want to bring it on for a vote and want this inquiry to take place, otherwise they have done nothing more than pay lip-service to the establishment of this inquiry in the first place.

I absolutely and sincerely hope that this is not just a reflection of how frivolously both sides have treated problem gambling in this jurisdiction for years and years. I have no doubt that, when the inquiry receives submissions, hears evidence and hears the cold hard facts of gambling addiction, it will smack all serving members in the face. I honestly and genuinely hope that they can put aside their political—whatever it is; I do not know what to even call it anymore—addiction—

The Hon. T.A. Franks: Donation.

The Hon. C. BONAROS: —maybe donation addiction; maybe they are good places to start—and take seriously the issues that this committee has committed to reviewing. I am not going to get caught up in who agreed to do what between Labor and Liberal. Frankly, I do not care who serves on the committee. Obviously, I want to be on there, and I have made that known, but the formation of the committee in terms of the two major parties is something that should have been worked out a long time ago, and if you are serious about getting this done then let's just get on with the job at hand.

The Hon. T.A. FRANKS (16:05): I had not intended to speak today, but the Greens rise to support the creation of a joint committee on online gambling. I reflect that the Greens, SA-Best and Advance SA were all vehemently opposed to the legislation to allow note acceptors in poker machines in our state, which saw what I would call a dirty deal done behind the scenes to allow that to happen, with some concessions and some handwringing, particularly from the Labor Party, that they had this safeguard of an online gambling committee that they had managed to wrest out of the largesse of the government.

Facial recognition technology was also put up in that piece of legislation by the Labor Party as somehow a protecting mechanism against the scourge of predatory gambling, particularly with poker machines, and yet we know—as the Greens raised in that debate and now have a private member's bill on—that facial recognition technology is actually used by the gambling industry to groom gamblers, not to prevent harm.

The Hon. Tung Ngo looks at me with interest. It is used by the gambling industry to groom gamblers. Facial recognition technology is put on its showcases and described as, 'Bring back the old Vegas,' when you can know that punter's favourite drink, when you can give them a ticket at the bar to be taken great care of in the old-fashioned way. Their name will come up and the staff in the venue will know exactly who they are, exactly what they like to drink, exactly what they like to eat and get the best experience to groom them for further gambling.

Facial recognition technology was in no way a panacea or a prevention of gambling harm as the Labor Party has reported, as they wrung their hands and said that it was terribly hard for them but they came to this conclusion that they had to support the legislation because apparently the Labor Party had got some safeguards. The other safeguard was an inquiry into online gambling. Indeed, here we are in the upper house and the voices in opposition to the bill are quite willing to step up where the Labor Party's opposition has been found wanting yet again when it comes to the scourge of predatory gambling.

It is quite extraordinary that it has been 15 months since these deals were made, or perhaps more, because we know they were made behind closed doors and possibly well before the legislation came before this place. However, it is 15 months since the legislation passed this place and here we are, we are still waiting for the online gambling joint house committee to even meet for a first time, to even get the approval of this place.

It has sat on the *Notice Paper*, languishing, and those crossbenchers, including the Hon. Connie Bonaros and myself, have been scratching our heads and wondering what on earth was going on. We have seen revealed today what has been going on, which is that the Labor Party, with their handwringing and their facial recognition technology panacea that actually promotes gambling harm rather than prevents it, had never actually done a proper deal to stop online gambling

harm either. They did not want the crossbenchers involved whatsoever and they sure as hell did not want the Greens or SA-Best on this committee.

The Greens are happy to help populate this committee. We will step up in leadership against the scourge of gambling if the Labor Party is unable to populate this committee. I am certainly indicating to the chamber that I am more than happy to serve on this committee to ensure that there is a balance between the two houses, given the Labor Party has been found wanting yet again on this matter.

I note also that the regulations under the new legislation, through the work of the commissioner and the Attorney-General, have sought to prevent facial recognition being used to groom gamblers, but they are only regulations and I certainly would not trust those regulations in the hands of a Labor government.

The Hon. T.J. STEPHENS (16:10): I move:

That the motion be amended by leaving out 'the mover' and inserting 'the Hon. T.J. Stephens'.

The Hon. R.I. LUCAS (Treasurer) (16:11): I thank the Hon. Mr Stephens for moving it. It was my error in moving the motion. I used the standard template, which was two other members and the mover. It is not going to be me, it is going to be my very good friend and colleague the Hon. Mr Stephens. Obviously, I support the amendment that has been moved and I advise members, if they would not mind staying, that we need an absolute majority for the next motion after this should this motion be passed.

Amendment carried; motion as amended carried.

The Hon. R.I. LUCAS: I move:

That it be an instruction to the joint committee that the joint committee be authorised to disclose or publish as it thinks fit any evidence or documents presented to the joint committee prior to such evidence or documents being reported to the parliament.

Motion carried.

The Hon. R.I. LUCAS: I move:

That Legislative Council standing order 396 be suspended to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

The PRESIDENT: I note the absolute majority.

Motion carried.

Bills

EDUCATION AND CHILDREN'S SERVICES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 February 2021.)

The Hon. C.M. SCRIVEN (16:13): I indicate that I am the lead speaker on behalf of the opposition for this bill. The opposition supports this bill. We note that it passed the house quickly before the Christmas break, and the opposition does not intend to prolong its passage. We are advised that the need for the amendment bill is the result of some technical and legal changes identified after the whole bill was rewritten and that all are based on Crown advice.

Apparently, without these changes there can be some unintended consequences. We know parliamentary counsel are perfect most of the time, but obviously not all of the time. I indicate that we do not expect to make any contributions at the committee stage, but we are happy to move to that as soon as possible.

The Hon. C. BONAROS (16:14): I rise very briefly to indicate our support for the second reading of the Education and Children's Services (Miscellaneous) Amendment Bill 2020. It follows on from the recent legislative overhaul of education under the new Education and Children's Services

Act. We do not have any issues with the issues that have been raised with us regarding the very technical nature of the amendments and the tidy-ups included in this bill. They all appear to be sensible, practical and necessary. I do not believe, from anything that we were briefed about, that there is anything to be concerned about, other than those technical aspects of the bill.

While I am my feet I will take the opportunity to mention that I did have a separate briefing today with the Minister for Education and his departmental staff. I would like to take this opportunity to acknowledge Minister Gardner's new and improved stance on addressing period poverty within South Australian schools. It is a very good first step, and I have said that to him, but that is about all it is right now.

There is a long way to go before I am pleased and before we tackle period poverty seriously in this jurisdiction, but I think the first hurdle that we had to overcome was having the minister and his department acknowledge and appreciate that this is a very real issue that impacts thousands of South Australian schoolkids every single day and means that there are equally as many who are missing out on a full education because of their inability to partake in school activities as a result of their menstruation.

I am pleased that the minister has finally agreed to tackle this. I have given him the benefit of the doubt. I have told him that we will be keeping a close watch on this, and I am sure my colleague the Hon. Irene Pnevmatikos, who co-sponsored the period poverty bill with me, will be doing the same, to ensure that we end up with a policy in place that works effectively, a policy that will be subject to some rigour and some further reviews. It is fair to say that this has just been announced. There is a lot of work to be done before we can review whether what the government has proposed so far makes a dent in the problem of period property.

Speaking to the minister today, I think it is fair to say that, again, he acknowledges that this is an issue that has to be addressed and that it is his department's responsibility to ensure that that is done. Short of moving amendments to this bill that would address the issue of period property, I have agreed to give the minister the benefit of the doubt and allow him to undertake these initial few months of implementing a scheme and then undertake some reviews and consultation with students and with teachers and with schools—but particularly with students—to see how effectively that is working, to see whether the money that has been allocated is enough.

In my personal opinion, and this is something that I discussed with the minister, there is a far cry difference between the $450,000 that we have committed over three years to the $20.5-odd million that the Andrews government has committed over four years for the same sort of process. One is tackling period poverty and providing free universal access across all schools, the other is aiming to fill the gaps of where there is a need.

There is a big difference between the two models. I take the minister at his word when he says that he is open to looking at this further. If it transpires that we have not put anywhere near enough funds towards this and we need to tackle it more head-on, then that is something that we will become aware of in term 3, I think, and there will be further announcements to follow.

So I am happy to not hit the pause button but to give the minister the opportunity to do something in the meantime. Something is better than absolutely nothing, in my view. As I said, I think this is a good first step. I think it has been welcomed by the schools and by the students. I think they will be surprised by the level of uptake by those schools and by those students when those products are made available.

I think this fits in well with the work that the Commissioner for Children and Young People has been undertaking for quite a while. Given that there is multipartisan support on this issue, I am keen that we get the input and the feedback from the commissioner because she is very well placed to brief all of us on how these things are working and how they are failing our students.

With those words, I indicate again our support for this bill. We will not be moving any amendments, but we will follow the progress of the rollout of the government's proposal for free sanitary products in schools very closely and look forward to very timely updates from the minister in relation to that.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:20): In closing the debate, I recognise that we are all in furious agreement. I thank the Hon. Clare Scriven and the Hon. Connie Bonaros for their contributions and for the indications that their respective parliamentary groups will

be supporting the bill. I also share the Hon. Clare Scriven's assessment that parliamentary counsel is approaching perfection.

In relation to the comments of the Hon. Connie Bonaros, I agree that the bill is sensible, practical and necessary. I also agree that the period poverty initiative of the education minister is a great initiative from a great minister. I acknowledge that she will be looking forward to following the implementation. Of course, we would hope for nothing less. With those remarks, I look forward to further consideration of the bill in the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:23): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 October 2020.)

The Hon. C.M. SCRIVEN (16:24): I rise to speak to the Statutes Amendment (Local Government Review) Bill 2020 and indicate that I am the lead speaker for the opposition. This rather voluminous bill comes to us in a remarkably different form from its original incarnation. We can cast our minds back to the 2018 election and the Liberals' oft repeated campaign promise to deliver rate capping. Indeed, it was something the Liberals promised many years prior to that election campaign. We all know that the original bill failed to gain the support of this parliament.

The bill before us now was the second attempt, the reboot if you like. It was billed as a new way to achieve the Liberal's rate capping promise and supposedly force downward pressure on council rates. Of course, the rate capping approach in this second incarnation was massively watered down, but a kind of rate monitoring system still existed.

Then late last year we witnessed a sudden and wholesale abandonment of this long held Liberal policy position, with the entire scheme for rate capping entirely dumped. Talking of dumping, there were then more than 100 amendments—

An honourable member: How many?

The Hon. C.M. SCRIVEN: —more than 100 amendments—dumped in the house on the day that it was set to be progressed. Those amendments represented a backflip of pretty epic proportions really. The watered down rate monitoring plan was replaced by an even flimsier reporting system administered by ESCOSA that is unlikely to exert any downward pressure on rates whatsoever. The government does not even make an assertion that it will have any impact when it comes to reducing the cost of living.

Any rate reductions we do see this year or next are the result of decisions made by individual councils, particularly in response to COVID, rather than anything to do with this bill or indeed anything to do with the actions of this government. Put simply, the Liberal's capitulation is yet another broken promise. It can be added to GlobeLink, dumping the right-hand tram turn, privatising our train and tram operations, and countless other ideas that might have looked good on a Liberal candidate's flyer but were not worth the glossy paper they were written on.

It is a rather long list of broken promises, and I would hate to unnecessarily delay the bill by chronicling every single one of those broken promises. Nevertheless, Mr Speaker, there remain other elements of this bill that Labor does support and indeed welcomes.

The PRESIDENT: I have been downgraded. The honourable member should not downgrade the President.

Members interjecting:

The PRESIDENT: It is alright, go on.

The Hon. C.M. SCRIVEN: My humblest apologies, Mr President. It is outrageous that you were inadvertently called 'Mr Speaker'. There are, however, other elements of this bill that Labor supports and indeed welcomes, measures that implement mechanisms to address poor behaviour in particular.

We do commend the government on those measures that seek to update and streamline laws governing community engagement, transparency, member behaviour, meeting processes and election processes. However, there is room for further improvement. The Labor team has interrogated this bill extensively and consulted quite widely. The Labor shadow ministers, firstly the member for Light and then since October the member for Badcoe, have devoted considerable time and resources to ensuring that we as an opposition do our duty to investigate and assess this government bill, to speak with those affected parties and offer constructive amendments where we think it is necessary.

I will give a brief overview of the amendments that Labor is proposing and provide an explanation of their effect. We hope to have the support of not only the crossbench but indeed the government for these well-considered amendments. After consultation with the Local Government Association, various mayors and various councillors, Labor will propose an amendment addressing the government's plan to cap the number of councillors.

Those opposite wish to cap the number of elected members at 12, but we on this side understand from those at the coalface that this is unworkable or at least very problematic as a maximum limit. It would lead to some wards having an uneven representation, considering that one of the 12 will from now on be a directly elected mayor with no ward. Labor will be moving an amendment to see this cap lifted to 13.

Labor recognises that reducing costs and being efficient with ratepayers' money is very important. For each elected member of a council, there are of course costs associated. Labor supports the government's intent in terms of ensuring a cost-effective approach to the number of members on each council. However, Labor also understands that for some communities there may be an argument for additional members. This may be because of the number of electors, the geography or other reasons. This is why Labor is also moving amendments to establish a process by which a council that feels it is justified in having additional members above the cap can seek to achieve this.

That process would involve an independent representation review being conducted. The report of that representation review would then go to the Electoral Commission of South Australia. ECSA would issue an exemption certificate, exempting a council from the cap if the report finds it is justified. ECSA could only reject the recommendations of the representative review in extraordinary circumstances, which might include, for example, the appropriate processes not being adhered to.

This amendment addresses the very practical operational needs of councils and caters for local circumstances to a greater extent than is currently proposed. This amendment has the support of the LGA and the vast majority of councils. It is a sensible resolution to the discontent about a cap and ensures that only councils that can justify having additional councillors above the cap are able to do so.

Of course, Labor could have simply rejected the government's position, but we have sought to be constructive and offer the parliament a halfway point, a negotiated middle ground that better reflects competing needs in relation to the number of councillors. Labor is also putting forward a suite of amendments to inject further openness, accountability and transparency by way of publicly disclosing the benefits for staff and elected members. These amendments, if supported, would see greater disclosure and public accountability for staff and councillor travel, credit card use and gifts.

Members of the public who are so inclined could access this information online and inform themselves of their council's activities. Labor believes these additional safeguards are reasonable and measured and will be seeking support for these amendments. Labor will seek to put an end to

CEO salary packages, including memberships to things like golf clubs or other frivolous personal expenses. Such expenses should not be footed by the ratepayer. Clearly, ratepayers do not want such arrangements; they are neither a good use of limited funds nor are they ethical.

Labor's amendments seek to limit what a CEO salary package can include, that is, limited to salary and superannuation, a vehicle, vehicle allowances and associated running costs, information and communications technology and, in the case of regional councils, council-owned accommodation. Further, Labor will seek to have CEO contracts publicly available to ensure ratepayers can test that only those elements are fulfilled in a contract and not exceeded. Again, we believe this is a modest measure that simply builds on other accountability measures in the bill.

On the other hand, we are conscious of privacy issues and the need for some limitations when it comes to disclosure of information about individual salaries. The Liberal bill seeks to make the remuneration of all staff publicly available—all staff. Labor has been approached by parties, largely non-executive council staff, concerned that, even though these remuneration arrangements will only be identified by position title, this nevertheless presents some privacy concerns for non-executive workers. We are sympathetic to this view.

While openness and accountability are important, it is chiefly the transparency of remuneration packages of those at the top of the tree, if you like, that most easily meet the public interest test. We have listened to workers and their industrial representatives at the ASU and the AWU and have put forward an amendment that would see the remuneration packages of the top five most highly recompensed staff listed publicly, rather than all staff. This measure will also ease the administrative burden on councils.

Labor will also seek to ensure that resolutions passed in camera are recorded and available publicly, along with a list of which councillors supported or opposed the resolution. Otherwise, how can ratepayers have confidence that their councillors are declaring conflicts of interest and acting in their best interests if they do not even know which way they have voted on motions? This is a measure that will provide greater public confidence about what their council is deciding, without compromising sensitive information.

The legal bills of councils is another area that is often a source of public interest and indeed media coverage. Labor seeks to make the legal costs of councils available to interested ratepayers by mandating that total legal costs are disclosed in each council's annual report. We believe that it is not an unreasonable administrative burden and once again would lift the level of transparency and provide public confidence. It would ensure accountability and assist in putting an additional brake on unjustified or excessive spending.

In several sections of this bill the government seeks to remove requirements for public notices to be published in local newspapers and instead only requires notification on websites and/or in the *Gazette*. Labor is concerned about the digital divide and the fact that many people are not online or are not adept at accessing information online. These people—often including the elderly, low income earners or people from non-English-speaking backgrounds—should not be further excluded from civic engagement.

Additionally, in regional areas it is particularly common for people to use their local newspaper as a source of information, even if they are also accessing information online. Indeed, as communities we should be supporting those news outlets, especially suburban and regional newspapers, that have a critical role in informing our communities. Many local suburban and regional newspapers do rely on government advertising, and they deserve the support of their council and wider community to ensure their continued operation.

If these outlets disappear—and they are in grave danger of disappearing—we will all suffer the consequences in terms of coverage of local issues and locally based information sharing. Labor addresses this concern, chiefly with amendments in relation to the Community Engagement Charter.

It is the position of Labor that moveable signs—better known as corflutes—are an important and affordable communication tool for candidates in local government elections. Unlike state or federal MPs, who might be afforded more airtime or newspaper coverage, there are relatively few other means for local government candidates to alert the community of their candidacy. Labor will be

opposing the government's changes in relation to corflutes. We are, however, very much open to exploring more environmentally sensitive solutions, if that is the desire of those in this chamber.

Labor has significant concerns about the removal of provisions requiring councils to subject some community land status revocation applications to ministerial scrutiny. Labor contends that the case for this reduced level of scrutiny has not been made by the government. In the other place, and between the houses, the minister has responded to Labor's questions about the volume of applications by conceding that there are, in fact, relatively few revocation applications.

In 2019, according to the information provided to the opposition, there were only 14 applications, just five of those would no longer need to go to the minister under the government's proposed changes. That hardly seems like an overwhelming burden for the Attorney, her well-staffed office and the department, but it provides an important protection for the community.

In addition, in the house the Attorney also confirmed that decisions on revocations are made via delegated authority rather than being personally decided and signed off by the Attorney herself. This raises the question of what the government is hoping to achieve with these changes. These measures will not alleviate any burden from the minister but will simply remove the level of scrutiny for some revocation applications.

The requirement to go to the minister to revoke community land status creates a safety net that protects ratepayers from flawed decisions or lack of transparency in decision-making. We need to ensure that councils are undertaking community consultation in relation to these matters and that the resulting decisions are based on facts and in the best interests of the community. There are sometimes conflicting objectives when considering such matters, and the current approach, which involves ministerial scrutiny, provides an important safety net.

Those of us on this side of the chamber know the value for a worker of having someone on their side. We know the value of the worker's voice and the importance of involving unions as workers' representatives in the decision-making process. That is why we are putting forward amendments to restore registered industrial associations to this act and ensure that unions are consulted when employee behavioural standards are drafted by councils. It is only fair that workers have a say, and it affords greater rigour to the development of such standards. It also makes sense that if workers are part of the drafting of standards they are much more likely to buy into them and to adhere to them.

Further, our amendments ensure there is no confusion that the long established rights of workers enshrined in acts, awards, industrial agreements and contracts are not diminished by any employee behaviour standard. It may be argued by some that that just will not happen but, for the clarity of all concerned, we believe this measure is helpful, or at the very least not problematic.

We have also listened to the recognised industrial associations about their concerns that some language changes made by the government may open the way to greater privatisation and outsourcing of local government services. While this may, of course, be the subject of some debate, if this government is not intending to allow greater outsourcing and privatisation then there is certainly no harm in reverting to the language previously used in the act to describe the services provided by councils, and at the end of the day why would we ever doubt the government's or the Premier's promise that they do not have a privatisation agenda? Who could possibly doubt that statement?

I turn now to Labor's position on amendments put forward by other members of this place and indicate that we will be supporting the government's amendment in relation to sight-impaired voters. We are also minded to support the Hon. Mr Parnell's amendment, which aims to save paper and no longer require annual reports to be tabled to the parliament and other places. However, we would like to see some notification to the chambers of parliament that the annual reports are available. This is as much for the information of members with an interest in their local councils as it is for accountability, to ensure that annual reports are being produced as required under the act.

Labor appreciates that the Hon. Mr Parnell has given consideration to this suggestion and we hope to be in a position to support his amendment, which certainly has a sound environmental and administrative objective. Labor will reserve its position on other amendments, and we look forward to continuing our conversations with the crossbench to make this bill as rigorous as possible.

In conclusion, we have worked hard on this side to contribute constructively to this bill and ensure it serves the ratepayers and taxpayers of South Australia. We would like to place on record

our thanks to the LGA; a number of council CEOs, mayors and elected members across the state who have been in contact with us; the ASU; the AWU; and members of the public who have expressed their views to Labor on this bill.

This is a very lengthy and technical piece of legislation, with several hundred amendments filed across the chambers. The assistance and cooperation of these groups and these individuals, particularly the LGA, has been vital in understanding the impact of the bill and formulating constructive amendments. We would also like to thank the office of the Attorney-General, and in particular the Attorney's adviser, Annabel Wilkins, for her assistance in navigating what has been a very lengthy and complex bill.

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

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (STAND-ALONE POWER SYSTEMS) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:41): I move:

That this bill be now read a second time.

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

Leave granted.

Over recent years, it has become evident the energy sector is constantly evolving. It is essential the regulatory framework that supports Australia's energy market can adapt and respond to technological advancements to operate in the long-term interests of consumers.

New technologies and the falling costs of renewable generation and batteries have the potential to deliver energy services to customers through alternatives to traditional grid connection, at a lower cost and with improved reliability, and with other benefits such as reduced bushfire risks. One such alternative, is a stand-alone power system—an electricity supply arrangement that is not physically connected to the national grid.

When a distribution network service provider needs to upgrade its distribution network, it may now be more efficient to service a group of customers using a stand-alone power system, rather than undertake the required network upgrade. These cost savings, arising from the use of more efficient stand-alone systems will help lower costs for all users connected to the distribution network through lower network charges.

Currently, the National Energy Laws do not adequately support distribution network service providers to implement a stand-alone power system rather than a network upgrade. This may be inhibiting the use of the most efficient technological solutions to supply some customers.

The *Statutes Amendment (National Energy Laws) (Stand-Alone Power Systems) Bill 2020* I present to you today, seeks to implement changes to the National Electricity Law and National Energy Retail Law to facilitate the provision of stand-alone power systems by distribution network service providers, where it will be more efficient than a traditional network solution.

The Bill does not introduce a national regulatory framework for stand-alone power systems owned and operated by parties other than the distribution network service provider. The application of the new framework is expressly limited to stand-alone power systems which include a distribution system owned and operated by a distribution network service provider. The framework is only intended to cover stand-alone power systems used by distribution network service providers as an alternative to grid supply where it is economically efficient to do so.

The regulatory framework applicable to third party stand-alone power systems is being considered separately.

The framework will not apply in a jurisdiction unless that jurisdiction chooses to opt into the new stand-alone power system framework by amending their local Regulations. The Bill provides each jurisdiction discretion in how to apply the framework, for example they may apply it to a specific area within the jurisdiction or by reference to a particular distribution network service provider. A jurisdiction could use this opt-in framework to stagger the implementation of the framework in their jurisdiction.

The framework is only meant to cover stand-alone power systems owned and operated by a distribution network service provider as determined by the application of the framework in that jurisdiction.

A key policy principle associated with the new stand-alone power system framework is that customers are not disadvantaged where a distribution network service provider determines it is more efficient to supply them through a stand-alone power system.

The Bill achieves this principle primarily through definitional changes, which extend the consumer protections in the National Energy Retail Law to customers of a stand-alone power system under this framework.

Definitional changes also ensure that these stand-alone power systems are considered part of the national electricity system, thereby extending the national electricity objective and the National Electricity Market to these systems.

Customers are also protected by the extension of economic regulation by the Australian Energy Regulator to the network component of the stand-alone power systems.

The Australian Energy Market Operator's power system security functions and powers are not, however, extended to the stand-alone power systems by the Bill. This is because no current or future power system security role has been identified for the Australian Energy Market Operator in relation to these systems.

The Bill provides for the South Australian Minister to make the initial detailed rules governing these stand-alone power systems. The Bill provides for any future amendments to these rules to be progressed through the Australian Energy Market Commission (AEMC) rule making framework.

I commend the bill to the Chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 2—Definitions

Various amendments are made to definitions for the purposes of the measure.

5—Insertion of section 6B

New section 6B is inserted:

6B—Regulated stand-alone power systems

Regulations under the application Act of a participating jurisdiction may provide that for stand-alone power systems to form part of the national electricity system.

6—Amendment of section 11—Electricity market activities in this jurisdiction

7—Amendment of section 15—Functions and powers of AER

These amendments are consequential.

8—Insertion of section 90EB

New section 90EB is inserted:

90EB—South Australian Minister to make initial Rules relating to stand-alone power systems

The South Australian Minister is empowered to make initial Rules relating to stand-alone power systems.

9—Amendment of section 114—AEMO to ensure maintenance of supply of sensitive loads

This amendment is consequential.

Part 3—Amendment of *National Energy Retail Law*

10—Amendment of section 237—Subject matters of Rules

This amendment is consequential.

11—Insertion of section 238AB

New section 238AB is inserted

238AB—South Australian Minister may make initial Rules relating to stand-alone power systems

The South Australian Minister is empowered to make initial Rules relating to stand-alone power systems.

12—Amendment of Schedule 1—Savings and transitionals

A transitional provision is inserted for the purposes of the measure.

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:42): I move:

That this bill be now read a second time.

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

Leave granted.

The Government introduces the Statutes Amendment (Transport Portfolio) Bill 2020 with the aim of making a number of changes to South Australian transport, and associated, legislation so that the laws work more effectively and efficiently for our community, with a particular focus on road safety.

The Bill makes a number of changes to the *Road Traffic Act 1961* and to the *Motor Vehicles Act 1959*, with consequential changes to the Harbors and *Navigation Act 1993*, the *Rail Safety National Law (South Australia) Act 2012*, the *Criminal Procedure Act 1921,* the *Expiation of Offences Act 1996,* and the *Fines Enforcement and Debt Recovery Act 2017*.

I now take this opportunity to outline to Members each of the proposals in the Bill, and how they will significantly benefit our community.

Extend the blood alcohol concentration (BAC) presumptive period from 2 to 3 hours

This proposal is made under section 47K of the Road Traffic Act.

Evidentiary breath analysis results are currently valid for the 2 hours preceding the analysis. This is known as the *presumptive period*. Where the analysis occurs more than 2 hours after an incident, for example a road crash, Forensic Science SA is required to provide a retrospective estimate of the BAC at the time of the incident. This is known as the *back calculation.*

Research conducted by Forensic Science SA indicates that there is minimal difference between the actual analysis result (taken sometime between 2 and 3 hours after the incident) and the retrospective estimate of the BAC at the time of the incident. The actual analysis result in the second to third hour is marginally less (0.0066) than the retrospective *back calculation*. The variation between the third and fourth hour, however, was on average 4.3 times higher than the difference between the actual analysis and probable BAC for the second to third hour. That is, an actual analysis performed between 3-4 hours was moderately less (0.0287) than the retrospective *back calculation*.

Increasing the presumptive period to three hours would reduce Forensic Science SA's *back calculation* workload by approximately 30 per cent.

Restrict the post-incident consumption defence

This amendment is made under section 47GA of the Road Traffic Act.

Currently, the Road Traffic Act provides a defence to a charge of drink driving where the driver can satisfy a court that he or she consumed alcohol between the time of an incident and a breath test. This defence is designed to ensure that drivers are only convicted for drink driving where the alcohol is consumed *prior* to the incident, and not after.

South Australia Police has been unable to contest the defence due to lack of resources (e.g. sourcing expert evidence) and consequently does not elect to prosecute some offenders.

Forensic Science SA is required to perform a back calculation when the defence is used, attributing to approximately 40% of its back calculation workload.

Removing the defence will assist in the prosecution of repeat offenders who use the defence as a 'loop-hole' to avoid prosecution.

No other Australian jurisdiction has this defence.

The use of de-identified blood and oral fluid samples for research purposes, including research into other types of drugs that may affect a person's ability to safely operate a vehicle

This proposal is made under clause 8 of Schedule 1 of the Road Traffic Act.

Over 10,000 blood and oral fluid samples are submitted to Forensic Science SA for drug testing each year. Since 2006 the Road Traffic Act has provided that these samples must not be used for a purpose other than that

contemplated by the Act, that is, the prosecution of offences. Currently in South Australia, drug testing of blood and oral fluid samples is limited to only the three prescribed drugs: cannabis, speed/ice, and ecstasy.

It is proposed to allow blood and oral fluid samples to be used for research into other types of drugs that may affect a person's ability to safely operate a vehicle. This in turn would support an evidence base for a variety of other matters such as: targeted education campaigns regarding the impact of drug use and driving performance; the improvement of drug driving policies through the identification and monitoring of drug trends; legislative changes to prohibit other drugs to improve road safety; and furthering forensic research and methodologies.

Currently, the samples collected are processed by a designated analyst and only tested for the three prescribed drugs. Under this proposal, a second independent analyst will then delete all unique identifiers including name, date of birth, address and postcode and any other information that has the potential to match the sample to an individual, other than age and sex. The edited de-identified list will be saved and forwarded to a third independent analyst for further analyses where it will be screened for a wide range of prescription and illicit drugs.

De-identified blood and oral fluid samples may be used for similar purposes (i.e. research) in several other Australian jurisdictions. Legislation in the ACT clearly allows this use of samples for research purposes, while in both Victoria and Queensland may perform research in collaboration with their respective police forces provided appropriate ethics approval has been obtained.

In the interests of protecting personal privacy, research projects undertaken in South Australia would be reviewed by the Forensic Science SA Ethics Committee and the relevant University Ethics Committee if the research project was a collaboration. To enable nurses to take blood samples in metropolitan Adelaide for the purposes of the transport Acts

This amendment has been made under Schedule 1 of the Road Traffic Act; Schedule 1A of the Harbors and Navigation Act; and section 21 of the Rail Safety National Law (South Australia) Act.

Currently, nurses' remit for taking blood samples for the purpose of transport Acts is haphazard and potentially confusing. For example, nurses cannot take blood samples in metropolitan Adelaide for the purposes of the transport Acts. They can however take samples from drivers outside metropolitan Adelaide in most situations, except when the person is admitted to hospital after an accident. And, they can only take samples from vessel operators outside metro Adelaide when the person is unable to take an alcotest, breath analysis, drug screening or an oral fluid analysis.

It is proposed to allow registered nurses and nurse practitioners to take blood samples in all situations across the entire State. This will create greater certainty amongst nurses regarding authority to take blood, and it will assist SAPOL and authorised officers to facilitate the taking of samples within the required time, which is no more than 8 hours after the giving rise to the requirement that the person undertake the blood test. It will also provide the ability for members of the public who wish to challenge the first set of results showing a positive reading for alcohol, to obtain a blood test in a timely manner, and within the required time, as a doctor may not always be readily available.

The amendments will create a uniform approach across the Transport Acts in both metro and non-metro areas.

To ensure clarity for those in the medical profession where blood samples may be taken in these circumstances, the definition sections of the Acts being amended state that the term 'registered nurse' also refers to 'nurse practitioners'.

To exclude licence suspensions from minimum period requirements

This amendment is made under Part 3 of the Motor Vehicles Act.

Disqualification and suspension have the same effect, in that they remove a person's authority to drive.

However, the Motor Vehicles Act currently only excludes periods of licence disqualification from counting towards minimum requirement qualifying periods and does not take into account periods of licence suspension.

Under the proposed amendments, the Registrar of Motor Vehicles must take into account periods of both disqualification and suspension when determining qualifying periods that count towards the minimum period that a driver must hold a licence or a learner's permit.

For example, a provisional P1 licence holder needs to have held a valid driver's licence for a minimum of 12 months before they can proceed to a P2 licence. Under the existing provisions, if a driver had their licence suspended for 6 months (due to a medical condition), they would still be deemed to have met the P1 qualifying period after 12 months, despite not being authorised to drive for six of those months, as periods of suspension are currently not counted. The proposed amendment will address this issue.

Nominate the driver

This amendment is made under sections 79B and 174A of the Road Traffic Act.

Offences detected by camera result in an expiation notice being sent to the registered owner of the vehicle in the first instance. If the owner was not the driver at the time, he or she has been able to nominate the driver by completing a statutory declaration, which, up until now, must ordinarily be witnessed by a Justice of the Peace or an enrolled lawyer.

This amendment will simplify that process by providing an alternative nomination procedure, which would be supported by similar penalties for providing false information.

By enabling the nomination to be in a manner and form determined by the Minister, it allows the capacity for an online nomination system in the future. The statutory declaration process will be retained for the relatively small number of suspected fraudulent nominations.

Changes to section 174A of the Road Traffic Act in the Bill will also allow for the nomination process to operate for certain parking offences in Part 12 of the Australian Road Rules and for regulation 66 of the Road Traffic (Miscellaneous) Regulations. This is for parking offences where the owner of a vehicle is deemed to be the driver of the vehicle at the relevant time. Vehicle owners are currently required to complete a statutory declaration to provide details of the actual driver at the time of the alleged offence.

Due to this amendment, consequential changes have been made to the Expiation of Offences Act, the Criminal Procedure Act, and Fines Enforcement and Debt Recovery Act to include nominations, along with statutory declarations.

To increase the unregistered/uninsured subsuming period

This amendment is being made under clause 2, Schedule 1 of the Motor Vehicles Act.

The Motor Vehicles Act currently provides for a subsuming period during which a person cannot be issued with a second or subsequent camera detected expiation notice for unregistered/uninsured driving if detected again within 7 days. This allows time for the first expiation notice to be prepared, mailed, received by the owner and acted upon. Increasing the subsuming period would formalise SAPOL policy and practice in not issuing a notice for a second or subsequent offence occurring within 14 days of the first offence.

Several years ago, SAPOL has noted that less frequent postal delivery provides insufficient opportunity for a person to be aware of the first offence and to take action to re-register. SAPOL changed its practice in February 2016 to allow for a 14 day subsuming period.

To enable parking fees to be paid by smartphone or other electronic device

This amendment is made under the regulation making power in section 176 of the Road Traffic Act.

Currently, the regulation making power in the Road Traffic Act section 176(1a)(c) only speaks to parking fees being payable by a *parking ticket vending machine.* The City of Adelaide's Smart Parking Project allows drivers to source and pay for on-street parking via a smartphone app, or other electronic device. The system locates and navigates drivers to available parking; it provides information on the parking bay control; it allows payment via the app; it sends a reminder when the time limit is about to expire; and provides the ability to 'top up' parking to the maximum time limit.

To be certain that councils can charge fees via an app or other electronic device, it is proposed that the power to allow them to do so should be broadened, and clearly included in the legislation.

A person using a smartphone for this purpose must ensure they are complying with Australian Road Rule 300 (relating to the use of mobile phones) at all times.

To control the display of offensive materials on a vehicle

This proposal is made under the Motor Vehicle Act.

Following complaints from members of the public about vehicles displaying sexist, discriminatory or otherwise offensive advertising in breach of an advertising standards code, the responsible Ministers of the Transport and Infrastructure Council, on 2 August 2019, nationally agreed for each jurisdiction to amend their relevant legislation with the aim of removing vehicles with offensive advertising from Australia's road network. It was agreed that the legislation would be based on Queensland's Transport Operations (Road Use Management) Act, which was amended in 2017, to introduce sanction for offensive advertising on vehicles.

Most of the complaints received related to a company known as 'Wicked Campers'.

This proposal is consistent with the Queensland legislation in that it (amongst other things):

- Provides the Registrar with a discretionary power to cancel a vehicle's registration following a determination by Ad Standards;
- Requires the Registrar to cease action against a motor vehicle's registered owner or operator where Ad Standards has withdrawn an advertising code breach notice;
- Does not allow a refund of any part of the registration fee where a registration is cancelled.

Specific to South Australia, these amendments account for natural justice principles by allowing for the Registrar's decision to be appealed to the South Australian Civil and Administrative Tribunal; and allowing the Registrar to refuse to enter any transaction with the vehicle's owner.

Ad Standards, which deals with complaints about offensive advertising for business related vehicles, is an independent, non-government entity, whereby its Board applies a Code of Ethics, published by the Australian Association of National Advertisers. The Code seeks to ensure that advertisements and other forms of marketing communications are legal, decent, honest and truthful, and have been prepared with a sense of obligation to consumers and society, including a sense of fairness and responsibility to competitors.

The Board is independent of, and held in good regard within, the advertising industry. While its decisions are subject to review and are not enforceable, these amendments empower the Registrar to act if the vehicle's registered owner refuses to modify or remove the offensive material at the request of the Board.

To allow for drug test screening to support police searches of persons and vehicles

This amendment is made under schedule 1A, clause 8(2)(a) of the Road Traffic Act.

Currently, a positive drug screening test from a driver at the roadside is not able to be used as justification to conduct a search of a person or vehicle. SAPOL must form a 'reasonable suspicion' that a person has an illegal substance or equipment in their possession before they can undertake a search.

Police officers currently take into account a variety factors to assist in forming 'reasonable suspicion' required for a search, such as the physical behaviour displayed by a driver, any confessions made by a driver, the location, time of day or visibility of any drug in the vehicle.

It is an offence for a person to have on their person or in their vehicle a controlled substance under the Controlled Substances Act 1984. The current search powers in the Road Traffic Act are not defective. However, there is no power in the Road Traffic Act to rely on the results of a drug screening to undertake a search in order to enforce an offence against the Controlled Substances Act.

If passed, this amendment will not provide an automatic authority for a police officer to search the person or their motor vehicle where they return a positive roadside drug screening test. Instead, the amendment will allow the results of the test to be used as an additional factor in forming 'reasonable suspicion' and therefore the power to search the person or their vehicle in relation to an offence against the Controlled Substances Act.

Since 2018, following a positive drug screening test, SAPOL collects an oral fluid sample which is sent to Forensic Science SA for analysis. That analysis will confirm the presence of drugs in the driver's oral fluid before an offence is charged. The results of the analysis are sometimes not available for several weeks. The results of the drug screening test would be only one factor for the police officer to take into account when forming a reasonable suspicion, because of the potential for a negative result when tested by Forensic Science SA.

The prescription of fees

At the current time, fees under the Road Traffic Act, Harbors and Navigation Act and Motor Vehicles Act are set by regulations made under each of those Acts. With the operation of the Legislation (Fees) Act 2019, it is now possible to set these fees by a fee notice instead. From 1 July 2020, many fees under various pieces of legislation swapped to fee notices, without amendments to the relevant legislation being required, for example, fees under the Passenger Transport Act.

No changes to the three Acts are needed to allow for fees to be set by fee notice instead, but Parliamentary Counsel have taken this opportunity to make changes to expressly provide in each piece of legislation that fees may also be set by fee notice for the Road Traffic Act, Motor Vehicles Act and Harbors and Navigation Act. The regulation making powers to set fees in each Act have also been retained.

So in the future, it will be possible to set fees by either fee notice or by regulations under the three pieces of legislation.

I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Procedure Act 1921*

4—Amendment of section 52—Limitation on time in which proceedings may be commenced

The amendment made by this clause is consequential on the amendments to section 79B(2) of the *Road Traffic Act 1961* made by this measure.

Part 3—Amendment of *Expiation of Offences Act 1996*

5—Amendment of section 11—Expiation reminder notices

6—Amendment of section 11A—Expiation enforcement warning notices

7—Amendment of section 16—Withdrawal of expiation notices

The amendments made by these clauses to the *Expiation of Offences Act 1996* are consequential on the amendments to section 79B(2) of the *Road Traffic Act 1961* made by this measure

Part 4—Amendment of *Fines Enforcement and Debt Recovery Act 2017*

8—Amendment of section 22—Enforcement determinations

The amendment made by this clause is consequential on the amendments to section 79B(2) of the *Road Traffic Act 1961* made by this measure.

Part 5—Amendment of *Harbors and Navigation Act 1993*

9—Amendment of section 4—Interpretation

This clause substitutes the definition of *medical practitioner* and inserts the definition of *registered nurse*.

10—Amendment of section 71—Authorised person may require alcotest or breath analysis

This clause inserts references to registered nurse so that a registered nurse as well as a medical practitioner may take a sample for testing purposes.

11—Amendment of section 72—Authorised person may require drug screening test, oral fluid analysis and blood test

This clause inserts references to registered nurse so that a registered nurse as well as a medical practitioner may take a sample for testing purposes.

12—Amendment of section 73—Evidence

This clause substitutes references to 2 hours with 3 hours. It also inserts references to registered nurse wherever there is a reference to medical practitioner.

13—Amendment of section 73A—Breath analysis where drinking occurs after operation of vessel

This clause amends section 73A of the principal Act to define the term *relevant period* that is used in subsection (2).

14—Amendment of section 73B—Oral fluid analysis or blood test where consumption of prescribed drug occurs after operation of vessel

This clause alters the meaning of *relevant period* in section 73B of the principal Act.

15—Amendment of section 74—Compulsory blood tests of injured persons including water skiers

This clause amends section 74 of the Act to provide that a sample of blood under the section may be taken by a medical practitioner of a registered nurse. It also modernises and updates other aspects of the provision

16—Amendment of section 87—Evidentiary provision

This clause updates a reference to a complaint with a reference to an information.

17—Amendment of section 91—Regulations and fee notices

This clause amends the Act to expressly accommodate the prescribing of fees by notice under the *Legislation (Fees) Act 2019*.

18—Amendment of Schedule 1A—Blood and oral fluid sample processes

This clause amends Schedule 1A to broaden the capacity for samples to be taken by registered nurses as well as medical practitioners. It also makes some changes to the requirement to send, or keep copies of, certificates referred to in the Schedule. A further amendment is made to provide that evidence relating to a drug screening test, oral fluid analysis or blood test is not admissible other than in proceedings for an offence against the principal Act, an offence involving the operation or crewing of a vessel of an offence against the *Controlled Substances Act 1984*.

Part 6—Amendment of *Motor Vehicles Act 1959*

19—Amendment of section 5—Interpretation

This clause amends section 5 to provide that for the purposes of the Act (other than section 81A), in determining the period for which a person has held a licence, learner's permit, foreign licence, interstate licence or interstate learner's permit, any period during which the person's licence or permit has been suspended under the Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

20—Amendment of section 24—Duty to grant registration

This clause amends section 24 of the principal Act so as to give the Registrar power to refuse to register a vehicle if the Registrar has made a decision under proposed section 71C.

21—Amendment of section 58—Transfer of registration

This clause amends section 58 of the principal Act so as to give the Registrar power to refuse to transfer the registration of a vehicle if the Registrar has made a decision under proposed section 71C

22—Insertion of Part 2 Division 13

This clause inserts section 71C into the principal Act

Division 13—Miscellaneous

71C—Powers of Registrar in relation to offensive material displayed on motor vehicles

Proposed section 71C gives the Registrar certain powers as a result of an advertising code breach notice for offensive material in relation to a motor vehicle.

23—Amendment of section 81A—Provisional licences

This clause amends section 81A to provide that for the purposes of that section—

(a) in determining the period for which a person has held a P1 licence or P2 licence or whether a person has completed a P1 qualifying period or a P2 qualifying period, any period during which the person's licence has been suspended under this Act or another law of this State is not to be taken into account; and

(b) in determining the period for which a person has held a non-provisional licence or non-provisional interstate licence, any period during which the person's licence has been suspended under this Act or another law of this State is not to be taken into account,

unless the suspension came into operation before the commencement of this subsection.

24—Amendment of section 81AB—Probationary licences

This clause amends section 81AB to provide that for the purposes of that section, in determining the period for which conditions imposed under this section have been effective on a licence, any period during which the licence has been suspended under this Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this subsection).

25—Amendment of section 81E—Circumstances in which licence will be subject to mandatory alcohol interlock scheme conditions

This clause amends section 81E to provide that for the purposes of that section, in determining whether the mandatory alcohol interlock conditions of a person's licence have been effective for the prescribed period, any period during which the person's licence has been suspended under the Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

26—Amendment of section 81G—Cessation of licence subject to mandatory alcohol interlock scheme conditions

This clause amends section 81G to provide that for the purposes of the section, a person ceases to hold a licence if the licence is suspended under the Act or another law of this State, and in determining a period for which mandatory alcohol interlock scheme conditions have applied in relation to a person, any period during which the person's licence has been suspended under the principal Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this provision).

27—Amendment of section 83—Consequences of certain orders or administrative actions outside State

This clause amends section 83 so that if the Registrar becomes aware that a person's licence or other authority to drive in another State or Territory has been suspended, the Registrar must refuse to issue a licence or learner's permit during the period of suspension. It also amends the section to provide that if the Registrar becomes aware that a person's licence or other authority to drive in another country has been suspended, the Registrar may refuse to issue a licence or learner's permit during the period of suspension.

28—Amendment of section 98MD—Only persons directed by police to proceed to or be present at scene of accident for purposes related to removal, wrecking or repair

This clause makes a related amendment to substitute a reference to 'complaint' with a reference to 'information'.

29—Amendment of section 98O—Persons who may ride in towtruck

This clause makes a related amendment to substitute a reference to 'complaint' with a reference to 'information'.

30—Amendment of section 98Z—Review by Registrar

This clause inserts a reference to proposed section 71C.

31—Amendment of section 98ZA—Review by Tribunal

This clause provides that a person aggrieved by a decision under proposed section 71C or who is dissatisfied with a decision on a review under section 98Z may seek review under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

32—Amendment of section 137A—Obligation to provide evidence of design etc of motor vehicle

This clause amends section 137A of the principal Act by including 'appearance' in the list of matters that the Registrar or an authorised officer may require evidence of from the owner or operator of a motor vehicle.

33—Amendment of section 142—Facilitation of proof

This clause makes a related amendment to substitute references to 'complaint' with references to 'information'.

34—Amendment of section 145—Regulations and fee notices

This clause amends the Act to expressly accommodate the prescribing of fees by notice under the *Legislation (Fees) Act 2019*.

35—Amendment of Schedule 1—Evidence obtained by photographic detection device

This clause amends Schedule 1 clause 2 so that the period during which offences are subsumed is increased from 7 days to 14 days.

Part 7—Amendment of *Rail Safety National Law (South Australia) Act 2012*

36—Amendment of section 9—Interpretation

This clause deletes a definition for the purposes of the measure.

37—Amendment of section 12—Conduct of preliminary breath test or breath analysis

This clause expands the capacity for a sample of blood to be taken for testing purposes by a registered nurse in addition to a medical practitioner.

38—Amendment of section 13—Conduct of drug screening tests, oral fluid analyses and blood tests

This clause expands the capacity for a sample of blood to be taken for testing purposes by a registered nurse in addition to a medical practitioner.

39—Amendment of section 14—Breath analysis where drinking occurs after rail safety work is carried out

This clause alters the meaning of *relevant period* for the purposes of section 14 of the principal Act.

40—Amendment of section 15—Oral fluid analysis or blood test where consumption of alcohol or drug occurs after rail safety work is carried out

This clause alters the meaning of *relevant period* for the purposes of section 15 of the principal Act.

41—Amendment of section 16—Compulsory blood testing following a prescribed notifiable occurrence

This clause amends section 16 of the principal Act to enable a registered nurse to take a sample of blood for the purposes of the provision.

42—Amendment of section 17—Processes relating to blood samples

This clause broadens the capacity for samples to be taken by a registered nurse as well as a medical practitioner. It also makes some changes to the requirement to send, or keep copies of, certificates referred to in the provision.

43—Amendment of section 18—Processes relating to oral fluid samples

This clause amends section 18 of the principal Act to changes to the requirement to send, or keep copies of, certificates referred to in the provision.

44—Amendment of section 20—Evidence

This clause amends section 20 of the principal Act to increase the period of time referred to from 2 to 3 hours. It also makes related amendments to include references to registered nurses.

45—Repeal of section 21

This clause repeals section 21 of the principal Act.

Part 8—Amendment of *Road Traffic Act 1961*

46—Amendment of section 5—Interpretation

This clause inserts definitions for the purposes of the measure.

47—Amendment of section 22—Proof of lawful installation etc of traffic control devices

This clause makes a related amendment to substitute a reference to complaint with information.

48—Amendment of section 47D—Payment by convicted person of costs incidental to apprehension etc

This clause makes related amendments to substitute references to complaint with information.

49—Amendment of section 47E—Police may require alcotest or breath analysis

This clause inserts references to registered nurse.

50—Amendment of section 47EAA—Police may require drug screening test, oral fluid analysis and blood test

This clause inserts references to registered nurse.

51—Amendment of section 47GA—Breath analysis where drinking occurs after driving

This clause amends section 47GA of the principal Act to substitute the term *relevant period* that is used in the provision.

52—Amendment of section 47GB—Oral fluid analysis or blood test where consumption of prescribed drug occurs after driving

This clause amends section 47GB of the principal Act to substitute the term *relevant period* that is used in the provision.

53—Amendment of section 47I—Compulsory blood tests

This clause amends section 47I of the principal Act to enable a registered nurse to take a sample of blood for the purposes of the provision.

54—Amendment of section 47K—Evidence

This clause amends section 47K of the principal Act to increase the period of time referred to from 2 to 3 hours. It also makes related amendments to include references to registered nurses.

55—Amendment of section 53B—Sale and seizure of radar detectors, jammers and similar devices

This clause makes a related amendment to substitute a reference to complaint with information.

56—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause amends section 79B to alter the process for nominating another person as the driver of a vehicle involved in the commission of an offence detected by means of photographic detection devices. It replaces the requirement to furnish the Commissioner of Police with a statutory declaration stating the name and address of some person other than the owner who was driving the vehicle at the time of the alleged offence with a requirement to give the Commissioner of Police a nomination stating the name and address of some other person who was driving the vehicle.

57—Amendment of section 110C—Offences

This clause makes a technical change to substitute a reference to 'prescribed circumstances' with a reference to 'circumstances prescribed by regulation'.

58—Amendment of section 170—Disqualification where vehicle used for criminal purposes

This clause makes a related amendment to delete a reference to complaint.

59—Amendment of section 172—Removal of disqualification

This clause makes a related amendment to delete a reference to complaint.

60—Amendment of section 174A—Liability of vehicle owners and expiation of certain offences

The amendments made to section 174A by this clause alter the process for nominating another person as the driver of a vehicle involved in the commission of the offence and are largely analogous to the amendments to section 79B(2) of the Act made by this measure.

61—Amendment of section 174E—Presumption as to commencement of proceedings

This clause makes related amendments to substitute references to complaint with information.

62—Amendment of section 175—Evidence

This clause makes related amendments to substitute references to complaint with information.

63—Amendment of section 176—Regulations, rules and fee notices

This clause amends section 176 of the principal Act to enable the making of regulations to allow a council to fix fees for parking to be payable by the operation of an expanded range of electronic devices or methods.

64—Amendment of Schedule 1—Oral fluid and blood sample processes

This clause amends Schedule 1 of the principal Act to make changes to the requirement to send, or keep copies of, certificates referred to in the Schedule. It also makes provision for the use of a sample of oral fluid or blood for research for certain purposes according to limitations specified by the provision. A further amendment enables the results of a drug screening, test, oral fluid analysis or blood test to be admissible for certain proceedings specified by the provision.

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

MOTOR VEHICLES (MOTOR BIKE DRIVER LICENSING) AMENDMENT BILL

Introduction and First Reading

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

At 16:43 the council adjourned until Wednesday 17 February 2021 at 14:15.

Answers to Questions

LAND TAX

In reply to **the Hon. J.A. DARLEY** (11 November 2020).

The Hon. R.I. LUCAS (Treasurer):

I have been advised that the land tax transition fund was always contemplated as an ex gratia scheme whereby eligible applicants are to apply for relief.

Historically in relation to ex gratia schemes, previous governments have required taxpayers to apply for relief under the relevant ex gratia scheme rather than legislating the scheme. The three ex gratia schemes announced by this government as part of its land tax reform measures, the Land Tax Transition Fund and the two housing affordability schemes, are all by application.

FLINDERS CHASE NATIONAL PARK

In reply to **the Hon. M.C. PARNELL** (2 February 2021).

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has advised:

1. No.

2. While I have no statutory role in the process, I have been advised that an application has been lodged.