

## HOUSE OF ASSEMBLY

Thursday, 30 April 2020

The **SPEAKER (Hon. V.A. Tarzia)** took the chair at 11:00 and read prayers.

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

### *Parliamentary Committees*

#### **PUBLIC WORKS COMMITTEE: NURIOOTPA PRIMARY SCHOOL REDEVELOPMENT**

**Mr CREGAN (Kavel) (11:01):** I move:

That the 49<sup>th</sup> report of the committee for the Fifty-Fourth Parliament, entitled Nuriootpa Primary School Redevelopment Project, be noted.

Witnesses presented to the Public Works Committee at a public hearing on 13 February 2020 regarding the proposed Nuriootpa Primary School redevelopment project. Mr Speaker, you will know that at that time the world was, of course, still a normal place, although knowledge of the virus was growing.

Nuriootpa Primary School is, as the member for Schubert well knows, an established school with approximately 300 students accommodated primarily, he tells me, in a 1977 building that has had minimal redevelopment since construction. The form of that building and its various defects were presented in some detail to the committee and were of interest to members discharging their duties. The redevelopment works at Nuriootpa Primary School are expected to assist in refurbishing and redeveloping learning facilities at the school and also to provide a contemporary learning space and environment to enhance student engagement and also enhance learning outcomes.

The Nuriootpa Primary School Redevelopment Project will include the refurbishment of existing facilities to accommodate approximately 450 students—up from 300—on the primary school site. The scope of the redevelopment will include refurbishment of existing main buildings to provide a flexible contemporary learning environment, as I mentioned, replacement of the roof and associated ceilings.

As the member for Schubert also informed me, at the time of its construction that roof was a marvel of architecture, but it has over the years been of some concern to the school community: in short, it leaks. A new covered outdoor learning area and a new covered walkway will be constructed and aged relocatable buildings will be demolished.

The Department for Education has advised that the project has considered the necessary and important requirements of the Disability Discrimination Act with respect to making provision for persons with disabilities. It is expected that when complete the project will provide modern educational accommodation and deliver to the requirements of the Department for Education's benchmark accommodation for students in a primary school.

The key outcomes of the redevelopment project when complete include the provision of a fully integrated primary facility, development of creative, flexible learning spaces, to which I have earlier alluded in some detail, and the provision of contemporary learning areas that are expected to support 21<sup>st</sup> century pedagogy. The estimated total cost of the Nuriootpa Primary School redevelopment is \$7.5 million, and the construction is expected to be complete by December 2021.

The committee examined written and oral evidence in relation to this project and received assurances by the Department for Education and DPTI officials that the appropriate consultation in relation to this project had been completed. The committee is satisfied that the proposal has been subject to appropriate agency consultation and meets the criteria for examination of projects as described in the Parliamentary Committees Act 1991. Based on evidence considered and pursuant to 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the scope of the proposed public works.

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (11:06):** I rise today as the member for Schubert to wholeheartedly support this report being noted by this chamber. It is an important project in an important educational facility in the beautiful Barossa Valley. I have visited this facility a number of times and been taken on a tour by the principal, Jill Hess.

For those who have not visited, this facility was a prototype around schooling pedagogy that was developed in the seventies. It essentially consists of a large round building that at the moment has the library facilities in the middle and a series of classrooms around the outside. The difficulty was that as it was originally built there were not any walls between those classrooms.

When I first visited the facility, I am going to say off the top of my head, about four years ago, what we had was a situation where groups of children in classrooms were huddled in corners of this large circle-shaped area, with teachers with head-mounted microphones and speakers trying to teach their students and amplify their voice to get over the background noise of students from other classes inside the same room undertaking their study. Quite clearly, the situation was not acceptable.

The teachers on the ground and certainly the principal, Jill Hess, did a great job of making this situation work, but it was not ideal in the 21<sup>st</sup> century for the education that we want to provide to our students. The Minister for Education and I were fortunate enough to be there for the opening of the first stage of the redevelopment of that school, where essentially part of that arc was turned into a series of classrooms and then an open learning area. On the day the Minister for Education and I were speaking to students about the difference in their ability to just quietly learn in a space that did not have background noise from classrooms all across the campus. It made a huge difference to them.

This next lot of \$7½ million in this next project and redevelopment completes that change. I think it will make a huge difference to the learning outcomes that we are going to see at Nuriootpa Primary. Funding of \$7½ million has been in the can for a couple of years now. It has gone through its consultation and design phase and we are now ready to proceed with this project. What we are going to see as part of this is a fully integrated primary facility, the development of creative, flexible learning spaces to enhance student engagement and, most importantly in my view, the provision of contemporary learning areas that support 21<sup>st</sup> century pedagogy.

The proposed solution talks about the administration extension that is to be a readily identifiable, vibrant entrance for students, staff and visitors to the school and that the refurbishment of the existing main building will provide contemporary learning areas, creating light-filled, clean, and defined but flexible learning spaces by re-imagining the existing fit-out to suit current and future pedagogy. That is a long way of saying that we are actually now going to have defined classes and defined learning spaces for students. They are going to be able to undertake that study in a much quieter environment that actually does open up the space.

We are also going to see a new covered outdoor learning area. Again, I think that is extremely important. The school has good open space facilities there for students but the opportunity to provide something outdoors but undercover is a great step forward. There will be new covered walkways and obviously the demolition of some ageing transportable buildings.

What is also exciting about this is the opportunity to refit the inside of this space. It still has an ageing air-conditioning system, one that is essentially externally mounted to the building. It also has roof insulation made of a form of thatch on the underside of the roof that can have the potential to create issues. All that will be a thing of the past as this project progresses and, as the local MP, who has been fighting to rectify and fix this issue for a long time, this is a fantastic step forward.

There are currently about 300 students at the school, give or take, and what will be done here will enable that to increase to 450 students as part of the new facilities. We know and have seen that families do gravitate towards more modern facilities. Given some of the imbalances in the catchment in the Barossa, between Angaston Primary School, Tanunda Primary School and Nuriootpa Primary School, we will see, as a result of this project, a rebalancing of student numbers and potentially more students from Nuriootpa choosing to go to a school in their local township.

I would like to thank the education department for the work it has undertaken in getting to this point. I know that it was an identified need the department had for a long period of time and one

that, together now with my department, we have been able to come together with a solution that is going to see this school become fit for purpose for the next generation of Nuriootpa kids to flow through. It also complements money that this government put on the table, some \$4-odd million, that is going towards upgrading Nuriootpa High School, a project that I look forward to speaking about in this forum very soon.

We have seen a real explosion in the number of children attending Nuriootpa High School. I think that stands as great testament to the hardworking staff there. Former principal Neil White and current principal, Gerri Walker, do a great job. However, we are now at a point where the school has some 1,100 students, a curriculum with subject lists as long as your arm, and an amazing amount of diverse opportunity for students to learn. Again, they have some ageing infrastructure and some transportable buildings that are not fit for purpose anymore. I think the opportunity, again through this investment, to be able to upgrade those facilities, provide for more capacity and provide, as this report notes, contemporary learning spaces in line with current pedagogy is an extremely important step forward.

Lastly, these projects are about improving learning outcomes but they are also about jobs. As we work our way through this COVID pandemic, these projects are helping to underpin the civil construction sector in South Australia. In fact, in talking with industry we were potentially looking for quite a hot, overheated commercial construction market in South Australia with a massive \$1.5-odd billion worth of education infrastructure being built, together with about \$1-odd billion worth of health infrastructure, and private sector investment. What we have seen over the course of the COVID pandemic is that a number of private sector builds were put on hold, most notably the upgrading of Burnside Village. It actually now provides a space for us to do everything we can to accelerate the build of both these stage 1 and stage 2 education infrastructure projects so that we can keep jobs in the commercial construction sector.

Projects like this, projects like the ones I know are to come on the list to discuss this morning, are exactly the things that are going to keep people in work. Hopefully, as much as we can we will accelerate that work so that whilst this pandemic is going on we are doing everything we can to spend public money delivering great educational outcomes and keeping people in work during this difficult time.

**Mr CREGAN (Kavel) (11:15):** I thank the minister for his contribution and also for his focus on the educational needs of his community, as well as his commitment to this project over many years. I think some of the information he has shared with us bears repeating: the increase in the capacity of this particular school from 300 to 450 students but, most particularly, the resolution of an architectural problem at the school, a much-admired building, but one that is not necessarily best suited to contemporary teaching techniques, with open spaces within which it is hard to deliver a class because of distraction from other classes in the same environment and, of course, with a roof that, although particularly attractive with its thatching, had leaked for many years.

It is right, as the minister emphasised, to thank principal Hess as well as the school community for their determined advocacy as well. We thank them; they presented well to the Public Works Committee and their evidence was valuable and useful and assisted in our deliberations. It is a great pleasure to bring this report to the house and note that \$7.5 million will be invested to improve educational facilities in the Barossa.

Motion carried.

#### **PUBLIC WORKS COMMITTEE: LOXTON HIGH SCHOOL REDEVELOPMENT**

**Mr CREGAN (Kavel) (11:17):** I move:

That the 50<sup>th</sup> report of the committee for the Fifty-Fourth Parliament, entitled Loxton High School Redevelopment, be noted.

Witnesses presented to the Public Works Committee at a public hearing on 13 February 2020 regarding the proposed Loxton High School redevelopment project. Loxton High School is located on Bookpurnong Road in Loxton in the District Council of Loxton Waikerie. Future enrolments at the school are expected to increase with the transition of year 7 students to high school in 2022.

The proposed Loxton High School redevelopment will include new buildings, refurbishment of existing facilities and the demolition of aged transportable classrooms. The Department for Education has advised that Loxton High School has a strong agricultural focus, and one of the new buildings will be an agricultural centre expected to create flexible indoor/outdoor opportunities for farming students and the preparation of school-grown products.

When complete, the proposed redevelopment is expected to provide the high school with the capacity to accommodate up to 700 students from the existing Loxton High School site. When complete the Loxton High School redevelopment is expected to provide a connected, multidisciplinary learning environment that engages all learners in a safe, healthy and contemporary learning space that supports 21<sup>st</sup> century pedagogy and creative and flexible learning spaces to support the transition of year 7 students to high school, as earlier mentioned, in 2022. Specifically, the scope of works for the redevelopment will include:

- the construction of a new classroom building with six general learning areas;
- a learning street with an external covered outdoor learning area connected with the adjoining STEM (science, technology, engineering and mathematics) building;
- the construction of a new agricultural building providing general learning spaces, office and storage with an adjoining covered outdoor learning area;
- the refurbishment of technical studies, involving the upgrade of equipment and amenities;
- the installation of new cooling to the theatre and installation of evaporative cooling to the activity hall;
- the construction of additional shade to provide shade adjacent to the administration and existing decking external to the canteen; and
- the demolition of aged transportable classrooms, as mentioned.

The estimated total cost of the Loxton High School redevelopment is \$5 million, and construction is expected to be complete by June 2021. The committee examined written and oral evidence in relation to this project and received assurances from Department for Education and DPTI officials that the appropriate consultation in relation to the project had been undertaken.

The committee is satisfied that the proposal has been subject to the appropriate agency consultation and meets the criteria for the examination of projects set out in the Parliamentary Committees Act 1991. Based on the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the scope of the proposed public works at Loxton High School and recommends the proposal to the house.

Motion carried.

#### **PUBLIC WORKS COMMITTEE: MAIN NORTH ROAD INTERSECTION WITH KINGS ROAD AND MCINTYRE ROAD UPGRADE**

**Mr CREGAN (Kavel) (11:21):** I move:

That the 51<sup>st</sup> report of the committee for the Fifty-Fourth Parliament, entitled 'Main North Road intersection with Kings Road and McIntyre Road upgrade', be noted.

On 20 February 2020, witnesses presented at a Public Works Committee hearing regarding the Main North Road intersection with Kings Road and McIntyre Road upgrade project. The committee has been informed that the Main North Road, Kings Road and McIntyre Road project considers a major traffic junction and also involves the intersection of primary freight routes. Main North Road and McIntyre Road, as you will know as well, Mr Acting Speaker, have been identified as major cycling routes. The existing intersection of these three roads is operating at full capacity during peak travel times, and over the last five-year period there have regrettably been 77 reported crashes.

This intersection is considered strategically significant, and it is a vital link between the Adelaide central business district, the northern metropolitan region and the northern part of the state, and of course also for interstate transport and freight movements. The proposed upgrade to the Main

North Road intersection with Kings Road and McIntyre Road has an estimated total cost of \$13 million, with a 50 per cent funding contribution from the commonwealth and the remainder of the funds being contributed by the state. The upgrade to the intersection aims to improve road safety, reduce traffic congestion, improve transport efficiency as well as support the economic development of the state. It is contemplated or anticipated that there will be significant safety benefits from this project as well.

The scope of works for the intersection upgrade includes road widening of Main North Road to accommodate dual right-turn lanes with greater capacity on each approach; the installation of three through lanes on Main North Road between Freda Thompson Place and Kings Road; three through lanes on the Main North Road on approach to Kesters Road from McIntyre Road; and new and upgraded traffic signals, road lights, road markings and drainage. The committee has been informed that construction works for the intersection upgrade are expected to occur from late 2020 to mid-2021, and the operation of the intersection in its upgraded form is expected from mid-2021 onwards.

The Public Works Committee has examined written and oral evidence in relation to this project, and the committee has been assured by DPTI officials that acquittals have been received from the Department of Treasury and Finance, the Department of the Premier and Cabinet and the Crown Solicitor that the works and procedures are lawful.

The committee is satisfied that the proposal has been subject to the appropriate agency oversight, consultation and examination, including examination by our committee, and meets the criteria for examination of projects, as described in the Parliamentary Committees Act 1991. Based on the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the scope of the proposed public works.

**Mr BROWN (Playford) (11:24):** I rise to express my support for this particular project as well, although technically this project is not in my electorate: it is on the boundary side of the electorate of the member for Wright. I am sure I will also be expressing his support for this project. This intersection has been a serious traffic blackspot. Only about three years ago there was a horrific incident at this intersection, involving a Mawson Lakes resident dying as a result of an accident involving a stolen car, which I know we are all very sorry about. It caused quite a lot of concern amongst local residents. I congratulate the government on spending money in this area for safety upgrades—they are sorely needed. I recommend to the government that they continue to spend money on safety upgrades for traffic in the local area, and please do not just spend money by putting in extra traffic cameras.

**Ms LUETHEN (King) (11:25):** It is with much pleasure that I rise to support the Public Works Committee recommendation on this piece of work, and I thank them for all the work they have done. It is awesome to contribute towards this discussion because, over my time talking to constituents in King, time and again people have raised their frustration with the two-lane, three-lane, two-lane chaos that happens on Main North Road, and some of that is addressed by this investment.

A summary of the works is that Main North Road, Kings Road and McIntyre Road have been identified as a major traffic route and primary freight route, and the existing intersection of these roads is already operating at full capacity during peak times. Over the last five-year period there have been 77 reported crashes.

The intersection is a strategically significant one in the movement of people and goods, and the intersection is a vital link for Adelaide's central business district, the northern metropolitan region, the northern part of the state and also interstate. The proposed upgrade to the Main North Road intersection with Kings Road and McIntyre Road aims to improve road safety, reduce congestion, improve transport efficiency and support the economic development of the state.

Specifically, the proposed intersection upgrade will involve road widening of Main North Road to accommodate dual right-turn lanes, with greater capacity on each approach; the installation of three through lanes on Main North Road between Freda Thompson Place and Kings Road; three through lanes on Main North Road on approach from Kesters Road from McIntyre Road; and, new and upgraded traffic signals, road lights, road marking and drainage. DPTI has advised that the

approved budget for the intersection upgrade, the investment being made, is \$13 million, with funding contributions from the Australian government and the South Australian government. It is estimated that construction for the upgrade of the intersection will occur from late 2020 to mid-2021, with operation of the intersection expected from mid-2021 onwards.

As I mentioned, addressing the two-lane, three-lane issue is something we have been waiting for for a very long time. DPTI has advised that, with an average daily traffic count of approximately 81,550 vehicles through this intersection, it is currently operating at capacity in both the am and pm peak periods. The proposed upgrade will involve the road widening of Main North Road to accommodate the dual right-turn lanes and greater capacity on each approach, the installation of three through lanes on Main North Road and Kings Road and three through lanes on Main North Road around Kesters Road and McIntyre Road.

Main North Road, McIntyre Road and Kings Road are all under the care, control and management of DPTI, and all other intersecting side roads are under the care, control and management of the City of Salisbury. DPTI has advised that land acquisition is being undertaken to accommodate the road widening on Main North Road to enable the installation of the dual right-turn lanes on both approaches. The proposed treatment includes:

- widening of Main North Road and widening around Kings Road;
- widening of Main North Road, with the installation of an additional right-turn lane into McIntyre Road and three through lanes heading north on Main North Road;
- installation of an additional through lane on Main North Road between Freda Thomson Place and Kings Road;
- installation of an additional through lane on Main North Road between McIntyre Road and Kesters Road;
- extension of dual right-turn lanes heading north-east onto McIntyre Road;
- separation of left-turn traffic from Main North Road into Kings Road and left-turn traffic from Kings Road onto Lawrence Hargrave Way;
- new and updated pedestrian ramps and footpaths on the intersection;
- dedicated bicycle lanes on both approaches to Main North Road, which is also being raised as a key hazard by my constituents; and
- new and upgraded traffic signals, road lighting, line marking and drainage.

In terms of community consultation, DPTI has prepared a community and stakeholder engagement plan to ensure relevant stakeholders, local residents and property owners will be consulted. This includes consultation with the City of Salisbury and detailed consultation with local residents, landowners and local businesses. DPTI has advised that the consultation for the project will continue to include regular and ongoing discussions with the City of Salisbury. More information is available on the DPTI website at the following address: [www.dpti.sa.gov.au/kingsmcintyroad](http://www.dpti.sa.gov.au/kingsmcintyroad). DPTI has advised that the project team is also available to brief community groups on request.

I also want to mention that DPTI has advised that measures will be undertaken to minimise impacts to Aboriginal heritage, in compliance with DPTI's Cultural Heritage Guidelines and the Aboriginal Heritage Act. Of course, it is very important that the intersection upgrade will be assessed and managed in accordance with DPTI's environmental impact assessment processes and recognised environmental approval procedures. Key assessments will include the vegetation survey, site contamination, road traffic noise and, as I mentioned, Aboriginal heritage.

In summary, DPTI has advised that the intersection is considered strategically significant, and I know it certainly is by my constituents in King. The movement of people and goods is an important link for people throughout South Australia and beyond. To address the identified issues, the upgrade to the Main North Road intersection with Kings Road and McIntyre Road will include road widening and is expected to reduce congestion, improve road safety, improve transport efficiency and support the economic development of the state and, as I mentioned, take a lot of stress away from people.

The public value of this proposed project will deliver efficient and reliable travel, a safer road network for all road users and jobs and new employment opportunities for the state of South Australia. I thank the Public Works Committee for proposing this and for supporting it. I look forward to the future works.

**Mr PATTERSON (Morphett) (11:33):** I also wish to speak on this really significant project for the area, the Main North Road intersection with Kings Road and McIntyre Road upgrade, the 51<sup>st</sup> report of the Public Works Committee. It is certainly something that, as a committee, we examined thoroughly, and we looked at the proposal and the efficacy of the application of taxpayer funds at this intersection. In terms of the intersection, both Main North Road and McIntyre Road are major traffic routes and primary freight routes, so really providing a link between the CBD and the north. As the member for King outlined, it is also a link between her community and the community of Newland through to this area.

When I used to live out that side of town, I went through this intersection quite a lot. Certainly, as you are driving out from the CBD, as the member for King described, there are three lanes going to two and then going to three. It is surprising how, even though there are speed limits there—you can travel more than the 60 km/h—quite often you have to slow down because you have merging traffic and that does cause delays. We were looking as a committee at improvements here, and if it can be three lanes, that was certainly something identified as being important.

Interestingly, the member for King also talked about cyclists who go through there. Because of the busyness of this intersection, we also looked at cycling and what can be done there. In terms of, unfortunately, crash statistics, as has been mentioned previously, because it is such a high-use intersection, there have been a number of crashes in the last five-year period between 2014 and 2018. In fact, there have been 77 reported crashes at this location. Many of them were property damage. I think the report outlines that in 51 of those there was property damage, but then there were injuries as well: 23 minor injuries, two serious injuries and, unfortunately, one fatality, which no-one ever likes to see.

Of those crash types, a lot of them were rear end, and I think that speaks to the fact that there is a lot of traffic going through there and having to slow down. It has certainly been identified by DPTI that at peak periods the intersection has reached capacity. In fact, the statistics provided to us were that approximately 81,550 vehicles go through this intersection on a daily basis, the annual average daily traffic count, meaning that it is at capacity.

If you look at the flow of the traffic travelling along Main North Road in a north-easterly direction, it is 48,500, and on the south-westerly route it is 51,500. The traffic going the other way across that intersection is 30,900 from Kings Road and 32,200 along McIntyre Road. Of that traffic, between 3.5 per cent and 4.7 per cent is commercial vehicles. That, obviously, is important from a freight point of view. With the defence industry building at Osborne, you can only expect that to grow, so that is one of the justifications for this intersection upgrade.

In terms of what this proposed upgrade is looking at, it is looking at accommodating dual right-turn lanes on each approach and the installation of three lanes on Main North Road as well, so we can talk about that in detail. The committee did look at what the ownership is around there, and some land acquisition has been undertaken by DPTI to accommodate this road widening, to enable the installation of these dual right-turn lanes on both approaches.

If I move now more specifically to the scope of the intersection upgrade, it involves widening of Main North Road and the installation of an additional right-turn lane into Kings Road and three through lanes heading south on Main North Road. It also involves the widening of Main North Road, with the installation of an additional right-turn lane into McIntyre Road and three through lanes heading north onto Main North Road.

The installation of an additional through lane on Main North Road between Freda Thompson Place and Kings Road, which the member for King touched on, is going to be very well received in her community by people travelling along there. There will also be the installation of an additional through lane on Main North Road between McIntyre Road and Kesters Road for the south-west bound, extension of the dual right-turn lanes heading north-east from McIntyre Road into Main North Road, and separation of the left-turn traffic from traffic coming along Main North Road looking to turn

left into Kings Road, so separating that from the through traffic coming from McIntyre Road. Left-turn traffic from Kings Road onto Lawrence Hargrave Way will also be separated.

Additionally, there will be new and upgraded pedestrian ramps and footpaths around the intersection. Of course, when there are busy intersections like this, while there is a lot of traffic, pedestrians certainly need to be catered for as well. There are also dedicated bike lanes on both approaches of Main North Road, again looking at the cycling aspect of this intersection. All these improvements will necessitate looking at new and upgraded traffic signals, road lighting, line marking and drainage as well.

Drainage infrastructure will need to be improved to manage the stormwater flows because of the extent of the works. Obviously, there is more asphaltting going on so, when there is rain, this will need to be looked after by the proper stormwater infrastructure. This will include side-entry pits and stormwater culverts to manage those water flows with both new and upgraded kerbs and guttering as well.

In terms of the project justification, I have alluded to the fact that the crash statistics and also the capacity during peak periods highlight the need for this intersection to be upgraded and certainly justify this project. The signal phasing that will result from this will also help with traffic flow. Certainly, the intersection is considered strategically significant in regard to the movement of people and goods. It is an important link between Adelaide's central business district and also the northern metropolitan region. Not only that, it is also an important link to the northern areas of the state, including traffic going through there on their way to Gawler and beyond, and interstate traffic as well.

I will talk briefly to the costs. In terms of what we are looking at here, the committee approved the budget of \$13 million for this upgrade with funding contributions from the Australian government at 50 per cent, and the South Australian government at 50 per cent as well. In terms of timing for this, the budget has been put over the 2019-20 and also the 2020-21 financial years and we are looking to have this project completed during 2021.

The economic evaluation that was done on this looked at the benefits of this intersection upgrade and then compared it to the \$13 million cost. The benefit evaluation looked at the upgrade's impact on road crashes, the cost of property damage, as well as physical damage to people and what the upgrade will do for travel times for the intersection. Looking at that, it came out with a benefit-cost ratio of 12.2, so it is certainly a positive and well spent use of funds.

For that reason, after looking at both written and oral evidence that we received in relation to this Main North Road intersection upgrade at Kings Road and McIntyre Road, the committee was satisfied that the proposal has been subject to the proper and appropriate agency consultation and is a good use of taxpayer funds, and recommends that the proposed public work proceed.

**Mr CREGAN (Kavel) (11:43):** I thank those members who have made a contribution to the debate in relation to this very important and significant upgrade of public infrastructure. I acknowledge the member for Playford, who was speaking on behalf of a colleague but also emphasising the significance and value of this project to the north-east and to members of his community as well.

To the member for Morphett, thank you for your contribution, your diligence and commitment to the Public Works Committee. I have often said in this place that we not only benefit from the member for Morphett's intelligence and insight but also, on the Public Works Committee, from his capacity as an engineer and his professional training and experience. That is a forum, an environment where that experience can be brought to bear, and that value can be particular value derived from his professional experience and education.

It would be remiss of me not to acknowledge, too, the hard work of our executive officers on the Public Works Committee. There is a significant workflow through the committee and our executive officers are particularly diligent in ensuring that we process that work in a way that best discharges our functions as committee members and certainly my function as Presiding Member.

It is also necessary and important to reflect on the commitment of the member for King to this project. This is a very significant project in her community. She has been a diligent and focused advocate not just for this upgrade but for so many other upgrades that have been needed in King for



many, many years. Now we have a member in the member for King who is 100 per cent focused on the interests of her community. Her knowledge, commitment and advocacy and her approach to me, to other members of the committee and to members of the cabinet, who work inside this government to ensure that this project is fully and properly funded with \$13 million, need to be celebrated and acknowledged in this place.

I am hopeful, too, that the member's constituents are made well aware of the committee's gratitude for her advocacy but also her determined focus on ensuring that this project proceeds. It is absolutely needed. There have been more than 70 significant crashes at this location. Every crash is significant. There is no doubt that this project has been needed for many years. There are more than 81,000 vehicle movements through this intersection annually. The member for King and the member for Morphett ably and in detail described the traffic situation that faces motorists passing through this intersection.

The member for King reflected in detail on the improvements that her advocacy and the commitment of our government and the commonwealth government will ensure are appropriately addressed. May I say, too, that the member for King is a most efficient member. It is not that she raises projects in a haphazard way; instead, she raises them in a focused and orderly way to ensure that the resources of government can be brought to bear efficiently and effectively and at the time that they need to be brought to bear across the budget cycle. For a new member, that is quite a skill.

**Mr Brown:** You have so much to learn from her, then.

**Mr CREGAN:** I do. I have a good deal to learn, and much of it can be learned from the member for King, can I say.

**The Hon. A. Piccolo:** You're not stopping there, are you? There is more to say.

**Mr CREGAN:** There is a good deal more to say, member for Light.

*Members interjecting:*

**The ACTING SPEAKER (Mr Cowdrey):** Order!

**Mr CREGAN:** What I would say now is that your government had an opportunity when you were in power—

*Members interjecting:*

**The ACTING SPEAKER (Mr Cowdrey):** Order!

**Mr CREGAN:** —to fix this, and you did not for 16 years. What is even more shameful is that you are familiar with the problems at this intersection, but I cannot say in this place exactly what it is that you have done to bring this project forward. That is a matter that I will reflect on in this place with some focus and some concentration.

**The ACTING SPEAKER (Mr Cowdrey):** Member for Kavel—

**Mr CREGAN:** So if you want to interject, member for Light, you will receive a contribution from me on that subject.

**The ACTING SPEAKER (Mr Cowdrey):** Member for Kavel, I remind you to direct your remarks through the Chair.

*Members interjecting:*

**The ACTING SPEAKER (Mr Cowdrey):** Order!

**Mr CREGAN:** Mr Acting Speaker, thank you for your protection.

*The Hon. A. Piccolo interjecting:*

**Mr CREGAN:** You had your opportunity, member for Light, but of course you did not wish to make a contribution. Now I am making mine, which in part focuses on the contribution of members not only in this place but also members of the committee, of which you have historically been one. Thank you, Mr Acting Speaker, for your indulgence and your protection where necessary.

Motion carried.

### **PUBLIC WORKS COMMITTEE: MOUNT BARKER HIGH SCHOOL REDEVELOPMENT**

**Mr CREGAN (Kavel) (11:49):** I move:

That the 52<sup>nd</sup> report of the committee, entitled Mount Barker High School Redevelopment, be noted.

You will know that witnesses presented to the Public Works Committee at a public hearing on 20 February regarding the proposal for a redevelopment of part of Mount Barker High School. This project is one very close to my heart and important to my community, and it is a very necessary project. Mount Barker High School was allocated funding of \$6 million as part of the Department for Education's capital works program and those funds will be acquitted in ways that I will describe to the house.

The committee was informed that Mount Barker High School currently has approximately 630 students and the school will require additional capacity to support the transition of year 7 students to high school in 2022. The redevelopment works at Mount Barker High School are expected to provide sufficient capacity to accommodate 850 students in order to cater for the transition of year 7 students to high school, as well as manage the projected increase in student enrolment numbers. You will know that the transition of year 7 to high school is contemplated for 2022.

The proposed redevelopment will consist of demolition, new works and refurbishment of the existing facilities at Mount Barker High School. Of note is the particular scope of works, which includes refurbishing learning areas to cater for the expected increase, to which I have earlier alluded, the removal of an ageing transportable building, and the provision of new buildings as well, and that is expected to improve connectivity across the school site. The project will also include the upgrade of existing outdated teaching areas to provide contemporary learning spaces. The estimated total cost of the redevelopment works is \$6 million and construction is expected to be completed by April 2021.

The Public Works Committee has examined written and oral evidence in relation to this project, and the committee has been assured by Department for Education officials that appropriate acquittals have been received from the Department of Treasury and Finance, Department of the Premier and Cabinet and the Crown Solicitor that the works and procedures are lawful. The committee is satisfied that the proposal has been subject to the appropriate agency consultation and meets the criteria for the examination of projects as described in the Parliamentary Committees Act 1991. Based on the evidence considered, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the scope of the proposed public works.

Motion carried.

### **PUBLIC WORKS COMMITTEE: PARAFIELD GARDENS HIGH SCHOOL REDEVELOPMENT**

**Mr CREGAN (Kavel) (11:52):** I move:

That the 53<sup>rd</sup> report of the committee, entitled Parafield Gardens High School Redevelopment, be noted.

Witnesses presented to the Public Works Committee at a public hearing on 20 February 2020 regarding this project, and their evidence was useful, informative and assisted the deliberations of the committee. Parafield Gardens High School is located on Shepherdson Road, Parafield Gardens in the district council of Salisbury. Parafield Gardens High School was allocated funding of \$10 million as part of the Department for Education's capital works program.

With the transition of year 7 students to high school in 2022, it is expected that there will be an initial projected increase in the student enrolment numbers of up to 200 students at the high school. The proposed redevelopment at Parafield Gardens High School will ensure that there is sufficient capacity to accommodate 1,200 students. This is expected to cater for that transition, to which I have earlier referred in these remarks, and in earlier remarks on projects presented, in the time that has been made available to us today.

The redevelopment works at Parafield Gardens aim to provide new and refurbished learning areas more suited for the delivery of contemporary pedagogy in order to improve learning outcomes

for students. When complete, the redevelopment project will provide an integrated year 7 to year 12 high school, including, of course, refurbishment of existing buildings as well. Specifically, the scope of the Parafield Gardens High School redevelopment works includes the construction of a new gymnasium with associated physical education laboratories and adjacent home economics labs; refurbishment of building 4 to create a dedicated performing arts studio, including drama, music, dance and performance spaces; and demolition of transportable buildings 11, 13 and 14.

The total cost estimate for the redevelopment works is \$10 million, and the construction is expected to be completed by May 2021. The committee examined written and oral evidence in relation to this project and received assurances by Department for Education officials that the appropriate consultation in relation to the project had been undertaken.

The committee is satisfied that the proposal has been subject to the appropriate agency consultation and meets the criteria for the examination of projects as described in the Parliamentary Committees Act 1991. Accordingly, having regard to the evidence considered, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed scope of public works for this project.

**Mr BROWN (Playford) (11:55):** I will be quick because I do not want to hold this project up any longer, which I know has already been subject to some delay. When I first became a candidate, the very first function that I attended as a candidate for Playford was the anniversary of Parafield Gardens High School. The very first thing that people spoke to me about at that function was the fact that the school's gym area was substandard and needed to be upgraded. In fact, a number of people spoke to me on that particular day; and local residents, particularly teachers and other staff at the school, have been speaking to me about it ever since. I am pleased that, following discussions with myself and also others—

**An honourable member:** Discussions with yourself?

**Mr BROWN:** —I will finish the sentence—discussions with myself and others, it was decided by the previous government to extend the funds to an upgrade of the school and, as part of the Building Better Schools program, which you may recall, \$10 million was allocated to Parafield Gardens High School for an upgrade. I am very pleased that this particular project is now coming to fruition. It is about time that students of Parafield Gardens High School are able to have graduations actually at the school rather than having to go all the way to the Shedley Theatre in Elizabeth to have them, and I am looking forward to being able to attend graduations in the future on the school premises.

As I said before, it is fantastic. I want to thank particularly not only the former treasurer, the member for West Torrens, but also the former minister for education, the member for Port Adelaide, for their assistance in bringing this project forward. I hope it happens with all speed. I cannot wait for the day when the current Minister for Education makes one of his extremely rare visits to my electorate to open the new premises.

**Mr CREGAN (Kavel) (11:57):** I acknowledge and thank the member for Playford. I think it might be right to also emphasise that the member for Playford is so powerful that he only need consult with himself before something be effected! But, nevertheless, I acknowledge his contribution and I thank him for it. I thank him for his advocacy and commitment to the people of his electorate, and I recommend the project to the house.

Motion carried.

#### *Parliamentary Procedure*

### **STANDING AND SESSIONAL ORDERS SUSPENSION**

**The Hon. A. PICCOLO (Light) (11:59):** I move:

That standing orders and sessional orders be and remain so far suspended as to enable the introduction of a bill without notice and passage through all stages without delay.

**The ACTING SPEAKER (Mr Cowdrey):** An absolute majority not being present, ring the bells.

*An absolute majority of the whole number of members being present:*

**The ACTING SPEAKER (Mr Cowdrey):** There being an absolute majority present, the question can be put. Does any member wish to speak to the motion?

**The Hon. A. PICCOLO:** I will be brief because I think this motion does speak for itself. It is no secret that small businesses in our state are hurting. As a result, people are losing their jobs, employment and incomes. Local communities are hurting as well. But the strongest case for the urgency of this motion, and I will quote from a media statement issued by Business SA, the official spokesperson for business people—

**The Hon. S.K. KNOLL:** Point of order: debate on the suspension of standing orders needs to relate to the reasons for a need for the suspension of standing orders, rather than debating the substance of the matter that they are seeking to suspend standing orders for.

**The Hon. A. PICCOLO:** If the member listened for a moment, I was going to put the case—

**The ACTING SPEAKER (Mr Cowdrey):** Member for Light, if you could please direct your remarks to the motion.

**The Hon. A. PICCOLO:** Yes, I will. The case why this is a matter of urgency, as I was trying to explain, can not be put better than by Mr Haese, who speaks on behalf of the business community in this state. I will quote from a media release issued by him just two weeks ago. That is why we need to support this motion today and get this action today and not tomorrow or next month or wait for conversations to occur in one place and the next place. We need to have this debate today in this place to ensure that the remedies available for small business in our communities happen now. I will quote from this statement:

With the Federal Government and State Government doing much of the heavy lifting, it is now time for the local government sector...

**The Hon. S.K. KNOLL:** Point of order, Mr Deputy Speaker.

**The Hon. A. PICCOLO:** Could I just be allowed to finish?

**The DEPUTY SPEAKER:** There is a point of order.

**The Hon. S.K. KNOLL:** The member is seeking to debate the issue rather than—

**The DEPUTY SPEAKER:** Just wait, minister. Member for Light, there is a point of order. You will need to take your seat while I hear the point of order.

**The Hon. S.K. KNOLL:** A debate on a suspension of standing orders needs to relate to the suspension of standing orders, rather than debating the substance of any bill that might be introduced as a result of the suspension of standing orders.

**The DEPUTY SPEAKER:** I am going to uphold the point of order because the motion is to suspend standing orders. That is what we are talking about. That is what we are considering. Further to that, I will add that the government's opportunity to debate this will come as well.

**The Hon. A. PICCOLO:** If I was actually allowed to finish one sentence without interruption—

**The DEPUTY SPEAKER:** No, member for Light—no, no.

**The Hon. A. PICCOLO:** I will repeat, Mr Deputy Speaker, I will get to the point.

*Members interjecting:*

**The Hon. A. PICCOLO:** You will have your chance.

**The DEPUTY SPEAKER:** Order! Member for Light, concentrate on the job at hand.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order in the house!

*The Hon. S.C. Mullighan interjecting:*

**The DEPUTY SPEAKER:** Member for Lee, order! Member for Light.

**The Hon. A. PICCOLO:** And I will quote—

*The Hon. S.C. Mullighan interjecting:*

**The DEPUTY SPEAKER:** Member for Lee, you are called to order. Member for Light.

**The Hon. A. PICCOLO:** Thank you Mr Deputy Speaker—

**The DEPUTY SPEAKER:** It should not be this difficult.

**The Hon. A. PICCOLO:** You are quite right; it should not be. I quote Mr Haese, 'With the federal government and state government doing much of the heavy lifting, it is now time,' and that is the emphasis: it is now time 'for the local government sector to step up to the plate to help'.

*An honourable member interjecting:*

**The Hon. A. PICCOLO:** No, let me finish. Let me finish my sentence!

**The DEPUTY SPEAKER:** No, member for Light; I am anticipating the point of order here, which is exactly the same point of order as before. You are moving to suspend standing orders.

**The Hon. A. PICCOLO:** That is correct.

**The DEPUTY SPEAKER:** Regardless of what you want to talk about later, you are suspending standing orders.

**The Hon. A. PICCOLO:** But I am trying to justify the suspension of the standing orders. I am trying to justify why I am doing it. How can I do it if I do not talk about it?

**The DEPUTY SPEAKER:** All we are talking about is the suspension of standing orders. Just quickly move through this—what you have to say. The government will have the opportunity to speak, and then we will vote. We understand why you are looking to suspend standing orders.

**The Hon. A. PICCOLO:** Well, I am trying to actually make the case, Mr Deputy Speaker— if I get an opportunity to do so uninterrupted.

**The DEPUTY SPEAKER:** Alright, well, let's hear that case.

**The Hon. A. PICCOLO:** Thank you, Mr Deputy Speaker. The media release goes on to say—

*An honourable member interjecting:*

**The Hon. A. PICCOLO:** Why? This is the case that the business community put to this state as to why local government should be doing something now, and that is the case I am putting to this chamber—why you should do something now. The members across laugh. I am not sure why you are laughing when small businesses across the state are hurting. It is quite disgraceful that you sit there and try to stop this debate from occurring. It is disgraceful.

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

**The DEPUTY SPEAKER:** There is another point of order. Member for Light, take your seat again, please.

**The Hon. V.A. CHAPMAN:** The situation has really spiralled into ugly accusations across the chamber—in fact at you at the moment, sir, about what you are trying to do. The clear position at the moment in yelling across the chamber at what we are supposed to be doing, which of course is actually being addressed to you, sir, is not a submission on the urgency of this parliament dropping all of its business and immediately hearing an application. So I would ask you to bring the member—

**The DEPUTY SPEAKER:** Thank you, Attorney. So really the point of order relates to the behaviour in the house and interjections. In essence that is what it is. So interjections will cease from now on; they are disorderly. And the member for Light in his address will not respond to interjections either. Member for Light, you have the call.

**The Hon. A. PICCOLO:** Thank you, Mr Deputy Speaker. I go on to say this is why this matter is urgent in terms of discussing it now. Mr Haese goes on to say in the media release, 'The urgent need for commercial rate relief was one of the loudest messages to come out of our recent'—

**The DEPUTY SPEAKER:** There is a member—

**The Hon. A. PICCOLO:** I am talking about why we need to do this urgently and why we need to suspend—

**The DEPUTY SPEAKER:** There is a point of order .

**The Hon. S.K. KNOLL:** This is a procedural debate, not a debate on the merits of any bill that may or may not be introduced subsequent to the suspension of standing orders.

**The DEPUTY SPEAKER:** Look, you have made this point of order three times. I upheld it in the first instance, but—

**The Hon. S.C. MULLIGHAN:** I rise on a point of order.

**The DEPUTY SPEAKER:** Just a moment, member for Lee. I will deal with this point of order raised by the Minister for Transport. I understand his particular point in relation to the suspension of standing orders being a procedural motion, but in all honesty the member for Light is making the case for that suspension, I think, and I am happy up to a point to let him go. I know he is not going to be much longer. I know he only has one page in front of him, so let's hear him out.

**The Hon. A. PICCOLO:** Thank you, Mr Deputy Speaker, and thank you for your wise counsel.

**The DEPUTY SPEAKER:** Just keep going, member for Light. Charge on.

**The Hon. A. PICCOLO:** Thank you. I will quote from the Business SA media statement. It goes on to say that:

The urgent need—

'urgent' is the important word there—

for commercial rate relief was one of the loudest messages to come out of our recent Virtual Industry Summit held with more than 40 industry leaders.

Commercial tenants and landlords need support right now—

The emphasis is on 'right now' and that is why we need to suspend standing orders and debate this today, right now—

and councils need to play their role and take on some of the heavy lifting to help get businesses through this...crisis.

The case has been made by the business sector. We should listen to that case and suspend standing orders.

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (12:09):** At 8.45 last night, I received an email from the member for Light in relation to a copy of a bill that he seeks to introduce, with a single phrase that states: 'Here is a copy of a bill that I am going to seek to introduce tomorrow.' At no point did the member inform the government that he was seeking to suspend standing orders—not once—a courtesy that we have provided—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —well in advance for the times that we have needed to do that to ensure the proper functioning of this house. Secondly, I thought that maybe the member was mistaken. He has been here since 2006, but what I—

**The DEPUTY SPEAKER:** There is a point of order.

**The Hon. S.C. MULLIGHAN:** A personal reflection on a member and their length of service in this place is wholly irrelevant as to whether we proceed with the suspension of standing orders.

This is a petty political point being made by someone who should know better—a minister of the Crown, no less.

**The DEPUTY SPEAKER:** Thank you, member for Lee.

**The Hon. S.C. MULLIGHAN:** By his own repeated points of order—

**The DEPUTY SPEAKER:** Thank you, member for Lee, I have your point of order. Thank you. Your point of order really is about relevance to the debate, which was exactly the same point of order that the minister made earlier. I allowed the member for Light, ultimately, to finish what he wanted to say, bearing in mind the point of order that you raised yourself, Minister for Transport.

**The Hon. S.K. KNOLL:** You will notice, Mr Speaker, that I have not even made reference to any topic that may or may not be discussed, but merely the process by which we on this side of the house have asked for and received consent for suspension of standing orders, as has been the practice while we deal with this COVID pandemic.

Nowhere was it actually asked for there to be a suspension of standing orders. I thought maybe the member was misinformed. As the email states 'a copy of the bill I will be seeking to introduce tomorrow', I thought potentially he was mistaken in the fact that there was private members' time that was available today. Essentially, what the member for Light is asking for—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —is for us to use government time to debate a private member's bill, which is extremely out of what is the normal practice. In fact, I cannot think in my time here—and I am sure that members who have been here longer cannot think of a time—besides on social conscience issues, when a private member's bill was given time in government time without asking the government to use said government time to be able to debate the bill.

If this was a genuine attempt to debate an issue, it would not have been sent to me at 8.45 last night. It was not even asked whether or not we could use government time to debate the bill or ask for a suspension of standing orders, something that the member for West Torrens has asked for and received every single time that we have sought to do it in this chamber, after having had the courtesy of actually sitting down and discussing each and every one of the bills we have sought to progress in an urgent fashion through this chamber.

This is a stunt that has massive holes in it. The opposition has not made the case—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —for why this needs to be urgent. More than that, what is very clear is that they have not even consulted the very people that the bill they propose to introduce will affect. I think that that is a case for why we should not suspend standing orders—

**The Hon. S.C. MULLIGHAN:** Point of order.

**The DEPUTY SPEAKER:** There is a point of order.

**The Hon. S.K. KNOLL:** —to actually allow for there—

**The DEPUTY SPEAKER:** Minister, could you take a seat, please. There is a point of order.

**The Hon. S.C. MULLIGHAN:** Now we certainly are at the point of relevance because, as we have heard you rule already on multiple occasions in the course of this debate, this is to be confined to the need to suspend standing orders, not what work may or may not have been done about a particular bill or its content. He cannot even abide the strictures of his own points of order. I think we have heard enough.

**The DEPUTY SPEAKER:** Of his own point of order. Minister, you are wrapping up your argument?

**The Hon. S.K. KNOLL:** I was, Mr Deputy Speaker.

*Mr Malinauskas interjecting:*

**The DEPUTY SPEAKER:** The leader will come to order. Minister, you are wrapping up your debate—

**The Hon. S.K. KNOLL:** I am.

**The DEPUTY SPEAKER:** —in opposition to the motion.

**The Hon. S.K. KNOLL:** That is right.

**The DEPUTY SPEAKER:** Excellent.

**The Hon. S.K. KNOLL:** It is highly improper to debate private members' bills in government business. The opposition has not made the case for why that needs to be the case. The government will be opposing this motion and calling this out for what it is: a stunt to get attention, as opposed to working cooperatively with the government, which is doing everything it can to deal with a global pandemic.

The house divided on the motion:

Ayes ..... 12  
Noes ..... 13  
Majority ..... 1

#### AYES

Bettison, Z.L.  
Close, S.E.  
Malinauskas, P.  
Odenwalder, L.K.

Brock, G.G.  
Gee, J.P.  
Michaels, A.  
Piccolo, A.

Brown, M.E. (teller)  
Koutsantonis, A.  
Mullighan, S.C.  
Picton, C.J.

#### NOES

Chapman, V.A.  
Harvey, R.M.  
Pisoni, D.G.  
Treloar, P.A.  
Wingard, C.L.

Cowdrey, M.J. (teller)  
Knoll, S.K.  
Sanderson, R.  
van Holst Pellekaan, D.C.

Gardner, J.A.W.  
Marshall, S.S.  
Speirs, D.J.  
Whetstone, T.J.

#### PAIRS

Bedford, F.E.  
Ellis, F.J.  
Boyer, B.I.  
Patterson, S.J.R.  
Hughes, E.J.  
Murray, S.  
Wortley, D.

Basham, D.K.B.  
Bignell, L.W.K.  
Luethen, P.  
Hildyard, K.A.  
Teague, J.B.  
Szakacs, J.K.  
Pederick, A.S.

Bell, T.S.  
Power, C.  
Cook, N.F.  
Cregan, D.  
Stinson, J.M.  
McBride, N.

Motion thus negatived.

**The SPEAKER:** Honourable members, while I have your attention I wish to make a point of clarification regarding my comments at 2pm yesterday. I wish to make it very clear that I was not imputing any improper motives on any member.



*Bills***SINGLE-USE AND OTHER PLASTIC PRODUCTS (WASTE AVOIDANCE) BILL***Introduction and First Reading*

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (12:20):** Obtained leave and introduced a bill for an act to restrict and prohibit the manufacture, production, distribution, sale and supply of certain single-use and other plastic products and for other purposes. Read a first time.

*Second Reading*

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (12:20):** I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

I am pleased to introduce the Single-use and Other Plastic Products (Waste Avoidance) Bill 2020 to Parliament.

This Bill restricts and prohibits certain single-use and other plastic products. By doing so, it promotes better waste management practices, including reducing marine and other litter, and supports the waste management hierarchy and principles of the circular economy.

This legislation demonstrates South Australia's continued leadership in waste management and resource recovery.

It also fulfils the government's commitment to take action following the overwhelming sentiment expressed by the community in response to the Turning the tide on single-use plastic products discussion paper.

The message was clear – South Australians are concerned about the impacts of single-use and other plastics, and want the government to take action.

The Bill has been developed in accordance with my July 2019 announcement to develop legislation to address single-use and other plastic products, and has undergone consultation with a stakeholder taskforce as well as publicly. A summary of submissions received and the government's response has been published on the Green Industries SA website.

The Bill prohibits the sale, supply or distribution of:

- single-use plastic drinking straws;
- single-use plastic cutlery;
- single-use plastic drink stirrers;
- expanded polystyrene cups;
- expanded polystyrene bowls;
- expanded polystyrene plates; and
- expanded polystyrene clam-shell containers.

The Bill also prohibits the manufacture, production, sale, supply or distribution of all products made of oxo-degradable plastic.

These are the plastic products that have additives to accelerate their breakdown into smaller pieces, which continue to exist in the environment for a very long time, contributing to global micro-plastic pollution. These products are not compostable, create confusion amongst the community and should be prohibited.

In feedback on the Turning the tide discussion paper, the community suggested a number of other products for government intervention.

I have already identified some products for further consideration. These include takeaway coffee cups, plastic bags and other takeaway food service items.

I am sure Members of Parliament have their own suggestions as well as from their constituents.

In accordance with my announcement last year, this Bill establishes a framework to consider additional products for inclusion in the legislation.

The framework comprises public consultation to consider the reasons the product is being considered, the availability of alternative products, and potential exemptions that may be required. This will ensure impacts to businesses and the community are considered prior to adding other products to the legislation.

Subject to passage through Parliament, the legislation will come into operation via proclamation.

On commencement, single-use plastic drinking straws, cutlery, and drink stirrers will be prohibited from sale, supply or distribution.

Following a period of 12 months, expanded polystyrene cups, bowls, plates and clam-shell containers, and oxo-degradable plastic products will be prohibited.

I have considered feedback from consultation on the draft Bill regarding commencement timeframes, and also taken into account that I made the government's intentions clear regarding the products listed in the Bill in July 2019.

I have determined that six months from the date of royal assent is sufficient for businesses to transition to alternative products for the initial prohibited products. This provides 18 months for businesses to make transitional arrangements for the other prohibited products.

However, due to the coronavirus pandemic, I will give consideration to commencing the legislation at a later date to be cognisant of businesses that are impacted by restrictions due to coronavirus.

The legislation contains provisions for exemptions to be made via regulations.

The government has already flagged several exemptions that will be enacted via regulations under the Act.

An important exemption that is purposely referenced in the Act, and has been raised from the outset of this initiative, is to enable access to single-use plastic drinking straws by people who require them due to a disability or medical requirement.

To maintain a greater level of accessibility for people who require single-use plastic drinking straws, the government is proposing a general exemption that will allow for the sale and supply of these on request, without the need to provide proof.

Ahead of and during implementation of the legislation, the government will be communicating with businesses to make it clear that it is not an offence under the legislation to provide single-use plastic drinking straws under these circumstances, and that proof is not required.

Further, this legislation does not prevent members of the community from purchasing single-use plastic drinking straws online, or from bringing their own straws to establishments.

Other exemptions that have been indicated include:

- products that are attached to another product at the point of manufacture and packaging (e.g. single-use plastic drinking straws attached to fruit boxes)
- products that are packaged with food contents for consumption (e.g. expanded polystyrene noodle cups)

There is also the ability to exempt a product, or product of a class; or business, or business of a class, from the provisions of the Act should it be required.

As these regulations are yet to be drafted, I am releasing explanatory information to help inform Members and the community on the proposed exemptions, and to prompt feedback that will assist with their development.

Other governments around Australia are also looking to tackle single-use plastic products.

There are national initiatives underway, including actions under the National Waste Policy and response strategies to support the implementation of export bans agreed to by the Council of Australian Governments.

South Australia is again the first mover on this waste management and resource recovery initiative, and I look forward to other jurisdictions following our lead.

This Bill gives us the flexibility to add other plastic products in the future, and assist with harmonisation of approaches in other jurisdictions.

I commend the Bill to Members.

#### EXPLANATION OF CLAUSES

Part 1—Preliminary 1—Short title 2—Commencement 3—Interpretation

These clauses are formal.

4—Application of Act

This clause provides that the measure does not apply to a beverage container that may be returned to a retailer or collection depot for a refund in accordance with the *Environment Protection Act 1993*.

## 5—Objects of Act

This clause sets out the objects of the measure.

## Part 2—Prohibited plastic products

### 6—Prohibited plastic products

This clause sets out the definition of prohibited plastic product. It lists products that are a prohibited plastic product and allows for certain products to be included in, or excluded from, the definition by the regulations.

This clause further provides that before a regulation may be made to include a product in the definition of prohibited plastic product, the Minister must undertake public consultation in accordance with the requirements set out in subclause (2).

### 7—Person must not sell, supply or distribute prohibited plastic products in course of carrying on a business

This clause provides that a person commits an offence if the person sells, supplies or distributes a prohibited plastic product to another person in the course of carrying on a business. This offence applies even if the product is given to a person free of charge or if the product is incidental to, or part of, the sale, supply or distribution of other products, such as food or drinks. The offence does not apply if the person is the manufacturer, producer or distributor of the product and the product is supplied or distributed to a person outside of the State.

The clause provides that it is a defence to a charge of the offence if the person is not either a manufacturer or producer of the product, or a wholesaler or distributor of the product in the course of carrying on a business, and proves that they believed on reasonable grounds that the product was not a prohibited plastic product.

This clause expands the definition of a business to include an enterprise, association, organisation or other body regardless of whether its activities are of a commercial, charitable, sporting, educational or community nature. It further allows the regulations to include or exclude a particular business, or business of a class, generally or in specified circumstances, from the definition of a business for the purposes of this clause.

### 8—Person must not represent that product is not a prohibited plastic product

This clause provides that a person commits an offence if they sell, supply or distribute a prohibited plastic product to another person and before or during the sale, supply or distribution represents to the other person that the product is not a prohibited plastic product.

## Part 3—Oxo-degradable plastic products

### 9—Person must not manufacture or produce oxo-degradable plastic products

This clause provides that a person commits an offence if they manufacture or produce a product comprised of oxo-degradable plastic in the course of carrying on a business.

### 10—Person must not sell, supply or distribute oxo-degradable plastic products in course of carrying on a business

This clause provides that a person commits an offence if the person sells, supplies or distributes a product comprised of oxo-degradable plastic to another person in the course of carrying on a business. This offence applies even if the product is given to a person free of charge or if the product is incidental to, or part of, the sale, supply or distribution of other products, such as food or drinks.

The clause provides that it is a defence to a charge of the offence if the person is not either a manufacturer or producer of the product, or a wholesaler or distributor of the product in the course of carrying on a business, and proves that they believed on reasonable grounds that the product was not comprised of oxo-degradable plastic.

This clause expands the definition of a business to include an enterprise, association, organisation or other body regardless of whether its activities are of a commercial, charitable, sporting, educational or community nature. It further allows the regulations to include or exclude a particular business, or business of a class, generally or in specified circumstances, from the definition of a business for the purposes of this clause.

### 11—Provision of manufacturer's or producer's certification as to oxo-degradable plastic content of plastic products

This clause requires a person who manufactures or produces a plastic product in the course of carrying on a business to, if an authorised officer so requests in writing, provide to the Environment Protection Authority certification as to whether the product contains oxo-degradable plastic, unless there is a reasonable excuse for not doing so.

This clause also requires a person who distributes a plastic product or sells or supplies a plastic product by wholesale in the course of carrying on a business to, if an authorised officer so requests in writing, provide to the Environment Protection

Authority certification of the manufacturer or producer of the product as to whether the product contains oxo-degradable plastic, unless there is a reasonable excuse for not doing so.

Certification under this section must be in the manner and form, and contain the information, determined by the Environment Protection Authority and must be provided within 30 days of the request.

12—Person must not represent that product is not comprised of oxo-degradable plastic

This clause provides that a person commits an offence if they know, or should reasonably know or suspect, that a product sold, supplied or distributed by them is comprised of oxo-degradable plastic and before or during the sale, supply or distribution represents that the product is not comprised of oxo-degradable plastic.

Part 4—Miscellaneous

13—Delegation

This clause provides that the Minister may delegate a function or power under this measure.

14—Interaction with Environment Protection Act

This clause provides that this Act and the *Environment Protection Act 1993* are to be read together and construed as if the 2 Acts constituted a single Act and, if there is an inconsistency between the provisions of the 2 Acts, the provisions of this Act prevail for the purposes of the operation of this Act.

This clause authorises authorised officers to exercise their powers under the *Environment Protection Act 1993* for the purposes of the administration and enforcement of this measure.

15—Exemptions from Act

This clause provides a power for the Governor to make regulations exempting, or empowering the Minister to exempt, a person or product, or person or product of a class, from the operation of the Act or a specified provision, subject to any specified limitations and conditions.

It further provides that the Governor may make regulations exempting the sale, supply or distribution of single-use plastic drinking straws from the operation of Part 2 or a provision of that Part to a person who requires straws due to a disability or medical requirement or so such a person can otherwise access or obtain straws (subject to any specified limitations and conditions).

16—Evidentiary provision

This clause provides that an allegation in an information that a specified product was a prohibited plastic product will be accepted as proved if there is no proof to the contrary in proceedings for an offence against this measure.

17—Regulations

This clause provides a power for the Governor to make regulations contemplated by, or necessary or expedient for the purposes of, this measure.

Debate adjourned on motion of Mr Brown.

## STATUTES AMENDMENT (BAIL AUTHORITIES) BILL

### *Second Reading*

Adjourned debate on second reading.

(Continued from 20 February 2020.)

**Mr ODENWALDER (Elizabeth) (12:21):** I rise to speak to the Statutes Amendment (Bail Authorities) Bill 2020. My remarks will be brief. I indicate, as I believe I am supposed to, that I am the lead speaker and perhaps the only speaker from the opposition on the bill. I state from the outset that the opposition will be supporting this bill. It seems to me that there are two essential measures in the bill, both of which are perfectly reasonable, at least on the initial reading of the bill, and worthy of support.

I look forward to the member for Heysen's contribution. He always makes interesting contributions to the subject of bail, and I am sure this will be no exception. Bail has been coming up a bit this week, and it is a topic of interest to me. I hope that we can avoid the committee stage but I expect that the Attorney will make quite a lengthy summing up, as she sometimes does, and answer some of my questions there. We can probably avoid the committee stage in that process.

My understanding of the bill is that it does two essential things and that both of them were at the request of the Chief Justice. Perhaps the Attorney can confirm in her closing remarks that all of the measures herein were at the request of the Chief Justice. The first is simply a measure to fix some inefficiencies within the court case load system by making all courts essentially bailing authorities without any restrictions on that except what is bound within their own rules.

As I understand it from the briefings I had from the Attorney's staff, which were very good, this is mostly in relation to matters which are going between the Magistrates Court and the District Court. Excuse any misunderstanding, sometimes it is the language, but I understand that this commits a matter to the District Court, so to all intents and purposes that matter rests now within the purview of the District Court.

However, all applications for bail still need to be made under the current system by the Magistrates Court. This change, I understand, fixes that slight anomaly, that slight inefficiency, so that the District Court can now hear bail applications in relation to matters that have been committed to it from the Magistrates Court but have not actually reached it physically yet—if that is the correct term. The other matter that the bill addresses is a simple matter but is still fairly significant, I think. When a decision is made by the court to revoke a bail agreement, the bill changes the point at which that revocation takes place.

I understand that at the moment there is, at least arguably, a situation where if a court issues an order to revoke bail and issues a warrant for the arrest of a suspect, the revocation of that bail technically takes effect when that order is made. So at the moment there is arguably a situation where, between the point when the revocation order is made and the arrest is made—hopefully a very short period in most cases—there is technically no bail agreement in place and the suspect is, essentially, free.

This leaves open the risk to a suspect's victims in many cases, because bail agreements almost always, at least in the lower courts, have the stipulation that a suspect cannot contact a victim. This is about avoiding confusion; it is about the arguable situation where between the point of the order of revocation being made and the arrest being effected there will no longer exist that period where the suspect is under no bail conditions at all.

I am slightly confused by the use of the word 'unconditionally', despite the briefings I have received. Perhaps in the process of summing up the Attorney might address the matter of 'unconditionally' in the context of someone being released when it is found that there was, in fact, no breach. In the Attorney's own second reading she said:

There are occasions when a bail agreement is revoked and it is later established that no breach of the relevant bail conditions has in fact occurred. The amendments included in this bill provide for such circumstances. Where there has been no breach, the bail agreement is not taken to have been revoked and the defendant will be released unconditionally. 'Unconditionally' in this context means that no new bail conditions are imposed. However, the deemed revocation of the bail agreement is effectively preserved and the conditions of the original bail agreement will continue to apply.

My question to the Attorney, if we can avoid a committee stage, is that in her summing up she explain that word 'unconditionally' and explain the difference between the situation now and the situation after the enactment of this bill. The only effective change this bill has, that I can see, is that it addresses that short period of time, if indeed there is a period of time, between the order that the court makes that the bail is to be revoked and the arrest of such a person.

Perhaps this is due to my limited understanding of the Bail Act itself, but I want to understand what the situation is now if a suspect is arrested and it is found that the decision to revoke bail was in error, there was no breach. Is the subject, as is stated here, released 'unconditionally', whatever that means, or is the situation now that an entirely new bail agreement has to be entered into—which would, presumably, reflect the initial bail agreement?

I hope that makes some sense to the good people sitting in the box over there, because I genuinely want to know the answer to that question to avoid the committee stage. So there are two questions. One is the definition of the word 'unconditionally', and the other question is—and we understand this came as a request from the Chief Justice—whether this situation has actually arisen in any situation that the Attorney, Chief Justice or the Attorney's advisers are aware of or is this simply a pre-emptive tidying up of a technicality?

With those brief words and several questions, I indicate that the opposition intends to support this bill.

**Mr TEAGUE (Heysen) (12:28):** I am pleased to rise with some brief remarks in commending this bill to the house. It is true to say that we have had something of a walk through the Bail Act in

recent days during the course of this sitting week. We have seen some changes made, and properly so, primarily to section 10A of the Bail Act in the circumstances of the global pandemic and the public health emergency where there are special reasons for making changes that are temporarily applied to assist the police in doing their important work. Here we see the operation of appropriate and necessary reforms to the process of bail and considerations of bail applications in this state.

While we are walking through bail and the way that it operates, I would make the observation that bail is one of those perhaps unusually transactional in nature statutes, in that it very much sets out the process by which an agreement between an individual and the state is made that is the subject of legislation. One might think that the body of statute in this state has that effect, in terms of setting out the broad range of obligations and rights and other regulation in the way that we conduct ourselves in the state. Bail, and the provisions of the Bail Act, is one that is uniquely and directly transactional in nature and proceeds on the basis of an application being made that is then considered within the discretion of the relevant bail authority.

This reform is taking a practical step to ensure that the bail authority is properly the court most conveniently before which the applicant finds themselves. It is more explicitly providing that the Supreme Court, the District Court and the Magistrates Court are all relevant bail authorities and, at relevant times, appropriately the court to which a bail application may be made. The operative provisions I will speak to in a moment.

I am glad that we are here. I am glad that we are back in the parliament this week, albeit in circumstances of social distancing, in terms of applying necessary constraints around our presence in this chamber and our presence in the parliament. But we are able to be here in these constrained circumstances so that we can get on with legislating for the emergency measures that are necessary to legislate for, as well as to get on with the ordinary business of parliament. It is important that we are getting on with that work while we are able to do so.

In that context, I would advert to my surprise that the member in this place who takes responsibility for matters to do with health saw fit, on a day earlier this week, to raise a point of order about the movement of members in this place as a procedural matter. I was the subject of that, and I thought it really passing quite surprising that a person with that particular responsibility did that in circumstances where there was obviously no endeavour to apply anything other than adherence to the social distancing arrangements that we have in place for the parliament, and out of respect for the broader community also, to do what we could to make sure that we are applying that.

It is an unusual time, and I think those of us in this chamber have been very conscious that we are dealing with circumstances that are unusual. I am very glad that we can be here. I am very pleased to participate in whatever necessary arrangements need to be applied for social distancing, and I am very pleased that we can debate these important reforms in a respectful and appropriate way.

The reforms that I wish to focus on, and I have referred to the transactional nature of a bail agreement, are caught up in clauses 4 and 5 respectively of the bill. Clause 4 would delete section 5(1)(b) to (d) inclusive and, as I adverted to earlier in my remarks, substitutes the District Court and the Magistrates Court—that is to go along with the Supreme Court—as bail authorities set out in that section. Really, it is paragraph (d) as it currently stands that causes the practical problem in most circumstances as I understand it, in that paragraph (d) as it presently stands means that bail applications default to the Magistrates Court for practical purposes. So, by sweeping away paragraphs (b) to (d) and the stipulations there and simply stating that the Supreme Court, the District Court and the Magistrates Court are relevant bail authorities, that matter is simplified.

Clause 5 then goes on to set out a new process altogether. In doing so, it replaces subsections (4) and (5) of section 6 of the Bail Act, which again at the moment has this problematic effect that, once a decision is made to issue a warrant, then the bail agreement is revoked. That is subsections (4) and (5) as it presently stands. The new process makes a considerable amount of sense, in that it gives the bail authority the discretion to take a number of steps but, relevantly, provides for the revocation of the bail agreement to apply at arrest rather than by way of machinery that is operating pursuant to a warrant for arrest being issued by the courts.

So all very sensible and, as members have referred already, this comes unsurprisingly at the request of the Chief Justice in the review of the way that these matters are administered in the routine way by the courts. It is anticipated that this will lead therefore not only to considerable improvement in administrative efficiency but, in a very practical way, will ensure that for the benefit of victims this is very relevantly at the centre of reasons for which a warrant for arrest will be issued in a lot of cases.

Victims can benefit from the certainty that the conditions that are the subject of the bail agreement will continue to apply until the person is arrested and therefore no longer in a position to pursue a course of conduct that might otherwise constitute a continuing breach of bail but for the operation of the current subsections (4) and (5)—so appropriate and desirable reform in this area. It is important perhaps to note as well that, being particularly transactional in nature, the applicant for bail makes the application at a time that may be appropriate. Usually it is at an early stage, but there is nothing to prevent an applicant making multiple applications or subsequent applications in the event that the applicant might be unsuccessful on the first occasion.

I think, as Justice DeBelle observed at paragraph 95 in *Webster v The State of South Australia* [2003] SASC 347 (I think it is recorded in volume 87 of the State Reports), when that subsequent application comes, it would be unusual for that to occur, absent some material change of circumstances, from one application to the next, but there is nothing to prevent such an application from being made from a refusal or in other circumstances.

Unusually, transactional arrangements in circumstances where someone is possibly finding themselves appearing before different courts at different times are particularly practical in nature in that it is important to protect those who might otherwise be jeopardised by the conduct of someone who is subject to a bail agreement. It is also important to ensure that someone who would make a bail application or would make a subsequent bail application can do so, and can do so without having to navigate through the maze of the court structure.

To return to where I started, we have had a walk-through of sorts of the Bail Act this week. I have addressed what in my view is the importance of the temporary nature of amendments that we made earlier this week in response to the present emergency, and now we have the happy opportunity in the usual course of parliamentary business to go about implementing appropriate reforms to make sure that bail arrangements in this state can operate so as to most effectively protect and provide confidence to the public at large and also ensure that the dispensing of the business of managing these applications within the justice system can be done in the most optimal way.

As in all these things, I commend the engagement of the courts with the government in this way and, of course, the very diligent work of the Attorney in ensuring that there is a thoroughgoing and fruitful engagement between the courts and the government about how the practical administration of justice is proceeding. This is a very good example of the sorts of reforms that ought to be made. I commend the bill to the house.

**Ms LUETHEN (King) (12:44):** I rise to wholeheartedly support this amendment bill to introduce stricter bail laws to protect our community. I thank the Attorney-General for introducing these amendments. I think *The Advertiser* summed up the intent of this bill very well, with their headline, which read:

Idiots who assault frontline hospital staff and emergency workers to be denied bail in new SA crackdown on violence.

The presumption of bail will be reversed for offenders who assault emergency services workers and front-line hospital staff under our tough new measures proposed by the Marshall Liberal government. The presumption of bail is an important part of our legal system; however, there is an obvious heightened risk to the health and safety of our community at this time. Stricter bail laws are part of the Marshall government's strong plan to protect South Australians during the coronavirus pandemic.

In order to keep our community safe, we are broadening the range of offences where bail—it has been pointed out that I need to correct the bill I am talking about, so I will update the points I am making, which again are about the Attorney-General diligently making sure the community is protected. So, the background is that when a person is charged with an offence they may apply to the court for bail, and some offences have a presumption against the bill. However, bail allows the person to be released into the community before the trial (which is the point I was about to get to) or

the next court hearing, and bail will be provided with a set of conditions the person must meet, and this will include things like no contact with the victim, no internet access and areas they must not attend.

Currently, the Magistrates Court hears most bail applications. The trials for many offences, specifically on the more serious scale, occur in the District Court or the Supreme Court. This bill does two things. It expands who may hear the bail applications to the District Court and the Supreme Court. First, this means that, should the defendant already be appearing in one of those higher courts, their bail application can be heard there also. This ensures that the file does not need to move back and forth between the different courts, and therefore should provide more efficient justice.

It changes the point where the bail ceases after a breach of bail, and currently a person may breach their bail conditions by not abiding by the conditions the court has set, for example, by contacting the victim. Should this occur, the court issues a warrant for the arrest of the person. The police seek out the person and return them to custody for a future court date to hear the breach of bail issue. Once the court issues a warrant under the current laws, the bail conditions cease. Technically, this means that any further breach after this time could occur and not be a breach of bail and therefore be unable to be considered by the court—only the initial breach.

The bill changes the point at which the bail conditions cease. The bill will move that this time it will only cease once the person has been arrested by the police and is therefore in custody, removed from further breaching conditions. For victims specifically, this is crucial. The victim may be at risk while the police are attempting to locate the person on bail. For domestic violence victims specifically, this is a concern and we should do all we can in our power to keep them safe.

While generally police arrest breaches of bail quickly, this bill avoids any gap in time between warrant and arrest where contact with victims could occur. The victims' rights commissioner has stated that the bill is a common-sense change, in that it will protect the victim by having the conditions remain until arrest and also streamline the process. I thank the Attorney-General for her diligent work and commend the bill to the house.

**Dr HARVEY (Newland) (12:49):** I rise in support of the Statutes Amendment (Bail Authorities) Bill 2020. I would very much like to commend the Attorney for her work in this area, as others have spoken about. This is the second way we are dealing with bail in recent weeks, and this bill before us today deals with two important areas. In general, I would very much like to commend the Attorney for all her work in her portfolio: the people of South Australia are certainly very well served.

The bill before us today amends the Bail Act 1985 to achieve two primary aims: firstly, to improve the efficiency of the process for hearing bail applications before the court and, secondly, to change the point at which bail ceases after a breach of bail from the point at which the court makes the order to the point at which the person is arrested.

Specifically, part 2, clause 4 of the bill amends the Bail Act 1985 to make the District Court and Magistrates Court general bail authorities. Parts 3, 4 and 5 amend the Magistrates Court Act 1991, the District Court Act 1991 and the Supreme Court Act 1935 to provide the courts with express power to make rules relating to bail applications. Any necessary limitations on which court a bail application ought to be heard by will be provided within the rules of the court instead of the legislation. This change really aims to improve efficiency in the justice system and our courts. These amendments will allow for bail applications made between committal and arrangement to be heard by the District Court. This is the most efficient way of resolving the issue and improving the management of cases.

In addition to this key amendment, the bill also makes a further important amendment to the Bail Act, which serves to close off a particular gap and protect witnesses and victims of crimes. Specifically, clauses 5, 7, 8 and 9 of the bill respond to the issue of breaches of bail conditions occurring after a bail agreement has been revoked. Ordinarily, what occurs when bail is granted is the bail agreement will set out a number of conditions. An obvious and frequently applied condition is that there are individuals or a number of people that the defendant must not approach or contact whilst they are on bail. Clearly, this will often include witnesses or an alleged victim. What may occur



in an alternative circumstance where that condition is not applied is that these people would be vulnerable to being harassed or intimidated.

The problem under the current arrangements is that, when a bail agreement is revoked, a defendant's right to be at large is revoked, but so are the conditions to that bail agreement at that point in time. Therefore, any breach of the conditions after the point at which bail is revoked—that is, when the court makes that order—no longer constitutes an offence under the act.

In light of this gap, the amendments before us today will change the point at which bail is revoked from the point at which the court makes the order to the point at which the person is arrested. Specifically, sections 6, 18, 19A and 19B of the Bail Act 1985 will be amended by the bill before us to change the point where bail is revoked from a court order to the point of arrest, and clause 5 is drafted so that the power of a court to revoke a bail agreement immediately is reversed.

There are times when a bail agreement is revoked but it is later established that the conditions of that bail agreement were not actually breached, and this bill will address that situation as well. Where this is the case, the bail agreement is taken to have been revoked and the defendant will be released unconditionally, which in this context means that no new bail conditions are imposed. However, the deemed revocation of the bail agreement is effectively preserved and the conditions of the original bail agreement will continue to apply.

This bill does two very important things. The first thing, which is consistent with a commitment that the Marshall Liberal government took to the election, is to improve the efficiency of our courts system, but another very important issue that we have addressed in a wide variety of different ways is to ensure that we are protecting people within our community, in this case in particular victims and witnesses. I commend the Attorney for all her work in this area and commend the bill to the house.

**Mr COWDREY (Colton) (12:54):** I, too, rise to speak to the Statutes Amendment (Bail Authorities) Bill 2020 and, in the same vein as many members who have contributed so far, I do so to support the bill. I do so on a number bases: first, that this is a commonsense approach and change that is being suggested; secondly, that it protects victims' rights and provides an extended opportunity for bail conditions to protect victims; and, thirdly, that it has the support of the courts and also the Commissioner for Victims' Rights.

I will not go into too much detail on the bail process, as it has been made clear by many members so far, but it is important to reflect on when the conditions are set on a person's bail and when those are potentially breached. They are really the crux of the changes that are proposed by this bill. In essence, the bill proposes to do two key things. First, it effectively expands who may hear bail applications to the District and Supreme courts. I think everybody in this place would be aware that the vast majority of bail applications are processed through the Magistrates Court, but there are on occasion situations where people are before different courts at the same time and therefore there are occasions where applications are heard at higher levels.

This also does mean that files are at times processed between the courts, which in all reality does fit very well with the broad reform agenda of this government to improve the efficiency of the courts here in South Australia, but I think more broadly in the approach that the Courts Administration Authority has taken more generally over a longer period of time to improve efficiency and lower costs imposed to those who are seeking to make applications.

If we look more broadly, I think in the bill yesterday we discussed the Civil and Administrative Tribunal (SACAT) introduction, the broad agenda that it now looks over and the tranches that came into place to move jurisdictions to that tribunal. They are, in many ways, evidence of a larger reform agenda to improve the efficiency of our court system. This small but important change certainly fits within that reform agenda to ensure that we have efficiency within those jurisdictions.

As has been discussed already, this bill effectively changes the point where bail is revoked from somebody who has entered that transactional agreement with the state. It is obviously an incredibly important thing that we do not put victims at any greater risk than they need to be. Where breaches of bail are often seen is in contact with those who are not allowed under the conditions of the bail agreement and, in particular, domestic violence victims. That is a specific concern for some victims.

Generally, it is also acknowledged that, when a bail application is revoked and when there has been a breach of bail conditions, the police issue a warrant and arrest a person, and the period of time between that warrant being issued and the arrest is generally very, very small, but there are some occasions when that is not the case. Having this commonsense approach, having this bill put before the house today, I think is a commonsense and useful change for our state, for our court process and further protects victims in this state. I certainly put forward my support to the Statutes Amendment (Bail Authorities) Bill 2020.

Debate adjourned on motion of Hon. V.A. Chapman.

*Sitting suspended from 12:59 to 14:00.*

*Answers to Questions*

### **ANSWERS TABLED**

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

*Parliamentary Procedure*

### **PAPERS**

The following papers were laid on the table:

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Regulations made under the following Acts—

Heavy Vehicle National Law—Miscellaneous (No. 2)

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

Ministerial Statement—Response to the Premier's Climate Change Council's 2019-20 Bushfire Advice 2020

*Parliamentary Committees*

### **PUBLIC WORKS COMMITTEE**

**Mr TRELOAR (Flinders) (14:03):** I bring up the 72<sup>nd</sup> report of the committee, entitled Public Works Committee Erratum to Reports 60-71.

Report received and ordered to be published.

**Mr TRELOAR:** I bring up the 73<sup>rd</sup> report of the committee, entitled Banksia Park International High School Redevelopment Project.

Report received and ordered to be published.

**Mr TRELOAR:** I bring up the 74<sup>th</sup> report of the committee, entitled Mount Compass Area School Redevelopment Project.

Report received and ordered to be published.

**Mr TRELOAR:** I bring up the 75<sup>th</sup> report of the committee, entitled Glossop High School Redevelopment Project.

Report received and ordered to be published.

**Mr TRELOAR:** I bring up the 76<sup>th</sup> report of the committee, entitled Craigmore High School Redevelopment Project.

Report received and ordered to be published.

**Mr TRELOAR:** I bring up the 77<sup>th</sup> report of the committee, entitled Renmark High School Redevelopment Project.

Report received and ordered to be published.

**Mr TRELOAR:** I bring up the 78<sup>th</sup> report of the committee, entitled Wirreanda Secondary School Redevelopment Project.

Report received and ordered to be published.

*Question Time*

### DOME FUNDING

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07):** My first question this afternoon is to the Premier. Why has the Premier cut \$400,000 to the Don't Overlook Mature Expertise organisation, otherwise known as DOME, that specifically assists mature age jobseekers? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr MALINAUSKAS:** Despite South Australia's unemployment rate being the worst in the nation before the COVID-19 crisis, and with the rate expected to soar in the next financial year, the government has cut \$400,000 to DOME, which supports approximately 2,000 mature age jobseekers at any one time, and this cut will force the 38-year-old organisation to close.

**The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:08):** I thank the Leader of the Opposition for his question. I don't accept the premise of the question. The facts are that funding is available for DOME now and will be available for DOME in the new year.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.G. PISONI:** The federal government moved into the career service area in a big way—

*The Hon. Z.L. Bettison interjecting:*

**The SPEAKER:** Member for Ramsay, please!

**The Hon. D.G. PISONI:** —in the 2018 budget. There is \$189.7 million over five years to support mature age Australians to adapt and transition—

**Mr Malinauskas:** We are talking about South Australians.

**The SPEAKER:** Leader!

**The Hon. D.G. PISONI:** —in the transition economy and develop new skills needed to remain in the workforce, and that was expanded to those who are receiving welfare benefits as well. As a government, of course—

*Mr Picton interjecting:*

**The SPEAKER:** Member for Kaurana!

**The Hon. D.G. PISONI:** —we also went into partnership with the federal government with skills delivery here in South Australia. That skills delivery—\$100 million from the federal government and \$100 million from the state government—through our Skilling South Australia program has KPIs and benchmarks that we must deliver as a government in order to receive that money from the federal government.

We in turn have been changing the way we do business here in South Australia. One of the new things that the government has done is actually engage industry in job creation. We have engaged industry. What Labor left us with was not only a TAFE system that was in disarray, a skills system that was going backwards, a 66 per cent drop-off—

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

**The SPEAKER:** The member for West Torrens has a point of order. Minister, please be seated for one moment.

**The Hon. A. KOUTSANTONIS:** This is debate, sir. The question was: why did the government cut funding to DOME?

**The SPEAKER:** Yes. I have the point of order. With respect to the member for West Torrens, there was a fair bit in the question. However, I believe that the minister, after some compare and contrast, may have started to deviate from the substance of the question, so could he come back to the substance. I will allow some compare and contrast with former governments, but if you could come back to the substance of the question it would be greatly appreciated. Thank you, minister.

**The Hon. D.G. PISONI:** Thank you, sir. They don't want to hear it because what they don't want to hear is that, under their program, under their model of funding for organisations like DOME—block funding—we saw an 85 per cent drop, in their last four years in office, in the number of apprenticeships and traineeships undertaken by mature age South Australians. What do we see in the first 12 months of the Skilling South Australia program? We saw a 107 per cent increase in paid apprenticeships and traineeships over the age of 45—a massive turnaround.

The national increase was 3.8 per cent; here in South Australia it was 107 per cent. Why have we achieved that? Because the Skilling South Australia model is working. Other organisations that were in DOME's position have got on board with the government's program, and they have been working with the government to deliver income, to deliver outcomes—

*Mr Brown interjecting:*

**The SPEAKER:** The member for Playford is warned.

**The Hon. D.G. PISONI:** —for South Australians. What employers need is a skilled workforce. What Labor left us with was the lowest skilled workforce on the mainland when they left office—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.G. PISONI:** —and they didn't even have a skills policy at the last election. Here we are, more than two years out from that period, with still no skills policy other than sniping from the side. That's all we get from those opposite.

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

**The SPEAKER:** Minister, be seated for one moment. Member for West Torrens, for debate?

**The Hon. A. KOUTSANTONIS:** Yes, sir.

**The SPEAKER:** I uphold the point of order. Minister, please come back to the substance of the question, or have you concluded your answer?

**The Hon. D.G. PISONI:** Mr Speaker, we have been talking with DOME. My department has been in negotiations with DOME over the last 18 months, discussing how they can adjust their business model so that they can have access to Skilling South Australia money.

**The Hon. Z.L. Bettison:** After you cut all their funding.

**The SPEAKER:** The member for Ramsay is warned.

**The Hon. D.G. PISONI:** One of the key levers that's been working exceptionally well in getting more people into skilled training—

*The Hon. S.C. Mullighan interjecting:*

**The SPEAKER:** Member for Lee!

**The Hon. D.G. PISONI:** —paid skilled training, is the pre-traineeship programs—the very programs that they criticised on that side of the house. We are actually doing fewer of them than they were doing when they were in office. The difference is that we link them to paid training when they are finished, and we are getting those training outcomes. We are working with organisations like DOME and others to deliver more skills for the transitioning economy here in South Australia, because we want to come back stronger after this pandemic is over.

**DOME FUNDING**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:12):** My question is again to the Premier. In light of the COVID-19 crisis being likely to have a substantial effect on mature age workers who are made redundant, will the Premier now reverse the \$400,000 funding cut to DOME?

**The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:13):** One of the things that we are all learning about the COVID-19 pandemic is that things are changing. Things are changing and we need to do things differently.

**Mr Brown:** No, they're not. You're still cutting funding.

**The SPEAKER:** The member for Playford is warned for a second and final time.

**The Hon. D.G. PISONI:** We have started a process for mature age workers. On the other side, for 16 years they talked about a transitioning economy. They never did anything about it: they just talked about it.

**The SPEAKER:** Minister, there is a point of order.

**The Hon. A. KOUTSANTONIS:** The minister entered into debate almost immediately, in talking about the opposition.

**The SPEAKER:** I have the point of order. To be consistent, I have allowed ministers to provide some relevant preamble, but I am not going to just allow them to tee off and not come to the substance of the question. I am going to listen carefully. I don't want this to get out of hand.

**The Hon. S.C. Mullighan:** The flu shot has gone to his head.

**The SPEAKER:** I have had my flu shot, too, today, member for Lee. I am going to listen carefully to the Minister for Innovation and Skills. Minister.

**The Hon. D.G. PISONI:** Thank you, sir. I think the important thing here is that we are working with industry. The Skilling South Australia model has proven that it works. And why does it work? Because we have recognised, as a government, that there is a cost to on-the-job training, one that has been ignored by those opposite because of their ideology for so many years. We are working with industry. Our Skilling South Australia model allows us to work with industry to remove those barriers that industry tells us stops them from engaging in training.

Don't just take my word for it: look at the NCVER figures. The latest figures are a 107 per cent increase in the number of mature age apprentices and trainees being paid to learn under contracts of training—a 107 per cent increase. What was the national increase? It was 3.8 per cent. As a matter of fact, I understand that some states even went backwards. Here in South Australia, we are leading the pack. We are getting double-digit growth in our skills training. We are fixing the mess left by those opposite. The fact that the skills of South Australians were not matched to the industry needs here in South Australia—

**The SPEAKER:** Minister, be seated for one moment. There is a point of order for debate.

**The Hon. A. KOUTSANTONIS:** Relevance and debate, sir. The question was: will the funding be reinstated?

**The SPEAKER:** Yes, I have the point of order. I am listening carefully and if I feel the need I will bring the minister back into line. Minister.

**The Hon. D.G. PISONI:** It is very relevant to talk about skills training in this time because we need to make sure—

**The Hon. A. Koutsantonis:** Answer the question.

**The SPEAKER:** Order!

**The Hon. D.G. PISONI:** —our workforce is skilled to come out the other end of this pandemic.

**The Hon. A. Koutsantonis:** It's just yes or no—a very simple question.

**The SPEAKER:** Order!

**The Hon. D.G. PISONI:** We want our businesses to come back stronger than before when this is finished. We need our businesses to do that. We have started that process. We identified skills gaps or a misalignment of skills here in South Australia.

**Mr Malinauskas:** Are you going to reinstate the funding?

**The SPEAKER:** Leader!

**The Hon. D.G. PISONI:** They spoke about a transitioning economy; we are actually doing it. We have apprenticeships in cybersecurity. We have apprenticeships or traineeships in aged care and disability care. Under the previous model, people had to learn skills in aged care and disability care in their own time and then work for free under a—

**The Hon. A. KOUTSANTONIS:** Point of order: I hate to labour the point, but the minister is now completely debating the question and not answering the substance.

**The SPEAKER:** You have made the point. I am going to caution the minister. I am listening to him and I would like to hear his answer in silence.

**The Hon. D.G. PISONI:** I think that the public of South Australia would want to know and would be very interested to know that we have made it much easier now for people to move into aged care. And who is taking those options up? Many of them are mature age workers. They are looking for a change in their careers, or circumstances have put them back in the marketplace and the skills that they gained 20 or 30 years ago, that were very relevant 20 or 30 years ago, are not as relevant now.

We have been working with industry through our Skilling South Australia model to make sure those mature age South Australians have the skills that they need so that they have what business needs, what industry needs to hire them. It's a pretty simple market mechanism. They have something to sell because of the Skilling South Australia program, and employers are buying it. That's why we are seeing a 107 per cent increase in a number of mature age paid skilled contracts here in South Australia—apprenticeships and traineeships here in South Australia. The process is working and we are getting on with the job.

**The SPEAKER:** I just have to remind certain members that they have been called to order: the member for Kaurana, the member for Playford is on two warnings, the member for Ramsay is also called to order, the members for Lee and West Torrens are called to order and the leader. The leader has the call.

#### DOME FUNDING

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:18):** I will ask a question to the minister for industry and skills. Why did the then shadow minister, the member for Unley, state at an annual general meeting of DOME that the organisation is an important service for unemployed mature age South Australians only to cut funding when in government? With your leave and that of the house—

**The Hon. S.K. KNOLL:** Point of order.

**The SPEAKER:** There is a point of order. With respect, I can see where this is going.

**The Hon. S.K. KNOLL:** You need to seek leave first before you insert fact or argument.

*Members interjecting:*

**The SPEAKER:** Order! If I can finish, the leader obviously is seeking to insert a statement. It would be easier if you could seek leave to do that and then you hopefully will be granted that leave. So if you would like to proceed on that basis, I will let you do that.

**Mr MALINAUSKAS:** Yes, I was seeking leave, Mr Speaker.

**The SPEAKER:** Yes, but before that point—

*Members interjecting:*

**The SPEAKER:** Minister for Transport! Is leave granted for the minister to insert a statement?

Leave granted.

**The SPEAKER:** Let's have it from the start. Leave has been granted.

**Mr MALINAUSKAS:** Do you want leave or the question?

**The SPEAKER:** Leave has been granted. Ask the question, please, if it is so desirable.

**Mr MALINAUSKAS:** The question is: did the shadow minister state at an annual general meeting of DOME that the organisation is an important service for unemployed mature age South Australians only to cut the funding when in government? In the 2018 Skilling Australia submission DOME stated that if it does not receive funding support it will, and I quote:

...close and South Australia will lose a unique service that has been acknowledged by minister Pisoni at DOME's AGM as an important service for unemployed mature age South Australians.

**The SPEAKER:** I am going to allow that question. It could elicit a broad answer because there were several facets to it.

**The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:20):** And funding is still available to DOME, as I expressed earlier.

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader!

**The Hon. D.G. PISONI:** There are two sources of funding available today.

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader! You have asked your question, leader.

*Mr Picton interjecting:*

**The SPEAKER:** Member for Kaurna!

**The Hon. D.G. PISONI:** When I addressed the AGM, which I think was about five or six years ago—

*Members interjecting:*

**The Hon. D.G. PISONI:** They are really desperate over there on that side of the chamber. It's a different time I have to say, too, Mr Speaker. It is now 2020. However, there are two buckets of money—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.G. PISONI:** There are two income streams available—

*Mr Brown interjecting:*

**The SPEAKER:** The member for Playford can leave for the remainder of question time.

*The honourable member for Playford having withdrawn from the chamber:*

**The Hon. D.G. PISONI:** —to DOME and organisations like DOME. There is the space the federal government has now taken ownership of. They can go there for funding—and my department has been working with them to encourage them to do that—and they can work with the state government to get behind our Skilling South Australia program to make sure that mature age workers have the skills that industry wants to buy. And we have commitments from industry that they will train South Australians and they will train mature South Australians because they see the value that mature South Australians bring to their businesses.

The aged-care sector is one of those sectors. The cybersecurity sector is another sector. There are a number of mature age workers who have finished on the ASC site will be starting an

upskilling program to increase their digital skills with Flinders University, another project that the state government and the federal government have been working together on.

So there are a plenty of opportunities for DOME to get behind the government program and deliver the government's skills agenda. We are looking for partners outside of government. We have set up eight industry skills councils. Remember those over there? They were the ones that you cut about seven or eight years ago—

**The SPEAKER:** I did not cut them. Minister, direct your remarks to the Chair.

**The Hon. D.G. PISONI:** —and, of course, not recognising that they played an important role in making sure that the government knew where to put its money. Well, we learnt where to put the money, and that is with industry, acknowledging that there is a cost for skills training. Yes, there is an off-the-job training cost, and we are funding that. We have expanded the Subsidised Training List. Over 800 courses now are subsidised through this training list, and they are available to all ATOs that are registered with my department.

Contrast that with what we inherited: 340 courses only. Only 30 per cent available to those outside the TAFE system. As you can see, we have expanded the choice, we have expanded the flexibility, and what do mature workers need? They need flexibility. They don't want to be treated like 17 or 18 year olds under a one size fits all, and Skilling South Australia has delivered a bespoke program that has got results.

Don't take my word for it: look it up on the NCVET table. It's all there: a 107 per cent increase here in South Australia in the first 12 months of the Skilling South Australia program. South Australian workers and businesses will come back stronger and better after this COVID-19 pandemic because of the work we started when we were elected to office in 2018.

**The SPEAKER:** The leader can have one more, then the member for Newland.

#### DOME FUNDING

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:23):** My question is to the Premier. Is the Premier aware of correspondence written to him from the DOME organisation dated 24 March this year, and will the Premier reconsider reinstating funding to DOME?

**The SPEAKER:** The Minister for Innovation and Skills.

**The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:23):** Thank you, sir.

**Mr Malinauskas:** The question is about a letter to the Premier.

**The SPEAKER:** The leader is warned.

**The Hon. D.G. PISONI:** A letter was written.

*Members interjecting:*

**The SPEAKER:** Order! The minister will be seated for one moment. I remind members about the unity of cabinet principle, and any minister may answer.

**The Hon. S.K. Knoll:** Solidarity.

**The SPEAKER:** The Minister for Transport says 'solidarity', and he is called to order. The minister has the call.

**The Hon. A. KOUTSANTONIS:** Point of order, sir: what responsibility to the house does the Minister for Innovation and Skills have for correspondence to the Premier?

**The Hon. S.K. Knoll:** That is a bogus point of order.

**The SPEAKER:** Yes, that is a bogus point of order.

*An honourable member interjecting:*

**The SPEAKER:** Yes, he should, and he is warned for a second and final time. I am not going to remove him, but I could have. You are on two warnings and the minister has the call.



**The Hon. D.G. PISONI:** We have a system in South Australia: it's called a cabinet government. Many people write to the Premier—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.G. PISONI:** —and the Premier rightly does the right thing: he sends it to the experts for the answer. It might surprise some on that side that the expert—

*Members interjecting:*

**The SPEAKER:** Do not provoke the opposition, minister.

**The Hon. D.G. PISONI:** —in this case is the member for Unley. Right?

**The SPEAKER:** Do not provoke the opposition.

**The Hon. D.G. PISONI:** Of course, I responded on behalf of the Premier, and I responded not long after the Premier received that on 8 April. In that correspondence, I invited DOME to continue talking to my department about how they can be involved in the government's agenda for skilling the South Australian workforce and supporting mature age workers here in South Australia. So DOME wrote? Yes. Did they get a response? Yes, they did, from the appropriate minister. I am very pleased that so many people do write to the Premier because it seems to be a sign that the Premier has a reputation of responding. People wouldn't be doing that if—

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

**The Hon. D.G. PISONI:** —they weren't getting answers—

*The Hon. S.C. Mullighan interjecting:*

**The SPEAKER:** The member for Lee is warned.

**The Hon. D.G. PISONI:** —and they get them in a very timely manner. I tell you now, they get a higher preference than—

*The Hon. A. Piccolo interjecting:*

**The SPEAKER:** The member for Light is called to order.

**The Hon. D.G. PISONI:** —the form letters that come out on all sorts of issues—

*Ms Stinson interjecting:*

**The SPEAKER:** Member for Badcoe!

**The Hon. D.G. PISONI:** —from the lunatic fringe. This is a very important issue for this government. We are the only major party that had skills training on the election agenda. We took a policy to the last election. We have a mandate for change because it wasn't working under those opposite. It wasn't working under those opposite. Only a fool would think you could continue doing what wasn't working and get a different result. I am not going to make any further comment on that comment. We have a mandate to improve and increase skills training here in South Australia, and we are also a government of innovation and we have been very innovative in the way that we have delivered our Skilling South Australia program.

#### **ECONOMIC STIMULUS PACKAGE**

**Dr HARVEY (Newland) (14:26):** My question is to the Premier. Can the Premier update the house on how the Marshall Liberal government is strengthening the South Australian economy during the COVID-19 crisis?

**The Hon. S.C. MULLIGHAN:** Point of order: the question contains argument.

**The SPEAKER:** 'Strengthening the economy'. I hear the member for Lee's point of order. I am going to allow the Premier to answer, but I will take it on board. Premier.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:27):** Thank you very much, sir. I thank the member for Newland for his question. We all know that the South Australian economy is hurting very much at the moment. Tens of thousands of South Australians have lost their jobs in the wake of the coronavirus hitting the world. We are not immune from it here in South Australia. We are not immune from it in Australia, and we have been working very much hand in glove with the federal government to do everything we can to put supports underneath the Australian economy and make sure that we can come out the other side stronger than before.

My government was the first in the country to respond with a stimulus and support package of \$350 million. This included \$120 million worth of new road infrastructure projects. These included a range of projects, including regional road repairs, work on the South Eastern Freeway between the tollgate and Crafers, upgrades to the Heysen Tunnels, work on the higher capacity north-south freight route bypassing Adelaide, and sealing the Adventure Way and the Innamincka Airport road. In addition to that, we put another \$70 million into the expansion of the Economic and Business Growth Fund in South Australia, and we allocated \$15 million to upgrade our country hospitals here in South Australia and bring forward very important projects to those communities.

We have also put additional support through the Planning and Development Fund. My understanding is that that has now closed and there are some excellent projects which the minister and ultimately cabinet are considering. Of course, we have already announced a further \$22 million going into investment in nature-based tourism here in our state and \$10 million going into the maintenance of our public housing stock in South Australia.

I am very pleased that much of that work has been contracted and work has already begun on some of our public housing stock in South Australia. But, not to be outdone because other states then responded with their own stimulus and support packages, we came out with our second wave, a \$650 million jobs rescue package in South Australia. This included a range of new ways that we were supporting business in South Australia and also, most importantly, protecting jobs into the future.

This new \$650 million package provided significant payroll tax and land tax relief for thousands of businesses across the state, a boost to the Cost of Living Concessions in South Australia and the waiving of liquor licence fees for hard-hit hotels, restaurants, cafes and clubs. There is also the establishment of two very important funds: the \$300 million Business and Jobs Support Fund and the \$250 million Community and Jobs Support Fund. A number of these measures have already started to be provided, which I am very, very pleased to see happening.

I have a little bit of an update for the house now. Payroll tax relief is already being provided to eligible businesses in South Australia, and \$10,000 cash grants have started to be paid, with more going out next week. We are rolling out in that regard an estimated \$190 million worth of payments to eligible businesses in South Australia.

We have provided \$3.5 million in support payments that have been made already to RTOs, and 94 per cent have accepted VET continuity offers, and congratulations to the loquacious minister on that particular line. Also, \$4,300 cheques are in the mail today to more than 1,000 taxi licence holders in South Australia, and 11,380 payments have been made to existing eligible Cost of Living Concession recipients, totalling around \$7.9 million.

There is much more that I could talk about, there is much more that has been done and there is much more to be done here in South Australia to ensure that we come out of this terrible coronavirus stronger than before.

#### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:31):** My question is to the Minister for Child Protection. Is the minister satisfied there is no under-reporting of suspected child abuse and neglect cases during the COVID-19 crisis?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:31):** I thank the member for her question. Certainly every year, and it's quite standard, as teachers and support staff are one of the most common mandatory reporters, during school holidays there is always a significant

drop in notifications. We know that in April this year we had an extra four days of holidays because of learning online and because of the COVID pandemic.

So there was an extended period of time that we had fewer mandatory notifiers with their eyes seeing the children at school, which is one of the reasons why the education minister and the government were very keen, with the support of the children's commissioner and the Guardian for Children and Young People, that children should be going to school where possible. It is expected, as the holidays were longer. Everyone is back at school now, or the majority of children are, so we expect that to return to normal.

#### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:32):** Supplementary: how many reports have been received of suspected child abuse and neglect since social distancing restrictions began?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:32):** I don't have those figures. As the member knows, the statistics are online, and the statistics are up to date as at the end of February. I don't have the figures for April of course. They are not online yet, but they will be soon.

#### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:33):** My question is to the Minister for Child Protection. Has the minister or her agency taken any action to increase checks on vulnerable children to ensure their welfare? If so, what are those actions?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:33):** I thank the member for her question. During this unprecedented time of the COVID pandemic, changes have been made of course. It is harder to spend time with children because we are all subject to the same isolation principles, which are that you can have groups of up to 10, but we know it is 1.5 metres away and certain numbers within a four square metre distance. They were stronger. They have relaxed slightly because we have had zero for seven days in a row, which is fantastic, and I congratulate the Chief Medical Officer and the Premier on their handling of this very difficult situation.

Because things have been different, I have actually had the time to ring all the non-government organisations that we deal with. We rely on them as foster care agencies, and they have direct contact with the foster carers. I have gone out of my way to speak to all of them at length to find out: is there anything more we can do? How can we help them? Are they getting enough information? They actually all, without fail, gave glowing reports of my department's handling of this COVID pandemic. They were very happy with the amount of information coming out: the policies, the clarity around supports that were available.

We were the first state in Australia to act by putting out the \$200 carer payments per child. That has now been copied in Victoria. We have had two community services ministers (CSM) meetings nationwide so we could discuss what we are all doing, and we are all facing the same issues. We have had to change the way that access visits have been held because of our responsibility and duty of care not only to the children but to the foster or kinship carers who are looking after them. We have changed the method, so a lot of those are now done online or over the phone.

We know we have all had to do that. We are all having meetings in different ways. We are all changing the way that we do things, with the hope that after this we will all come out better and stronger than before.

#### DOMESTIC AND FAMILY VIOLENCE

**Mr COWDREY (Colton) (14:35):** My question is to the Attorney-General, representing the Minister for Human Services. Can the Attorney update the house on what the Marshall Liberal government is doing to manage the expected increase in domestic violence during the COVID-19 pandemic?

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:36):** It is with pleasure that I respond to the member for Colton's inquiry. I know of his concerns that we do

everything we can as we go through the COVID-19 circumstances to ensure that we protect predominantly women and children in the circumstance of exposure to domestic violence.

It has been an issue which was placed on the table as soon as the government came into being, with the Premier appointing an assistant minister. I have been very pleased to work together with the Hon. Michelle Lensink MLC, of course a member in the other house and the minister directly responsible in this area, to ensure that we have domestic violence law reform that we bring to the fore and also to ensure that during the COVID-19 period, in continuing discussions with the Commissioner of Police, who of course is our State Coordinator, we are alert to increased access to website inquiries.

There have been a substantial number during the course of this period already, since 22 March. It hasn't yet translated, I am pleased to advise, into a significant increase of offences being identified or detected, but certainly a heightened number are making inquiries. So the announcement today of an extra \$2.4 million to help tackle domestic violence in South Australia ongoing, as part of the commonwealth's \$150 million Australia-wide assistance package, adds to a number of initiatives that we have already announced and helps fund other programs directly related to perpetrators and early intervention.

I indicate that \$900,000 is allocated to a men's referral line, which will allow South Australian men to seek advice, support and help about their use of violence and connect them with tailored domestic violence services—that is, OARS and KWY, two organisations that already do a fantastic job in this space. This is also an outstanding initiative, which is the first time in South Australia that any government has committed funding to a men's referral service. Providing support to perpetrator early intervention stops violence at the start and aims to help women and children remain safe.

Further, we see an immediate \$1 million investment to direct assistance for people experiencing abuse to pay for safety upgrades to their home, transport, financial counselling and support for children. As the parliament would be aware, the government has already dedicated \$14 million towards a suite of measures previously outlined, but these extra important initiatives funded, as announced today, are absolutely critical to us helping people get through this COVID-19 period.

I hope that at the end of this I am not standing here giving an update on increased domestic violence, but early signs of very significant uptake of inquiries in this area are concerning to me and I know to the minister. It is something that we need to all be alert to because, as the Minister for Child Protection has pointed out, even the reduced access to friends, children in schools, even going to the doctor, are all points at which there can be an alert to either protecting our children or assisting people to get advice to be out of a domestic violence or family violence situation. I am very keen that we all remain alert in this area, and I commend the minister for bringing forward these initiatives today.

#### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:39):** My question is to the Minister for Child Protection. Are third parties, including volunteer-based charities, being asked to provide welfare reports on children instead of departmental staff checking on families themselves?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:40):** I thank the member for her question. What I will do is seek some information from my department and bring an answer back to you.

#### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:40):** My question is to the Minister for Child Protection. Have any high-risk child protection families not had a visit or a videoconference from a departmental officer since social distancing restrictions were put in place?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:40):** Again, I will seek a briefing and bring an answer back to the house.

**Mr Picton:** You don't even know that.

**The SPEAKER:** The member for Kaurna is warned for interjecting during the minister's answer.

### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:40):** My question is to the Minister for Child Protection. What is the current rate of placement breakdowns compared with this time 12 months ago?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:41):** Of course, that is a very specific question. I will take it on notice and get back to the house.

### SCHOOL AND PRESCHOOL MAINTENANCE PROGRAMS

**Mr TRELOAR (Flinders) (14:41):** My question is to the Minister for Education. Can the minister update the house on how the Marshall Liberal government's school and preschool maintenance programs will help to maintain employment and support the economy during COVID-19?

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:41):** I am really pleased to have this question from the member for Flinders because I know that he is concerned, as are all members, about how we can ensure, during this time of challenge and of crisis, that we can best support our young people in their education and their development to ensure that our schools and preschools can come out of this crisis stronger than before, to ensure that the impacts of the decisions we make in relation to maintenance and infrastructure support our economy and support maintaining jobs.

One of the things that we have done as a government in recent weeks is to improve and enhance the maintenance offerings that our central education department is providing for schools. Some of this work has been needed for a long time. It is not necessarily the thing that develops the exciting photographs and the visualisations of a transformed school but, without this maintenance work, the delivery of education becomes much more complex and challenging.

One of the other benefits of enhanced maintenance programs is that these are often jobs that can be done quickly and money that can be in the local economy quickly, supporting trades and local small businesses in a very rapid manner. It is an outstanding form of stimulus in an economy, and that is something that we are going to see rolled out across South Australia like never before over the course of this year.

Schools are generally responsible for minor maintenance works in their environment. They are funded to do that as part of their standard funding, and that happens. When a school has a maintenance project that they would like to seek central support for, there is a fund in the tens of millions of dollars every year from central office that helps with those centrally funded maintenance projects. In addition to that, this year we have increased the maintenance budget from central office by \$25 million. There are more than 100 projects across public schools across South Australia.

The member for Flinders would be pleased to know that a number of schools in his electorate will benefit from this at Cleve, Wudinna, Streaky Bay and Ungarra. Streaky Bay is getting \$270,000 for heating, ventilation and air conditioning, emphasis on the air conditioning. There are projects right across this state, from Streaky Bay to Mount Gambier. I spoke to the member for Mount Gambier last week. He was very pleased to hear about projects in his electorate, including \$155,000 to fix salt damp and a retaining wall at Compton Primary School. The member for Florey has Pooraka Primary School in the city. I think she took a particular delight in hearing that \$110,000 is supporting a rebitumenisation project there and other projects.

Right across this state, schools are benefiting from roofing projects, bitumenisation projects, retaining walls, painting and other things that will improve the amenity of schools. Particularly new projects that I am very pleased to announce, and which preschool directors and communities around South Australia were very pleased to hear about, were \$7.6 million going towards preschool grants—\$20,000 grants to every public preschool in South Australia.

I was with the member for Newland at the St Agnes Primary School and preschool. They're going to put their \$20,000 grant towards a really good project to improve their kitchen and storage area to improve the amenity of that site. Some will do painting and some will do shade structures.

This will ensure that our preschools and our schools come out of the crisis better than before, stronger than before, and it will also do great things to support jobs, with money going into the economy for tradespeople and small businesses right across South Australia.

**The SPEAKER:** Point of order.

**The Hon. A. KOUTSANTONIS:** The minister quoted from a document in response to the member for Flinders about a school in his electorate. Could you ask him to table that document, sir?

**The SPEAKER:** The time being 2.45, I will refer to the footage, and if the minister was quoting I may ask him to table it. I don't believe he was.

**The Hon. J.A.W. GARDNER:** I have notes that I referred to. I am happy to offer them to you to have a look at and if, indeed, I did say that I was quoting and you think they are an official note, I will be happy to be guided by your judgement.

**The SPEAKER:** I will look at that and, Mr Clerk, if we can get the footage, please. If he was quoting from material and it needs to be tabled, then I may order so.

#### MODBURY HOSPITAL

**Ms BEDFORD (Florey) (14:46):** My question is to the Premier. When was the contract with the ISS group signed to outsource the sterilisation work at Modbury Hospital's operating suite and when does the contract covering CSSD workers expire?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46):** I don't have that information. I am happy to follow that up with the health minister.

#### MODBURY HOSPITAL

**Ms BEDFORD (Florey) (14:46):** Supplementary: would the Premier be able to let us know where those specialised workers will stand when the contract ceases? Where will they go when the Modbury Hospital suite is closed?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:47):** I am happy to follow that up with the minister.

#### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:47):** My question is to the Minister for Child Protection. Can the minister assure the house that all foster, kinship and respite carers have received the immediate one-off \$200 payment for cleaning supplies that was promised by the minister on 20 March?

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:47):** I thank the member for her question. As I mentioned earlier, we were the very first state to act on that. That was a per-child payment and that was for children who are under the guardianship of the CE now as it is. They should have gone out. I note on Facebook live last night that a couple of people mentioned they hadn't received their payments. I do have my department looking into that. My expectation was that they should have been received, so we will definitely follow that up and make sure that any people who are eligible should receive that as soon as possible.

#### CHILD PROTECTION

**Ms STINSON (Badcoe) (14:48):** Supplementary: why aren't respite carers, who often care for multiple children from different families, receiving the \$200 one-off payment?

**The Hon. S.K. KNOLL:** Mr Speaker, that question contains supposition and argument.

**The SPEAKER:** In the interests of responsible government and the way it has gone today I am going to allow the question. I am going to allow the minister an opportunity to answer.

**The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (14:48):** I thank the member for the question. My understanding is that it is a per-child payment so multiple people could not receive a payment for the same child. You wouldn't expect that a respite carer who might have a child one weekend a month or in school holidays or on an ad hoc basis would be receiving that payment, but I am happy to follow up and let you know if they do.

### KANGAROO ISLAND BUSHFIRE RECOVERY SUPPORT

**Mr COWDREY (Colton) (14:49):** My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on how the Marshall Liberal government is working to help maintain employment and support the economy by providing fodder assistance to fire-affected livestock producers on Kangaroo Island?

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:49):** I thank the member for Colton for his very important question. We all know of the hardship that Kangaroo Island has been through, not only through the bushfires: they have also endured drought on certain parts of the island as well as the COVID-19 impacts.

We look around South Australia, and we have seen significant impact on drought: the hailstorms, the fires and now COVID-19. What I would say is that, on a very positive side, in April we have seen very good rain, and on the cusp of the grain-growing season we are seeing annual rainfalls well above average. That is very good news, particularly on the back of the very dry three seasons prior. We all know that there is no better stimulus in regional South Australia than rainfall, particularly, as I said, after drought.

If we look around some of the areas in the state, Burra has received 71 mils through April, which is a great outcome—146 per cent above their average. Cleve, the ag town of the year that has been significantly impacted by a number of droughts, has received 90 mils for the year to date. They are 31 per cent above average, and that's a great outcome. In the Mallee, Karoonda and Loxton are well above average. Loxton is 207 per cent above average, and that is a great outcome. Maitland and Minnipa are well above their April average rainfalls, and that really has spread right across the southern connected basin. We see now that in storages we are now up to 32 per cent; that's great news for irrigators.

More importantly, back to the stimulus and the support for Kangaroo Island so that they can be stronger than before, it gives us a sense of belief, I guess, that the people on Kangaroo Island, who have been dealt such a tough blow, have received 63 per cent above average. The island's livestock producers really did cop a significant blow: they saw 60,000 head of livestock lost through those fires. What that meant was that we had to make sure, after they had lost the majority of their fodder, that we did something with the donated hay.

The good Samaritans right across regional South Australia, those farmers, came together: they banded together and brought hay to Cape Jervis. The government came on board with \$180,000 to ensure that the donated hay reached the island—that was a subsidy for freight on the boat. We have to understand that that disconnect of the island to the mainland needed a stimulus, and that \$180,000 was just a primary stimulus in making sure that that donated hay got to the island.

Again, we have to understand that it was ongoing—losing all their feed and making sure that the livestock was supported so that they could continue to keep their breeding stock. The Marshall Liberal government has announced a further \$3.7 million in assistance, and again that package will cover the ferry freight costs for fodder to the island over the next six months. Of course, the good Samaritans around the state again have donated a significant amount of fence posts. That, too, will be subsidised with freight.

The potato seed industry has received a thousand biosecure potato bins that will continue to be freighted over to the island. The \$14 million, the \$75,000 Primary Producer Bushfire Recovery Grant has paid out 204 farmers statewide. That has been a significant impact in helping Kangaroo Island. We are helping Kangaroo Island farmers through the fires and through COVID so that they can be stronger than before.

### CORONAVIRUS, EDUCATION

**Mr PICTON (Kaurna) (14:53):** My question is to the Premier. When did the Premier first learn of the 19-page COVID-19 evidence update from SAHMRI regarding transmission in schools?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:53):** I don't know the exact date, but obviously this was work that Dr Nicola Spurrier was keen to see. She was getting a range of information from a range of sources to form her opinion with regard to when it would be safe for

students to return to face-to-face lessons at school here in South Australia. She relied on a lot of advice from different sources in forming her opinion.

### **CORONAVIRUS, EDUCATION**

**Mr PICTON (Kaurna) (14:54):** My question is to the Premier. Did the Premier or any of his staff ask for the 19-page COVID-19 evidence update not to be released?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:54):** I certainly didn't action that, and I can't imagine that anybody in my office did. We are very keen to consider information from all sorts of sources. I think one of the things that Dr Nicola Spurrier has emphasised at her daily press conferences is making sure that we do get multiple inputs regarding this disease. It's a very new disease. In fact, the Prime Minister said recently there is much we have to learn about this disease; in fact, there is much more that we don't know than what we do know about this disease.

We are trying to get input at the moment from the World Health Organization. We are trying to get information from other jurisdictions, people who have done things well. Sometimes, when people haven't done things well, we learn from that as well. Of course, by taking in that information and forming our opinions, especially making sure that we are working with the AHPPC, I think Australia has done extraordinarily well.

### **SOLAR PANELS**

**The Hon. A. KOUTSANTONIS (West Torrens) (14:55):** My question is for the Minister for Energy. Can the minister assure the house that no South Australian investing thousands of dollars in household solar will have their panels disconnected from dispatching to the grid under plans flagged today by the Australian Energy Market Operator? With your leave, sir, and that of the house I will explain.

Leave granted.

**The Hon. A. KOUTSANTONIS:** The South Australian parliament was the lead legislator for this legislation.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:55):** My goodness gracious! I think it's been about 20 months since the shadow minister took care to ask a question about energy in this house, so let me give—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. D.C. VAN HOLST PELLEKAAN:** —the shadow minister—

**The SPEAKER:** Minister, be seated for one moment.

*Members interjecting:*

**The SPEAKER:** The Minister for Police, he has been doing it all day and he is called to order. The member for Lee has a point of order.

**The Hon. S.C. MULLIGHAN:** It's debate, sir. It was a very specific question.

**The SPEAKER:** Yes, it was and it was well set out, leave was granted and there was a fair bit in the statement. I am trying to listen to the Minister for Energy and Mining. Unfortunately, though, minister, when you start an answer like that, even despite my cautions, you might get a little bit back. I would ask you to come back to the substance of the question, Minister for Energy and Mining, thank you.

**The Hon. D.C. VAN HOLST PELLEKAAN:** I thank the shadow minister for his interest in energy 20 months down the track—it's fantastic. I am aware of the report that was released today. The shadow minister's question was: can I assure that no South Australian household with a panel is going to be disconnected. Well, his question presumes that something like that is going to happen. What has happened is that—

*Members interjecting:*



**The SPEAKER:** Order! Leader, we have the question.

**The Hon. D.C. VAN HOLST PELLEKAAN:** What has happened is that AEMO has said very clearly that the mess that South Australia is in because of the previous Labor government with regard to their failed energy policy—

*Members interjecting:*

**The SPEAKER:** Order, members on my left!

*The Hon. A. Piccolo interjecting:*

**The SPEAKER:** Member for Light!

*Members interjecting:*

**The SPEAKER:** The member for Light is warned. The member for Badcoe is on two warnings. Minister.

**The Hon. S.C. Mullighan:** Focus on the task at hand.

**The SPEAKER:** The member for Lee is on two warnings.

**The Hon. A. Piccolo:** Which report did you read?

**The SPEAKER:** The member for Light is on two warnings. Minister.

**The Hon. D.C. VAN HOLST PELLEKAAN:** —means that AEMO may have to implement some pretty serious measures to try to address this issue. We are doing everything we possibly can. As this house knows, we want South Australia to be stronger than before under the Labor government. We are going to make sure that South Australia is stronger than before under the Labor government. We have energy policies, including supporting an interconnector to come into South Australia. We have energy policies, including home batteries so that—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader!

**The Hon. D.C. VAN HOLST PELLEKAAN:** —every household can be stronger than before. We have had well in excess of 12,000—

**Mr Malinauskas:** We're not looking for slogans: we're looking for answers to the question.

**The SPEAKER:** Leader!

**The Hon. D.C. VAN HOLST PELLEKAAN:** —household batteries taken up recently. We have the Grid Scale Storage Fund to address all of these things. We are implementing our policies, but AEMO are also saying that the mess left behind is so significant with regard to the risks of net negative demand that they are considering what they might have to do with regard to quite significant interventions—all the more reason why those opposite should get their shoulder to the wheel behind our government's policies.

Those opposite should stop sniping from the sidelines and actually support what our government is doing because we are determined to ensure that South Australia is stronger than before. We are determined to make sure that electricity prices continue going down. We are determined to make sure that we have fewer and fewer blackouts, as is the case. We are determined to continue making all these improvements, and if the opposition would stop playing silly political games, if they would stop changing their minds on policies: 'We want an interconnector, we don't want an interconnector, we want an interconnector,' if they could get their act together and support our sensible government policies, then we will be able to avoid the interventions that AEMO is contemplating.

We are determined that South Australia will be stronger than before under the previous Labor government. It is already stronger than before, and we are determined that it gets stronger and stronger than before.

*Members interjecting:*

**The SPEAKER:** The Attorney-General is called to order. I have given the opposition 15 questions to four for the government, so we are going to move to the member for Flinders and then the member for West Torrens.

### NATURE-BASED TOURISM

**Mr TRELOAR (Flinders) (15:00):** Thank you, sir. My question is to the Minister for Environment and Water. Can the minister update the house on how the Marshall Liberal government is assisting nature-based tour operators during the COVID-19 pandemic?

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (15:00):** I thank the member for Flinders for his question, a very relevant question particularly to members who represent regional South Australia, where we find many of our nature-based tourism operators. They tend to operate their businesses, because of the nature of their businesses, in national parks and on Crown land.

Yesterday, we had the Minister for Transport and Infrastructure talking similarly to me, in that he tends to find that, because of the nature of his portfolio, he is a landlord to many people who operate out of government facilities or spaces and places. That is similar to the situation I find myself in: there are many people who operate within our natural assets. Many of these businesses are not only small businesses but microbusinesses. They are run by mums and dads or individuals. They are not large businesses by any means. They have very limited cash flow and, of course, they rely on people visiting particular destinations to experience and immerse themselves in these natural places.

Unfortunately, as a result of the coronavirus pandemic, we have had a situation where very significant restrictions have been placed on the lives of not just South Australians but visitors from interstate and overseas, and that really has cut off the pipeline of people who are able to visit our regions, and I do emphasise regions because these destinations are largely in regional South Australia.

In the member for Flinders' electorate in particular we've got nature-based tourism operators who pay fees and charges to the Department for Environment and Water for, perhaps, access to one of the national parks, like Lincoln National Park. I also think of the shark cage diving operators who pay quite a significant fee, which ends up going largely towards research and development in that area of shark cage diving and marine-based research.

However, because of the situation with COVID-19, we have seen the number of visitors going to these destinations, paying for the services provided by these small and micro businesses, significantly diminish. So it has been a great pleasure to be able to do just a little bit to take off that pressure by waiving some government fees and charges for operators in national parks, on the Crown land that I have responsibility for, for the next six months.

That is relief that accumulates to around about \$850,000. Some of that is down to very small fees, but some is quite substantial when it comes to renting government facilities. That will enable around 300 commercial tour operators and nature-based tourism operators to have that relief. It will enable them to have one less bill coming through the door, one less cost burden, and enable them to focus on getting through this time.

As the Prime Minister says, he wants us to try wherever possible to enable businesses to hibernate through these difficult times when the pipeline of work, when the pipeline of visitors and income have been curtailed or cut off entirely. We want businesses to hibernate, build their resilience and get through to the other side. One way that we can do this is to provide relief to businesses around government some fees and charges. In this, it might seem small in some cases, but actually it can have a very substantial impact by taking the foot off the throats of some of these operators, giving them the capacity to get through and just taking that pressure and stress off in these difficult times.

### SOLAR PANELS

**The Hon. A. KOUTSANTONIS (West Torrens) (15:05):** My question is for the Minister for Energy. Does the Minister for Energy support the policy announced by AEMO of disconnecting household solar from the grid at times of negative demand?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:05):** AEMO didn't announce a policy of doing it. AEMO put out a paper saying that it is one of the things that it is considering. AEMO I am quite sure—I have no right speak for them, but I am quite sure—has no desire to do it. We have no desire to do it. AEMO is doing its job. AEMO is looking into the future, looking at the challenges that exist, and AEMO is throwing out a range of things that it thinks might need to be considered to protect South Australians.

AEMO knows that over the last several years South Australians have been penalised with increasing electricity prices—that is, up until the last two years of course. AEMO knows that South Australians have been penalised with more and more blackouts, including an unprecedented state blackout—that is, up until two years ago of course. But AEMO also knows that, while the previous state government allowed and encouraged greater and greater and greater penetration of renewable energy, which in isolation is a very positive thing, having done that with no care for what it does to security of supply, to frequency of control, to voltage control, to the risk of negative demand, it left South Australia in an incredibly tenuous position.

AEMO also knows and supports the policies we are putting in place at the moment, but AEMO knows what a massive job we have to clean up after the previous government. We are up to that job and we are doing that job, but AEMO is quite within its rights to say, 'We believe that we need to look at some of the things that might be necessary.' Interestingly, AEMO also says in its report that it assumes the interconnector is going to go ahead.

AEMO also recognises that we have greater and greater uptake of household batteries and that that is a positive thing. AEMO also knows that our Grid Scale Storage Fund, our demand management trials and all the other things that we are doing are all very positive and they all have AEMO's complete support. But AEMO is doing its job, looking down the track at the things that might need to be done to clean up the mess that we were left by the previous government so that we can continue to make South Australia stronger than before.

#### *Grievance Debate*

#### **DOME FUNDING**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:07):** One of the great virtues of those of us elected in this place is that from time to time you get to meet some phenomenal people. I had one such instance this morning when I had the opportunity to visit an organisation by the name of DOME.

DOME has been an extraordinary contributor to the state of South Australia for approximately 38 years, providing assistance to those South Australians who are of mature age who have found themselves in the unfortunate circumstance of being out of work, more often than not being made redundant. DOME, of course, stands for Don't Overlook Mature Expertise. I think it is an important message.

All of us in this place would be aware that we reside in a state that has gone through a substantial period of economic transition. Part of our ethos, part of our central belief on this side of the house, is that under those circumstances working people should not be left behind. That is particularly true for those mature age workers who through no fault of their own have found themselves displaced in the course of a transitioning economy.

DOME is committed as an organisation to ensuring that older workers get access to job opportunities where they exist. They work with both employee and employer in a highly committed low-cost environment to deliver that important public service, not seeking accolades and not seeking large amounts of kudos. They have largely flown below the radar in a rather concerted, committed and compassionate way.

They are an organisation that relies on government funding, albeit not very much. They have been receiving funding of somewhere in the order of \$510,000 per annum. I think it would disturb many South Australians to learn that the Marshall Liberal government decided to cut that funding last financial year to about \$400,000 per annum. DOME then went through a substantial restructuring effort, drew on a greater pool of volunteers to undertake their important work, and established that they could continue to provide their service, albeit in a slightly diminished way, on the smell of an oily

rag at \$400,000 per year. However, recently, this calendar year they have become aware of the fact that their funding is going to be ceased completely. That \$400,000 is gone, and that means that this organisation quite simply will fold. It will no longer be able to provide its service.

The fact that the state government has elected to make that funding decision, which the Premier himself is all too aware of, seems somewhat extraordinary. This funding decision, this closure of this fine South Australian organisation, is occurring in the midst of the biggest unemployment challenge that this state has seen since the Great Depression. At the very same time that we have a conga line of ministers talking about being stronger than before, they are cutting the funding of \$400,000 to an organisation that is committed to seeing older workers get back into the workforce.

I would highlight to the Premier, his ministers and all those opposite some of the instances that I heard about this morning. I met a lady by the name of Sue, a mature age South Australian who had found herself out of work previously. Sue went to DOME, and very expeditiously and quickly DOME was able to get Sue back into work. She was utterly complimentary of that service. Just recently during the course of the pandemic, yet again, tragically, Sue has found herself out of work. She went back to DOME, and DOME were going through the process of getting Sue a job, but unfortunately Sue has found out that DOME will be no more.

I met Adrian, a former bank manager, a highly skilled individual, a rather charming gentleman. DOME was able to provide him with a job in the sales workforce. He has recently retired, and he has decided to volunteer and devote his own time, his own labour, unremunerated, back to DOME because of the way they were able to turn his life around. These are good people, often skilled people, ready, willing and able to contribute to our economy and our society, and this government has decided to cut their funding during the course of the pandemic. That is an appalling decision.

We will acknowledge that the Minister for Innovation and Skills does not appear to be a particularly compassionate individual to this cause, but the Premier should know better. There is an opportunity here for the Premier to intervene, overrule this appalling decision, reinstate the funding of \$400,000, and he in turn will be assisting the 2,000 South Australians at any one time who are relying on DOME's services.

We know that 40,000 other individuals have been the beneficiary of this service for 38 years. We call on this government to show some compassion, show some heart, and reinstate the \$400,000 so DOME can do their work and older, mature age South Australians who find themselves redundant during the course of this crisis have an opportunity to rely upon an important public service.

#### CHAFFEY ELECTORATE

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:13):** I would like to speak with appreciation about the good people of the Riverland, the electorate of Chaffey particularly, over the Easter period. The holiday break, particularly the school holidays, has been a significant challenge for many not only to stay home, to social isolate and social distance but also to make sure that the kids remain safe, particularly over the period of uncertainty during school holidays, dealing with COVID-19. I thank them for their discipline, particularly over that Easter school holiday period.

I also want to speak about the uniqueness of ANZAC Day. Recently, I was up in the Riverland and I was asked to go along to some of the limited capacity of people at some of those ceremonies. I had the good fortune as the local member to be proud of those who represented our country and to pay my respects. It allowed me to go out and lay wreaths at a number of crosses of sacrifice, and to go out and lay wreaths in areas that I do not always have the opportunity to get to, because in some instances I was not time constrained.

I took off quite early on ANZAC Day and my first port of call was Renmark. Renmark is obviously one of the larger Riverland towns and I laid a wreath there. I moved on to Loxton for the dawn service and then went up to the Barmera RSL, where I laid a wreath. I then went on to the gardens at Waikerie and across the river and down to Cadell to pay my respects there. I went to Morgan to lay a wreath and I then went to Blanchetown.

It took me about 7½ hours to drive around parts of the electorate to pay my respects for quite a unique ANZAC Day. It was an ANZAC Day that was quite private. Some people around the region stood at their front gates, some had fire buckets, some had flower arrangements on their front gates or their porches with lights on, and there were barbecues. I made a wreath out of glory vine for my front gate. I pruned a vine and made quite a unique wreath that was glowing in red with the unfallen red flowers of that glory vine. I was very, very proud.

Moving along, it is great to announce that the Browns Well Highway is having that stimulus money move forward. It has been an issue for a long time, between Loxton and Pinnaroo. The previous government decided to do the wrong thing and reduce speed limits down to 100 km/h without fixing up the roads. That was the way that they operated, particularly in the regions of South Australia. The regions were long forgotten under a Labor administration.

It is great news that the stimulus has been brought forward. It is a \$15 million package that will fast-track and upgrade the Browns Well Highway. Many, many constituents along that highway, the majority of them farmers, are absolutely elated, with the cessation of rail and now seeing many more trucks on that highway, that they will see that \$15 million of works fast-tracked to upgrade 100 kilometres of shoulder sealing, as well as the seven kilometres of pavement rehabilitation works, new line marking, replacement of guideposts and installation of approximately 10 kilometres of safety barrier.

Cobdogla Primary School and the Waikerie High School are the recipients of fast-tracking of some of the school maintenance program, and that really is very good news as part of a \$32 million economic stimulus package. Cobdogla will see much-needed funds to improve some of the cladding and timber work that I have taken note of, and of course the improvements will upgrade the school.

Some might have seen in the local Adelaide paper that the agribusiness consultancy Ernst and Young have released a report into the Riverland Wine and Food Centre. It is a great outcome. It was an election commitment I gave to the good people of the Riverland. It is a six-star wine and food centre that will create up to 117 direct jobs and inject \$14½ million into the state's economy. The business case is out there. I am looking to work with potential investors and those business cases will be very gratified to come forward.

What I would say is that the people of the Riverland are in good health and good stead. Getting through this COVID-19 exercise has been very challenging, but they will rise to the task. I am very proud to represent the electorate of Chaffey.

## ARTS SECTOR

**Ms STINSON (Badcoe) (15:19):** Our arts, culture and entertainment sector has been decimated by the arrival of coronavirus and the necessary restrictions that have come with it. On the final weekend of the Fringe and the Adelaide Festival, news filtered across busy venues spanning out across our city and our state that by Monday there would be restrictions on gatherings of 500 people, then 100 people, then no public events at all.

Over the following days and weeks, operas, plays, musicals, concerts, recitals, events, festivals and exhibitions across our state regretfully issued statements making the heartbreaking decision to cancel their shows, seeing years of effort by artists go to waste and disappointing eager audiences. With every cancelled show went jobs, the jobs of creatives, such as: artists, performers, actors, bands and singers, and also the people behind the scenes: producers and directors, stage makers, costume designers, lighting experts, promoters, marketers and ticketing and front-of-house workers, to name a few.

Working in the arts is not generally a lucrative career, but many people working in the sector have planned their financial affairs well. Many are used to on-again off-again work, but such a sudden shock with such immediate financial consequences and no fresh employment in sight is proving impossible for even the most prepared arts worker. The majority of artists are not eligible for the JobKeeper payment. They often have not worked for their employer for a continuous 12 months, and they may not even have been formally employed at the time, with work coming up that was cancelled.

It has also been terribly disappointing to see that the 200 casual staff at the Festival Centre have been stood down without pay. As staff of a government enterprise, they have not been able to

access JobKeeper payments either. That is an oversight that our leader and the Labor team have been working hard to publicly highlight. We have called for our arts minister, who is also the Premier, to appeal to his federal friends to recognise that staff of government enterprises such as the Festival Centre, as well as the Convention Centre, the Entertainment Centre and Coopers Stadium, are in a different position from that of public servants.

Their wages are paid through the earnings of the government enterprises they work for, so if *School of Rock* is cancelled there is no job for the front-of-house worker at the Festival Centre and no money to pay him or her. That is a different situation from that of a public servant, whose wages are paid from government coffers by the taxpayer. We have even suggested that these workers might be gainfully re-employed plugging the gaps in manpower that our state is now experiencing, especially in the charity sector. Unfortunately, so far in this place the arts minister and Premier's response to that constructive suggestion has been no.

While some arts organisations have in part or in full honoured payments to artists despite cancellations, not every organisation can do that, but I thank those who have. It is indeed a very tough time for artists and those working in the culture and entertainment space right now. Our thoughts on this side of the house, and I am sure on the other side, are with you. We on this side will continue doing our best to highlight the situation that you find yourselves in.

Although some additional arts grants have been brought forward and the rules for complying with existing grants have been relaxed—and the government should be commended for that—much more needs to be done to help sustain the sector. This is a sector that injects millions and millions of dollars into our economy each year and employs 16,000 people. It generates significant income for other industries as well, like hospitality, tourism and accommodation.

It is incredibly important that our creative sector is well supported now so that artists and arts workers can survive through the deep dark winter they are experiencing but also so that they are ready to emerge into the sunshine of a post-coronavirus world and contribute to our economy and our broader emotional and psychological recovery as a state. The arts, culture and entertainment sector has been one of the first industries to suffer from the social distancing requirements and is one of the hardest hit sectors of our economy. Sadly, the arts sector is also likely to be among the last to emerge from restrictions.

National and international travel restrictions, which will be among the last controls lifted, are also critical to the arts sector in terms of both the logistics of bringing people and artworks to our shores and drawing international audiences. There is certainly an irony in the fact that this sector will be the last to recover but creative expression lives on and is right now critical to individuals and families surviving this crisis. For all that art gives us, surely it is time we also turn our minds to what we can do for the arts in this state both now and in its long recovery.

**The ACTING SPEAKER (Mr Cowdrey):** The member for Flinders.

### **WINTER CROPPING SEASON**

**Mr TRELOAR (Flinders) (15:24):** Thank you, Mr Acting Speaker, and a fine job you are doing. I rise today to talk about the wonderful rains that have spread across this state not just this week but in the weeks leading up to this. It has led to the City of Adelaide having its wettest April since 1998, with nearly 100 millimetres falling over the city, but those good rains have extended over much of the state. I am particularly interested in it at this time of the year because, of course, we are at the very beginning of the 2020 winter cropping season.

Collectively, falls of about 10 to 20 millimetres have fallen across Eyre Peninsula; some places certainly have been higher in the south and the west, so that is a reasonable start for a lot of our West Coast farmers. There have been higher falls in the east of the state, 20 to 40 millimetres, which is not uncommon through the eastern state and even into the northern Mallee, so it is an excellent break. It is a solid break. It is the best one we have had for some time.

There have also been good rains in Victoria and New South Wales. This is significant of course because, particularly in New South Wales, we know they have been in drought for much of the past three years. It will lead to better flows down both the Murray and the Darling. There were better rains earlier this year across Queensland. They do not expect a lot of winter rain in

Queensland, but the summer rains that they have there have given their winter croppers good soil moisture and have led to flows down the Darling. Western Australia is still waiting, but they can make do with a later break as long as they have good winter rains.

The Indian Ocean Dipole is in negative territory. That is actually a good thing, as it leads to better rains across the majority of the Australian continent. I do not always put a lot of store in long-range weather forecasts, but it is out there and we will go with it. We are certainly off to a good start.

Tractors are going across the state, across the cropping belt, from the Far West to the South-East. Cereal grains, such as wheat, barley and oats, are going into the ground, and canola, which is a spectacular and very important crop to the higher rainfall areas in the state. Of course, it has been much discussed this week in this place in relation to the GM bill. We are certainly pleased to get that through this place. Pulse crops, such as lentils, beans, peas, lupins and chickpeas—and there may be some I have forgotten—if not going in right now, are about to go in.

**The Hon. T.J. Whetstone:** Safflower.

**Mr TRELOAR:** Safflower—the Minister for Primary Industries reminds me. He may come up with some others I do not know in the remaining three minutes. Graziers are sowing pastures for feed into warm soil with good moisture in an effort to get their pastures going on the back of particularly good rains in New South Wales.

We have seen outstanding prices for our livestock. New South Wales carries more sheep than any other state in a normal year, and we in South Australia are in a prime position to supply them with restocking breeding ewes and we will see some really good prices.

*The Hon. T.J. Whetstone interjecting:*

**Mr TRELOAR:** Yes, I saw \$444 for scanned one-year-old ewes in the *Stock Journal* today. Not everyone is going to get those prices, but they will certainly filter down. Grain prices are also strong. They are surprisingly strong really. There was certainly a drought premium in the market for the last two years. Here in South Australia we shipped wheat to New South Wales on a train out of Crystal Brook on a number of occasions, such as the shortfall that was over there.

COVID-19 has led to a further premium in the first half of this year for old season crop, surprisingly so, but it has been welcome. We are very much at the behest of domestic and world markets. Of course, we compete against other grain exporters around the world, so a lot will be dependent on what happens in their cropping season as well. We have a long way to go here, but we are certainly off to a good start.

I talked about the dynamics of the world economy earlier and, interestingly, we have an extremely low barrel price for oil and that is actually assisting our primary producers at the moment. The cost of diesel has dropped significantly and a lot of the input costs, such as nitrogenous fertilisers and chemicals, which are based on the petrochemical industry, we should see cheaper. So I believe South Australia is set for a good winter crop and a good harvest come November/December. Fingers crossed that the season continues as it is.

#### PLAYFORD ELECTORATE SCHOOLS

**Mr BROWN (Playford) (15:29):** I rise today to speak about two important infrastructure projects located at schools in my electorate; the first is the proposed fence around The Pines School in Parafield Gardens. The Pines School unusually has a council reserve area right next to the school playground. Currently, no fence exists between these two areas and, while this allows members of the general public to make use of the school's facilities outside school hours, it has also unfortunately created an opportunity for hoon drivers to access the area and the Andrew Smith Drive Oval reserve, which sits behind the council reserve.

Indeed, just a few weeks ago, hoons gained access to the oval and were successful in and seriously damaging it. A number of local residents have raised with me their concerns that this sort of behaviour is dangerous and damaging to community infrastructure and the fact that it is happening again reinforces the need for proper fencing to be erected around the school portion of the area. Vehicles often travel at high speed along Hemming and Morgan streets, and there is a significant risk posed to children using the reserve.

Last year, I wrote to the government, requesting that funds be allocated from the general infrastructure budget for the construction of adequate fencing. This request was denied. Earlier this year, I presented to this house a petition signed by almost 300 residents, again calling on the government to properly fund this fence. So far, there has been no response to the petition from the state government. Luckily, however, the Salisbury council has been listening to local residents.

Following a deputation from me, the council has now formally agreed to provide a contribution for a joint project to erect a 1.8-metre security fence, which should provide an adequate level of security. Now that the project has the support of the school's governing council, the local member, both local councillors, the local council as a whole and the local community, all it needs is the minister to agree to make it happen. Salisbury council has shown that it is prepared to be a good neighbour and make funds available.

I urge the minister, on behalf of the residents of Parafield Gardens and the parents of children at the school more generally, to do the right thing and not let this project be caught up in bureaucracy. As The Pines has a limited budget, and given that this proposed fence will protect an asset used by the whole community, it is also appropriate that general infrastructure funds are used and that the funds for the fence are not diverted from those allocated for school maintenance. Indeed, to build it now would be not only an appropriate but a most welcome use of COVID-19 stimulus funds, which we all know have so far proved very difficult for the government to use.

There is another school infrastructure project in my electorate I would like to talk about today—that is, the bridge over Dry Creek that links both campuses of the Mawson Lakes School. Currently, when heavy rain occurs, high water levels and sometimes fast-flowing water present an unacceptable safety risk not only to students of the school but, as the school is open to community access, potentially also to local residents. Sensors and automatic gates have been installed to deal with the most serious of all incidents; however, this often results in the bridge being closed. Many of my constituents are concerned about using the bridge following the rain, even when it is open. Indeed, parents have informed me that many children are kept home from school following heavy rain, as there is concern for their safety at the school.

Following representations from the school, the local ward councillors and myself, the City of Salisbury has for some time now been in discussions with the education department to upgrade the bridge. I do commend the Minister for Education for his willingness to allow some funds allocated by the previous government for infrastructure upgrades at the school to be used to upgrade the bridge, which is indeed a council asset.

However, it should be noted that this bridge is used not only by students of the school, including my own children, but also by many members of my local community of Mawson Lakes. Again, I believe it is appropriate that the shortfall in the construction costs for the project be made from the general infrastructure budget so that the opportunity to upgrade the facilities of the school will not be lost. I am advised that this has so far been steadfastly opposed by the minister and his department.

This bridge upgrade is needed. In fact, to illustrate the point, the bridge is closed today, just as it was yesterday. Students will be forced onto local streets to find another place to cross. The will is there on behalf of the council to get an agreement on this project. I am sure that if the minister is prepared to only meet them halfway it can happen. There has been enough talk. There has been enough argument and enough finger pointing. Let's just get over it and build a bridge.

#### **ANZAC DAY COMMEMORATION SERVICES**

**Mr DULUK (Waite) (15:34):** Last Saturday, we commemorated one of our most important national occasions, and of course that is ANZAC Day. Whilst we stood apart, all Australians stood together in spirit to honour our ANZACs and thank them and those who have served and continue to serve and, indeed, those who have made the ultimate sacrifice in the service of our nation. With our candles, torches and iPhones at the end of our driveways and by laying wreaths at memorials, we paused to remember the dedication, courage and mateship of those soldiers who took part in the first major military campaign of Australian forces in World War I—and that was the Gallipoli landing on 25 April 1915.



Sadly, over 8,000 Australians lost their lives on the beaches of Gallipoli. The bravery and selfless actions of these soldiers and those of their fellow diggers who fought gallantly for our freedoms left Australia with a legacy that has helped forge our identity as a nation, a nation that recognises this week another significant event—that is, the 250<sup>th</sup> anniversary of Captain Cook's *Endeavour* making landfall in Botany Bay in 1770.

This ANZAC Day, I was very humbled and fortunate to have the opportunity to hear firsthand the stories of local veterans from my community. With the valuable skills and help of Mr Lee Norman, we were able to produce a video featuring our veterans' stories and detailing how significant ANZAC Day commemorations are to them. My heartfelt thanks go to the veterans who took the time to speak to me, including Major Anthony Mogridge, retired; Reverend Brenton Daulby OAM; Bruce Townsend, who is fighting fit in his 90s; David Blyth; Joan Lorraine; and Bob Killoran, President of the Blackwood RSL.

Like so many towns and communities across Australia, many young men from the electorate of Waite were involved in the Gallipoli landings, and it is so important that we remember them and honour their sacrifice every year. As we commemorated the first ANZACs, we also remember and thank all Australians who served, fought and died in the many wars, conflicts and peacekeeping operations that Australia has been involved in. We reflect on the efforts and sacrifices made by our current service personnel, all those overseas and on the home front who to continue to serve our nation, to protect us and keep us safe.

I would sincerely like to thank the RSL and service clubs in my electorate—namely, the Blackwood RSL and its president, Bob Killoran; the Mitcham RSL and its president, Kym Just; and the RAAF Association Mitcham Branch and its president, Dr Robert Black—for their service to the community and the vital work they do supporting our veterans, especially in this time of social distancing and, for many veterans, social isolation.

While our ANZAC Day ceremonies were different this year, the importance to pause, reflect and remember those who paid the ultimate sacrifice for our freedoms remained. I was able to lay wreaths at my local monuments at the Blackwood Soldiers Memorial, the Mitcham Memorial Gardens and the Coromandel Valley monument. Thank you to John Halsey, who held the lantern at dawn at the Upper Sturt Soldiers Memorial Hall, and thank you to Luke Sincock for his live stream from the Blackwood Memorial.

It was also wonderful to see so many photos of South Australians lighting up their dawn, playing trumpets in their driveways and finding their own unique way of commemorating the day. In a way, it was a great exercise in asking Australians to stop and really think about what ANZAC Day means to them and how best they can commemorate it. Without the usual dawn service, the parade and the afternoon football, it was left up to the individual to make their own personal reflection on our nation's service men and women.

I have to say that I believe our state should be proud of the many ways that we found to honour our ANZACs. I also thank David Matthews, who read the ode at the state memorial service on North Terrace this year. David is a constituent of mine and the son of Lionel Matthews, who was beheaded by the Japanese at Sandakan, which is a truly amazing story, and an amazing man was Lionel Matthews. I would like to end my contribution by reciting from *For the Fallen* by Laurence Binyon, a few of the lesser known stanzas that stand alongside the ode we hear each ANZAC Day:

But where our desires and our hopes profound,  
Felt as a well-spring that is hidden from sight,  
To the innermost heart of their own land they are known  
As the stars are known to the Night.

As the stars that shall be bright when we are dust,  
Moving in marches upon the heavenly plain;  
As the stars that are starry in the time of our darkness,  
To the end, to the end, they remain.

Lest we forget.

*Bills*

**STATUTES AMENDMENT (BAIL AUTHORITIES) BILL**

*Second Reading*

Adjourned debate on second reading (resumed on motion).

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:40):** The attraction of interest of members to this bill has been stunning. I have been thoroughly inspired by the outpouring of contribution in relation to a matter which, frankly, hardly usually attracts much attention, but in this instance we have seen a resurgence of interest in a little known and little cared about area of our law, the Bail Act.

I would just like to especially thank all members who have made a contribution, and I hope in doing so they have been able to, I suppose, re-enlighten themselves about the significance of having legislation to deal with people in these circumstances, whose numbers are relatively minor in the overall population. People actually have to go in and apply for bail. It is only a small group of a group of people who go through our courts in the criminal system, but it is a significant one. It is most significant because it is really critical that, whilst we uphold the principle of innocent until proven guilty to ensure that we have protections for people's rights as they are being prosecuted through the system, we equally look at areas where there must be a very strong set of circumstances to exist for bail to be granted.

In large part we start with this presumption, and therefore when it comes to setting the rules around what factors are to be taken into account in granting bail, we recognise that the other principle reason we have a whole set of laws in relation to bail is to protect the witnesses so that we have an effective trial system, a fair trial system, and that we make sure that they are not vulnerable to any intimidation or conduct that is going to either make them change their mind or frighten them off, etc. More important than anyone in this whole process who has to ultimately go through a trial, or even negotiation and a sentencing process, is the victim or victims.

The bail law has to balance all those things. As a parliament we need to open it up from time to time and look at how we might refresh it. This whole process on this occasion has come about as a result of the matters raised by the Chief Justice of the Supreme Court back in December 2017, which started with his expression to the previous government that there ought to be an allowance for the District Court to be a general bail authority and provide the courts with that express power to be able to implement that.

I do not know why that was overlooked or not pursued by the previous government, but it may have had other priorities. Upon coming into government we did activate that inquiry, and obviously sought approval. It seemed to be a sensible, practical approach. I just want to explain to the members that we have had now, I think, for about 45 years—certainly since the early 1970s—the establishment of the District Court, Local Court and District Court structures in our criminal court.

We used to just have the Supreme Court and the Magistrates Court. We went into a three-tier system but we still had a system where the Magistrates Court took all criminal cases in the first instance, so even if you were charged with murder or shoplifting you would all come before the Magistrates Court and they would process matters. The largest number in that court would be either trials or receiving submissions on guilty pleas and sentencing would be made, but anything that was indictable or at a serious level needed to be referred to the superior court and that traditionally was the Supreme Court.

Once the establishment of the District Court took place, it took not treason or murder but just about everything else that was able to be dealt with in the District Court. Still sometimes the Supreme Court hears complicated or multi-defendant cases that might involve manslaughter, for example, but largely the District Court does the heavy lifting in the numbers of serious cases.

So it is an important court, it is a busy court in this area, and because we have developed different structures in relation to our courts, from time to time, even now—well, 2017—we still throw up circumstances where something that seems quite obvious in the sense of the efficient operation

of a court system just suddenly becomes apparent. In any event, the Chief Justice identified this for us.

We thought it was meritorious of consideration and progressed it through the consultation process. But, in the course of that, within a few months, we actually received a further submission from the Chief Justice pointing out that he had another request to amend the Bail Act which related to this whole question of noncompliance with bail conditions so, again, we have had to go through a round of consultation for all the usual suspects and come back to the parliament with really a combination of these issues. It was during the course of the consultation on the second matter, late last year, when we got feedback as to some technical points regarding bail revocation due to non-attendance in court, so we really come to the parliament with this bill to present some options as to how we finalise these.

The shadow minister raised in his contribution a query as to whether there were any particular cases or examples that had been identified regarding the first issue of needing to bring in the District Court as a bail court. I will just make some quick inquiries. I am not aware of any. I do not recall any even in the matters of correspondence that were raised. Quite often judges, and the Chief Justice in particular, will bring to our attention a piece of case law that might relate to exposure of a weakness but I do not recall one. I will just absolutely check.

I am advised that there is no particular example, other than the fact that what frequently came to attention was the need, in variation applications particularly, for files to be transferred back and forth to facilitate the law as it currently stands; that is, the Magistrates Court would have to deal with this.

In the era of hard copy files, I imagine they are trotted back and forth across King William Street, or from whatever repository they are held at the time, and have to be physically transferred. We are in an electronic world now and things are starting to change. The ECMS program is about to be implemented in relation to the new rules of the Supreme Court being issued, so we are starting to have electronic transfer, but a lot of our court records are still in hard copy and obviously that is the case in the Magistrates Court.

I noticed the other day at the Port Adelaide Magistrates Court that they still actually fold them up with a little rubber band, I think it is these days. I still have a couple of reels of the pink tape, which I keep for posterity. I make the point that there is no identified area where it has caused some particular burden in a specific case, but it frequently comes up and obviously requires that operational aspect. The second matter that was raised—

**Mr Odenwalder:** The question was more about the revocation part of the bill.

**The Hon. V.A. CHAPMAN:** I am coming to that. The second aspect that was raised by the shadow minister related to sections 6, 18, 19A and 19B of the Bail Act, which allow for a court to revoke the bail, and, as amended, the bill to change the point of revocation to the point of arrest. However, clause 5 is drafted so that the power of the court to revoke a bail agreement immediately is preserved. I think that covers that question.

In relation to the question of the lapsing of bail and the 'unconditionally' explanation, as I indicated, just to put this in context, there are occasions when a bail agreement is revoked and it is later established that no breach of the relevant bail conditions has in fact occurred. In other words, the bail gets revoked, the conditions lapse. They come back in. It is established that in fact there had not been a breach. The reference to 'unconditionally' says, 'Where there has been no breach the bail agreement is not taken to have been revoked and the defendant will be released unconditionally.'

'Unconditionally' in that context is that they are being released without any new or different conditions. So they have had bail. They have had, say, 10 conditions and one of them is allegedly breached. Bail is revoked. They come back before the court. They actually establish that that is not right, so they go back to having their bail arrangements with their 10 conditions. They do not get new sets of conditions, unless other circumstances are changed where another application is made. Does that make that clear?

**Mr Odenwalder:** It does, but I just do not see how that differs from now.

**The Hon. V.A. CHAPMAN:** Essentially, the original 10 conditions that were there on the bail would continue.

**Mr Odenwalder:** But that is the state of affairs now, isn't it?

**The Hon. V.A. CHAPMAN:** No, the problem at the moment is that the act of revocation as a result of the alleged breach and the process that goes with that means that that lapses. So we are making sure that it does not lapse, but under this little aspect that was found, if you actually revoke it, then it is gone. What we have done here is make an amendment to ensure that, 'Okay, we have tidied up this misunderstanding about you breaching this condition. We are going to put the bail arrangement back in place with the conditions that you previously had, and you don't get any extra ones.' You get that whole process reinstated without further condition, so 'unconditionally' is the word that has been used. Does that make that clearer to the member?

**Mr Odenwalder:** It does, but surely that is state of affairs now, no matter at what point the revocation takes place.

**The Hon. V.A. CHAPMAN:** No, not quite. I will take that interjection on the record, just to manage it.

**Mr Odenwalder:** I am trying to avoid the committee stage. I am sure you are right.

**The Hon. V.A. CHAPMAN:** I understand that. I hope I have made it clear, but perhaps I have not. I am trying to think of another word that could have been used. If I can put it this way: we are trying to introduce a process where, because of this technicality that was identified to us that has the effect of the revocation, we need to reinstate it prior to the revocation, having dealt with something that should not have revoked it. Do you see what I mean?

So there has been an allegation made and an arrest has occurred. That is what we are doing there. So no new bail conditions are imposed. As I said at the time, 'unconditionally' in this context means that no new bail conditions are imposed. It is really a technical matter that was brought to our attention that has resolved it now. Was there something else?

**Mr Odenwalder:** Whether there have been actual instances or actual case law that has affected that second decision about the revocation of bail.

**The ACTING SPEAKER (Mr Cowdrey):** Order!

**The Hon. V.A. CHAPMAN:** We will take that as just talking amongst ourselves. I think the question is: have there been instances where there has been a revocation as a result of what we are remedying today and somebody has been left vulnerable? For example, a witness has been hurt, then they have complained about it and of course then we have found that actually the condition did not exist anymore as a result of the revocation. I will just check that.

I am advised that there have been no examples given by the Chief Justice, just that he had been alerting us to the fact that this was a risk. I suppose those who sit in courts and have discussions about cases from time to time would say, 'I had a case before me today and this was the situation that arose, and it raises this very interesting point about, if the revocation has occurred, then how can we deal with a breach between the time of the arrest and the hearing in the District Court?'

Sometimes it can come about as a result of somebody saying, 'What if?' I have not been advised of any particular cases. I am going to look across to the member for Heysen; he might have come across some in his career. I am sure if it had been raised by the bar or by judges as a weakness, where somebody had been hurt as they had been left isolated—I think it is fair to say, certainly a long time ago when I was doing criminal work, that I had no idea that these conditions were not continuing until we got back into court, and I do not think my clients knew.

**Mr Odenwalder:** Hopefully the news does not get out today.

**The Hon. V.A. CHAPMAN:** It is probably a good thing, because they—

*Members interjecting:*

**The ACTING SPEAKER (Mr Cowdrey):** Please, can we refrain from interjecting. Attorney.

**The Hon. V.A. CHAPMAN:** —were probably under strict advice, which I am sure would be responsible for all counsel, to make sure that people were complying with the conditions that the court had set. If there was found to be some breach and they were ringing you up from the cells to say, 'I have been arrested. There has been a claim of breach that I have done such and such,' there has been no understanding of the actual lapse of that and that somehow or other they could freewheel their circumstances and leave the state, contact a witness, have a firearm—whatever bail conditions there were that could be then ignored.

We really have to be grateful to the Chief Justice in this instance for bringing the matter to our attention, and for the other excellent work done by stakeholders who, once they had a look at this issue, then wanted to tidy it up completely. I think we have captured it all. Certainly, at the time of this matter being considered I had some discussions with the DPP. They were consulted as a matter of course through this, together with the other usual agencies on these matters, and they were certainly keen to make sure that that was covered, unsurprisingly, for witnesses and for victims.

I think that probably covers most of the matters. I appreciate the indication of support by the shadow minister, and indeed the glowing support from other members who contributed to this debate, for these amendments. It does not entirely pertain to the narrowness of the bill before us, but we are talking about court structure.

I am pleased to confirm to the parliament today that His Excellency has approved the appointment of His Honour Chris Bleby as the newest member of the Supreme Court and the appeal court of South Australia. As he has had a long period of service as Solicitor-General, accordingly I have had valuable advice from him. The whole of South Australia has been the beneficiary of his advice and representation on our behalf in the High Court and other forums, I advise the parliament. He goes to the court with appreciation from me and I think from all South Australians for the work that he has contributed to date and congratulations are in order.

Bill read a second time.

*Third Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:00):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

### **RADIATION PROTECTION AND CONTROL BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 25 March 2020.)

**Mr PATTERSON (Morphett) (16:01):** I take this opportunity in parliament to speak on the Radiation Protection and Control Bill 2020. Certainly radiation is a topic that can stir up fears amongst the general population, some of those unfounded. It presents us with the challenge that radiation can both cause and cure cancer. Radiation is an area of science and technology, however, where, if the risk is properly managed, the benefits to society can be immense. It is these risks that the bill seeks to regulate not only to control activities involving radiation sources but also to provide for the protection of both people and the environment.

This year marks the 125<sup>th</sup> anniversary of the discovery of X-rays by Wilhelm Roentgen, who used a cathode ray tube connected to a 50-kilovolt induction coil. Roentgen discovered that these X-rays could pass through some materials, including clothes, unlike visible light, but could still expose photographic plates. Roentgen then took the first clinical X-ray, of his wife's hand, in December 1895. In 1896, less than six months after Roentgen's discovery in Germany, at the University of Adelaide Professor William Bragg was able to demonstrate X-rays in a very successful public lecture at the university in front of the governor and many citizens.

A short time later, his son Lawrence broke his arm at the elbow in an accident. Lawrence was taken into his father's laboratory in the basement of the university and had his arm X-rayed before having it reset in hospital. This turned out to be one of the first clinical X-rays taken in Australia.

Later, during the early 1900s, William and Lawrence Bragg worked together as a research team and discovered and developed X-ray crystallography to view the structure of crystals at the atomic level. It was certainly the first time that had occurred and included, amongst different chemicals, diamonds. This certainly revolutionised science and medicine. For this work, in 1915 Sir William Bragg and Sir Lawrence Bragg received Australia's first Nobel Prize in Physics.

Henri Becquerel, in Paris in March 1896, searched for a similar radiation in uranium salts. To these salts, he exposed photographic plates that were wrapped in paper and put in a drawer and, again using photographic plates, he observed an image. Marie Curie, who is well known, was present at this announcement and so began her chemical investigations of radioactivity, which culminated in her discovery of new radioactive elements polonium and radium.

Since then, we have seen both the good and the bad of nuclear energy. This year itself marks the 75<sup>th</sup> anniversary of the end of World War II, which saw two atomic bombs dropped on Japan. Since then, we have seen the peaceful use of nuclear energy to create base load power in many countries throughout the world, and we are now starting to realise its potential to assist in the reduction of global greenhouse gas emissions.

Closer to home, in Australia radioactive substances are used widely and handled across a number of industries, ranging from industrial processing, mining and petroleum operations, medical and health care, and research and educational facilities. Certainly, Sir William and Sir Lawrence Bragg's achievements demonstrate the history of South Australia being at the forefront of scientific advancement, which is certainly something we can be proud of.

If you fast-forward to now, Australia's response to the COVID-19 viral pandemic, especially compared with that of other first world countries, surely must give us confidence not only in our scientists and medical officers but also in our governments and institutions that we certainly are world class and very able to adapt, develop and harness advanced technologies and one of those is nuclear technologies.

South Australia is one of only two jurisdictions in Australia where uranium mining takes place, and uranium is certainly an essential contributor to our state's economy. Olympic Dam at Roxby Downs holds the world's largest uranium deposit. Additionally, South Australia has Beverley, Four Mile and Honeymoon mines. It is certainly therefore essential that modern and effective legislation covers mining and all other aspects of radiation use to protect people and the environment.

Earlier in the week, in the discussion on GM crops, the Attorney stated how over the years the population had certainly become more educated about the topic and familiar with the significant benefits, and I think the same needs to occur in regard to our society's education about radiation. For their benefit, the two kinds of radiation that exist are non-ionising radiation and ionising radiation. Non-ionising radiation has enough energy to move atoms in a molecule around or cause them to vibrate, but not enough energy to remove electrons from the atoms.

Examples of this kind of radiation are radio and TV signals; mobile phones, including the new 5G phones; visible light; and microwaves. Ionising radiation has much more energy, so it can knock electrons out of atoms. This process is known as ionisation. Ionising radiation can affect atoms in living things, so it certainly does pose a health risk to humans by damaging tissues and potentially DNA in the genes. Ionising radiation comes from X-ray machines, cosmic particles from outer space and also radioactive elements.

Radioactive elements emit ionising radiation as their atoms undergo radioactive decay and produce alpha and beta particles and gamma rays. These gamma rays are a radiation hazard for the entire body. They can easily penetrate barriers that would usually stop alpha and beta particles. Skin can stop alpha particles and wearing clothes can stop beta particles, whereas gamma rays, because they are photons, have much more penetrating power such that to stop them requires several inches of lead or even a few feet of concrete. Because of this, gamma rays can pass quite easily through the human body. As they pass through, they can cause ionisation that would damage tissue and DNA.

Background radiation is present on earth at all times. The majority of this background radiation occurs naturally from uranium and thorium found in many locations in the earth. The human body itself contains some of these naturally occurring radioactive materials, mainly naturally

occurring potassium. Cosmic radiation from space also contributes to the background radiation around us. The remainder of the radiation exposure that we experience is from human-made sources. As I explained before, the best known of these, because they play a part in medicine, are X-rays. Both X-rays and gamma rays have the same basic properties, but the X-rays have slightly lower power and therefore less penetration power than gamma rays.

If a large enough radiation exposure occurs, which exceeds a certain threshold, observable deterministic effects become apparent. These effects are radiation sickness, radiation burns and even eventually death. The radiation levels at which these occur have been well established over time. At those lower radiation levels, though, that do not cause these deterministic effects, there is a more subtle stochastic risk, which still leads to the possibility of cell mutations and maybe cancer over a person's lifetime.

This is measured in what is known as effective dosage rates and the unit of measurement is sieverts, where a cumulative dose over time of one sievert increases the risk of developing cancer by 5.5 per cent. It is based upon a linear scale. Just to put that into perspective, most average Australians are exposed to about 1.5 millisieverts each year from natural sources. Just a standard X-ray is approximately 0.1 millisievert, well less than that one sievert I mentioned before.

Because of these two effects, legislation has therefore been developed over time to protect populations, not only in South Australia but throughout the world, and protect them not only from instantaneous radiation but also the cumulative exposure that I talked about. In South Australia's case, previous legislation was developed nearly 40 years ago, in 1982, which is back in the days of the Cold War and back in the days of the nuclear arms race, times when Western democracies, led by Ronald Reagan and Thatcher, had to stare down the Soviet-led Brezhnev.

For those born after the fall of the Berlin Wall or the Soviet Union, the worries of the world back then were certainly different from those of today. I remember protests about the threat of immediate annihilation from nuclear war and now they have been replaced by protests about the threat of climate change. There are certainly different things for people to worry about.

A few years after the legislation was introduced in 1982, in 1986 there was the explosion at the Chernobyl nuclear power station in Soviet Russia. This was a 1960s design that had a meltdown caused by, it has been found, a number of factors: human error, a poor safety culture, but fundamentally flawed design. In this explosion, despite the threat of fallout over Europe, this authoritarian communist Soviet Union state chose to try to cover up the disaster. It was not until a bunch of Swedish scientists detected a significant increase in radiation levels and looked at the prevailing winds that they were able to track this back to the Ukraine and the world found out about this disaster about three days later.

Thinking about that today, we are in a similar situation where we have had a local crisis in an authoritarian communist country that has spread into what is now a global problem. This time it is a viral pandemic. Again, I think, the world has justifiable questions about the withholding of information.

In 1986 I was in England. My father, who is a nuclear physicist, had moved the family there. He was working at the University of Leeds. This fallout was coming over and consisted of various radioactive substances: iodine, caesium and strontium carried by the winds across Europe before falling back to earth via rain. This caused a fair deal of concern at the time.

I remember not being able to go outside for a number of weeks following the disaster, having to stay indoors and also not being able to drink milk. There was the worry that when the dairy cows ate the grass, they would ingest these radioactive substances and then that would find its way into the food chain. These concerns are real and I do have that firsthand lived experience of the need to have protections and controls in place for radioactive materials.

I will just say that unfortunately the Chernobyl disaster that occurred using what was flawed 1970 Soviet technology has today been used to argue against nuclear energy. Rather than doing this, I think we, as humans, should learn from these mistakes, as we have done from other disasters. In the 34 years since that disaster, technologies have certainly moved forward significantly, as have nuclear technologies.

I should say that medical technologies have come a long way since 1982 as well. When the current legislation was drafted, it was aimed at regulating X-ray tubes that had 60-kilovolt ionising sources. Now we have 10 to 20 megavolts—that is 20,000 kilovolts—medical linear accelerators, which produce high-energy X-rays that conform to the tumour's shape and they certainly destroy cancer cells whilst sparing the surrounding normal tissue that the old regulations never really envisaged.

Additionally, since 1982, in 2004 we had a national commitment that was made via the Australian Health Ministers' Conference and also the Council of Australian Governments to try to implement uniform national frameworks for radiation protection. These main initiatives have been the National Directory for Radiation Protection, which is to protect people and the environment from exposure to ionising and certain prescribed types of non-ionising radiation, and also a national Code of Practice for Security of Radiation Sources aimed at decreasing the likelihood of unauthorised access to radioactive sources by people with malicious intent.

If we look at the act itself, some of the key areas that it includes are in part 2 of the bill: the objects and key principles, which are there to ensure those national requirements that I have just mentioned have been met as well as using the general duty of care, which is in clause 53, to help clarify the application of the objects and principles to persons and their enforcement mechanisms. If I could just touch on the radiation protection principle that is mentioned in the act, it is the principle that people and the environment should be protected from unnecessary exposure to radiation through the processes of justification, limitation and optimisation.

Moving on to part 4 of the act—Radiation protection and control—this has been aimed to help reduce the administrative burdens on small business through the streamlining of the licensing, which originally had seven separate licence categories. It has now been reduced down to two licence categories in this bill: a radiation use licence and radiation management licence. In terms of activities that require a radiation management licence that are outlined in division 1 of part 4, these include testing for development purposes, mining or mineral processing, construction, establishment and control of a radiation facility, transport of radioactive material, and possession of a radioactive source.

Division 2 in that part of the act outlines activities that require a radiation use licence. These include use or handling of radioactive material and also the operation of radiation apparatus. Division 3 deals with premises and radiation sources requiring registration. These include unsealed radioactive materials, sealed radioactive sources and radiation apparatus. Registrations of this equipment will also be included on radiation management licences, which provide a single document for businesses to manage their regulatory obligations, whereas the current system requires individual registration of equipment separate from the licensing. Finally, division 4 of this part of the act outlines some prohibited activities. One of those is operations from the enrichment or conversion of uranium oxide to uranium hexafluoride which of course is the next step in the nuclear fuel cycle.

Part 5 of the bill provides for new offences relating to causing radiation harm, with clause 50 relating to causing serious radiation harm, and clause 51 relating to causing radiation harm. Inclusion of harm in regulatory schemes where there is a risk of harm to human health or the environment is necessary to provide a suitable deterrent. Of the Australian states and territories, only South Australia and Western Australia do not currently have harm elements within their radiation protection legislation.

Radiation harm, of course, may occur across all aspects of radiation exposure and so it needs to be regulated by this legislation. It also includes occupational exposure, diagnostic imaging, radiotherapy, storage and transportation. It is noted that radiation harm effects may occur soon after the exposure or, as I mentioned beforehand, many years after exposure. Aside from physical harm, radiation can also cause significant harm to the environment through contamination, and so this is also countenanced in the bill itself.

If I move on to part 7, the act deals with enforcement and seeks to introduce a number of new provisions into that which allows the minister to issue orders rather than having to go off to court. They provide an alternative enforcement mechanism. The sole reason for having orders is to really mitigate and remediate harm rather than to penalise the person so that you are not having to go off to court but just trying to quickly get on top of the issue to ensure that it is dealt with, which makes it much more expedient and gets to the root of the problem.



The bill provides for three types of orders, these being radiation protection orders, reparation orders and radiation protection cessation orders. The bill also looks to amend the maximum penalties that can occur. At present, the maximum penalty for most offences under the present act is \$10,000, and it is certainly currently less than penalties in equivalent acts and legislation that also seek to protect public health.

Certainly, you can see why this is grossly inadequate. It is meant to be much easier to mitigate or correct a problem rather than just get the financial penalty put in place. With respect to this act, the bill does seek to set a maximum penalty for recklessly or intentionally causing serious radiation harm. It sets that at \$5 million for a body corporate and \$1 million or 15 years imprisonment for an actual person.

With the few minutes I have left, I commend this bill to the house. It will provide for the ongoing security of our radioactive sources, and certainly sets out modernising the regulatory framework in order to minimise the risk to the health and safety of our community, and also maximise the benefits to the people, the environment and economy of South Australia.

**Dr HARVEY (Newland) (16:21):** I am very pleased to rise today in support of the Radiation Protection and Control Bill 2020. In physics, radiation is the emission or transmission of energy in the form of waves or particles through space or through a material medium. Often radiation can be categorised as ionising or non-ionising radiation. The member for Morphett did a reasonable job of summarising some of the definitions around that, so I will be relatively brief on that front.

Essentially, ionising radiation is where it has sufficient energy to dislodge electrons from an atom thus creating ions. Examples of this sort of thing might include materials that emit alpha, beta or gamma radiation, which consist of helium nuclei electrons or positrons and photons, and also X-rays, whereas non-ionising radiation does not do that. It does not knock electrons off atoms. It tends often to have much fewer significant biological impacts that may cause sort of vibrations within molecules generating heat.

In the case of UV light, it does not ionise atoms as such, but it does have an impact on chemical bonds. It modifies molecules rather than atoms. I guess what is of particular concern and particular risk for people is ionising radiation. The primary reason for that is that ionising radiation damages DNA in cells. Our cells and the cells of most living organisms have natural protective mechanisms that prevent uncontrolled cell growth.

For example, if we are talking about the gut lining along the inside of our large intestine, there are control measures in there that stop individual cells from doing their own thing and growing out of control. However, what can happen with radiation is that, as you start to accumulate changes to the DNA, there is a natural selection process going on that can ultimately lead to a particular cell gaining a growth advantage, and that is where you might start to see a cell grow uncontrollably, and that is essentially what cancer is.

Radioactive substances are used in a wide variety of industries, which include industrial processing, mining and petroleum operations, medical and healthcare research, and educational facilities. For example, a medical application could be radio treatment for cancer, so in this case you are talking about highly focused beams. Often they have a number of different beams that focus on a particular spot on the target tissue, so you have a larger absorbed dose at that particular site than you do on the surrounding tissues. You can have, I guess, a selective effect, a targeted effect, on only those cells that you wish to kill, and enough radiation targeting those cells leads to the death of those cells and that is again through DNA damage.

There are a lot of applications for radiation with the research. The member for Morphett talked about X-ray crystallography, which is an incredibly important technology and tool that is being used to determine the structures of proteins. Protein structures are really important for lots of different applications really. If you want to develop new antibiotics to target particular bacteria, then often crystal structures of essential proteins can be used to then design molecules that then can be used to interfere, perhaps, in the active site of that particular protein and stop its function.

For example, if we are talking about infectious diseases, one of the drugs that can be used to treat influenza is Tamiflu. There are two of them, but I cannot remember the other one. Essentially,

they target the neuraminidase protein on the influenza virus, which is responsible for releasing that virus once it is replicated within a respiratory cell and then buds off. So, that is an example of a drug that is able to target the active side of a particular enzyme and have a therapeutic benefit.

There was also some other work that happened here locally where the structure of what was called the subtilase toxin was solved for a type of bacteria that was closely related to the bacteria that was causing haemolytic uraemic syndrome, the outbreak as part of the Garibaldi mettwurst outbreak in the early nineties.

Solving the structure of that subtilase toxin actually revealed that there was a particular groove within the centre of that protein that was responsible for cutting in half a particular human protein within certain cells that led to cell death. What was particularly interesting about that was that that discovery led to a potential tool that could be used to treat cancer, because the target of this particular toxin is a cell process that is involved in cancer as well. This work was an example of where research had set off on a particular path, looking to deal with what was a gastrointestinal infection, and then, as a result of that work, came across a potential tool that could be used in the treatment of cancer.

Once again, this is an example in research of where X-ray crystallography, which uses X-rays obviously, which is a form of radiation, is important in research. Particularly in older technologies, a lot of radioactive labels were often used for particular techniques. So if you wanted to target or look at particular genomes—you might have had a different number of genomes and you wanted to detect if a particular gene was present in there—back in the old days, they would do something called a Southern blot, where you would create a probe that was specific for a particular gene.

That probe would include dNTPs that were radioactively labelled. You would put the genomes onto nitrocellulose, and then you would block the background and then put in your radioactive probe. If it detected the target, then when you came in later to look for the radioactive decay, you would see that the genomes that had all the samples that had your target gene in it would light up, so that would be how you would use it as a tag.

Those particular methods are used less now. A lot of those radioactive probes have now been superseded by fluorescent probes; nevertheless, they had been, and still are in many cases, used in molecular biology. Of course, the process that is used to generate those probes in a southern blot or in a northern blot is polymerase chain reaction (PCR), which is a methodology that I am very pleased to see a lot more people know a lot about now.

Although radioactivity has nothing to do with it, it is the technique that is used to test for the coronavirus. The coronavirus has a positive-sense RNA genome. By using an RNA extraction on your sample, you process the RNA and you convert it into DNA. You then use PCR to target a particular portion of the coronavirus genome, and when you get a positive signal it tells you that that virus is present in your sample. So there are plenty of applications in molecular biology, which is only one very small part of all the sorts of things where radiation is relevant.

The state government plays an important role in the regulation of these sorts of things, particularly for ionising radiation but also, in some cases, for non-ionising radiation. In South Australia, the Radiation Protection and Control Act 1982 administered by the Environment Protection Authority regulates activities involving radiation sources and provides for the protection of people and the environment from the harmful effects of radiation. This includes providing for the licensing of certain activities and registration of certain items and premises which involve radiation sources.

Parties that are regulated under the legislation include hospitals, dentists, veterinarians, soil analysis companies, mining companies, radiographers, radiologists and ports. South Australia is one of only two jurisdictions in Australia where uranium mining takes place, and uranium is an essential contributor to the state economy. It is therefore essential that modern and effective legislation covers both mining and all other aspects of radiation use. The act has not undergone a substantial revision since commencement in 1982.

The new act proposed in this bill will modernise radiation protection regulations in South Australia and will implement a progressive, risk-based approach that builds on and improves the current system. Key provisions of the bill seek to implement national commitments made under the Australian Health Ministers' Conference and the Council of Australian Governments in 2004 to

implement a uniform national framework for radiation protection. The main national initiatives that require implementation are the National Directory for Radiation Protection and the national Code of Practice for Security of Radioactive Sources.

South Australia is amongst the last jurisdictions to make legislative changes required to implement these initiatives. This bill seeks to reduce administrative burdens on small business through the streamlining of licensing from the existing seven separate licence categories down to two licence categories: a radiation use licence and a radiation management licence.

Radiation harm offences are included in the bill to provide a significant penalty in circumstances where an individual, a group of persons or the environment is harmed or likely to be harmed by exposure to quantities of radiation beyond those lawfully permitted by the remainder of the bill. The harm penalties will also act as a deterrent for future unlawful overexposures that can cause harm. Only South Australia and Western Australia do not currently have harm elements within their radiation protection legislation.

The act currently contains no expiable offences and has no head power to prescribe expiation fees for enforcement in the regulations. As a result, enforcement of the act and regulations cannot take place without prosecution through the courts. This is an inefficient method for less serious offences under the act, as it is time consuming and expensive. It also does not provide an effective deterrent for recalcitrant licence holders who act in the knowledge that no expiation fees can be applied to them.

Under the current provisions, such an offender must instead be notified when a breach may result in court proceedings and provide them with an opportunity to correct their behaviour. If the prosecution does not proceed to court, the offender incurs no penalty and none of the costs incurred by the Environment Protection Authority in undertaking enforcement actions are recovered. The bill includes expiations for a number of offences and also allows for further expiable offences to be established via regulation.

The bill contains various expiations to act as a deterrent to noncompliance and order-making powers to make sure that the EPA has more flexible tools for obtaining compliance. The bill also provides for order-making powers that can be utilised to obtain compliance without the need for more costly court proceedings. Court proceedings are appropriate for significant offences and for applying a punishment as a deterrent to others, but achieving compliance on minor issues is much more straightforward with the use of orders.

The review of administrative decisions in the current act is upon application to the Supreme Court. A less burdensome and much more appropriate avenue for review of administrative decisions through the South Australian Civil and Administrative Tribunal is now in place. The bill allocates jurisdiction for administrative appeals to the South Australian Civil and Administrative Tribunal.

The act currently contains a series of specific offences set largely within the licensing and registration requirements and relating to unauthorised use or handling. These offences are necessary; however, they are more administrative in nature and are not linked to the harm or risk of harm that a breach of the act might present.

Inclusion of harm in regulatory schemes where there is a risk of harm to human health or the environment is necessary to provide a suitable deterrent. The application of harm provisions to the environment is reflected in the national directory's objective for radiation protection legislation 'that legislation must include the objective of protecting the health and safety of people and the environment'.

The penalty framework proposed in the bill draws on the approach taken in the Work Health and Safety Act 2013 and the Environment Protection Act 1993. The bill provides new offences relating to causing radiation harm. These offences will provide a significant penalty in circumstances where an individual, a group of persons or the environment is harmed or likely to be harmed by exposure to quantities of radiation beyond those lawfully permitted by the remainder of the bill. These provisions do not apply to matters where the harm is considered trivial.

The maximum penalties for the radiation harm offences have been set by parliamentary counsel with consideration of the nature of the legislation, the particular offences they relate to and

the precedents set by other comparable legislation. Of particular relevance, sections 8 and 9 of the Nuclear Waste Storage Facility (Prohibition) Act 2000 have a similar maximum penalty for the offences of recklessly or intentionally causing serious radiation harm of \$5 million for a body corporate for the offences of construction or operation of a nuclear waste storage facility and importation or transportation of nuclear waste for delivery to a nuclear waste storage facility where the potential consequences, in the worst case scenario, are comparable.

In addition, national commitments have been made to the Australian Health Ministers Conference and the Council of Australian Governments to implement a uniform national framework for radiation protection.

This bill is an opportunity to implement the National Directory for Radiation Protection that Australian health ministers agree to implement in 2004. The national directory aims to provide nationally agreed and uniform requirements for the protection of people and the environment that meet international best practice and ensure the safety of radiation use. These relate to radiation protection principles, management requirements for radiation sources and provisions for the future adoption of documents forming part of the national directory.

In 2006, the Council of Australia Governments also agreed to a National Chemical, Biological, Radiological and Nuclear Security Strategy to provide a framework to strengthen and enhance Australia's existing arrangements. This included the establishment of a national regulatory scheme for the storage, possession, use and transport of certain radiological materials to minimise the risk of such materials being misused.

A significant component of carrying out the Council of Australian Governments' decision is implementation of the Code of Practice for the Security of Radioactive Sources. The security code, as it is known, sets out various security measures that must be undertaken to maintain the security of sealed radiation sources. These security requirements have been developed based on the likelihood of unauthorised access and the consequences of malicious use.

In summary, the government is modernising radiation protection and control. This is something that has not happened to such a significant extent as it has now for a long time. I thank the minister for all his work on this. It is a challenging issue to do with substances that can potentially be quite dangerous if not handled correctly, but that at the same time have numerous and very useful, essential applications. I commend the minister for his work on this bill and commend the bill to the house.

Debate adjourned on motion of Mr Picton.

## **CRIMINAL LAW (LEGAL REPRESENTATION) (REIMBURSEMENT OF COMMISSION) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 5 March 2020.)

**Mr PICTON (Kaurua) (16:40):** I indicate that I will be the lead speaker for the opposition in relation to this bill. I also indicate that the opposition will be supporting this bill, the Criminal Law (Legal Representation) (Reimbursement of Commission) Amendment Bill 2020. The bill addresses operational issues that may present a barrier to the efficient management of serious cases by the Legal Services Commission.

The commission operates on a budget of more than \$40 million per annum, with contributions from state government, commonwealth government and private sources. The vast bulk of these funds are used for important but regular assistance. A small number of cases arise each year for which the commission may seek specific reimbursement by the Treasurer. I presume that is difficult with the current Treasurer. By their nature, these may involve different stages of proceedings in different courts and may involve multiple defendants.

This bill seeks to wrap up different elements of a larger case, some of which may not be reimbursable under current arrangements, and allow these to be dealt with in a single funding arrangement. These serious cases vary significantly in frequency and cost. In the past five years,

the total annual cost of these cases has ranged from \$60,000 to more than \$1 million. As such, while this bill will improve the management of a small number of cases, it will not have a major impact on the budget or operations of the commission. It is important to note that.

The opposition notes that the Legal Services Commission has increased both its revenue and activity in recent years. This has resulted from the commission being chosen to deliver specific programs for domestic violence and the National Disability Insurance Scheme. These achievements reflect the quality of work delivered by the commission and its value to South Australians who may otherwise not be able to access critical legal support.

In reflecting upon the success of the commission, the opposition notes that other community-focused legal supports have not flourished under this current government. In June 2019, the Welfare Rights Centre, including its Housing Legal Clinic, closed its doors. The government is currently undertaking a tender that will roll up tenant information advocacy services with three other services. Changes such as this do not reflect well on the legal and social wellbeing of the most vulnerable amongst us. In offering its support for this bill, the opposition reminds the government of the need to ensure that vulnerable South Australians have access to the legal and other supports that they need.

I also note that this bill, as has been noted, is a relatively minor but important change to the legislation; however, it is not pressingly urgent at this moment that this be passed. It is not urgent that this happen this week or there would be some dramatic change in the world around us. We have had in this parliament today another bill, which was presented by the opposition, which would make a significant change. It would have the ability to significantly change the outcomes for many small businesses across South Australia in terms of the council rates that they are having to pay.

The government turned that down from being debated. They turned down the ability to deal with that because they said that dealing with government business was more important. Here we have this legislation being dealt with—instead of that issue to help small businesses with their council rates—which is not urgent, which is not pressing, which does not need to pass today.

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

**The DEPUTY SPEAKER:** There is a point of order.

**Mr PICTON:** It shows how this government just does not care about those small businesses and the issues that they are confronting at this time.

**The DEPUTY SPEAKER:** Member for Kurna, you know the rules. There is a point of order. You need to take a seat.

**The Hon. V.A. CHAPMAN:** Not only is the member straying from the subject matter of this bill but he is now referring to and, I suggest, reflecting on a vote of this house earlier today as to the question of a suspension of standing orders in support of advancing legislation that he says should have been dealt with. I would ask on both those grounds that he either be sat down or brought back to the substance of the debate.

**The DEPUTY SPEAKER:** Thank you, Attorney. I think in this instance I will ask the member for Kurna to come back to the bill and the debate at hand and to ensure that his comments relate to that.

**Mr PICTON:** Thank you, Deputy Speaker. This bill, as I said, is an important piece of legislation but it is not urgent. It is not going to involve people losing their businesses if this does not pass through today. It is not going to involve significant financial hardship that many businesses are facing through this pandemic. It is not a pandemic related piece of legislation and we are using the parliament's time to debate this on the government's decision rather than debating other things. This could easily wait until next week or the week after or the week after that to be debated without any particular change—

**The DEPUTY SPEAKER:** Member for Kurna, you have made that point.

**Mr PICTON:** Thank you, and I will continue to make that point, Deputy Speaker.

**The DEPUTY SPEAKER:** Except that you have stood to contribute to the debate on the bill, I think.

**Mr PICTON:** Yes, that is right. It is disappointing that we were unable to debate other important matters which are impacting upon the livelihoods of many South Australians at this time. It is disappointing that the government has decided not to debate that.

**The DEPUTY SPEAKER:** As I said, member for Kaurna, you have made that point. Is anyone else seeking the call? Member for Heysen.

**Mr TEAGUE (Heysen) (16:45):** Briefly, in relation to the bill that is before the house properly in the course of government business here today. We are back in this place legislating, importantly, for both the necessary and temporary measures that are required in response to the global pandemic but also importantly sending a message of confidence, good order and good government to the community and the population throughout South Australia that parliament continues.

The work of the parliament continues in terms of getting on with necessary legislation. Reforms that are required for the day-to-day lives of people in this state continue. The government's business properly is not deterred or delayed or unable to proceed, and that is in large part due to the extraordinary leadership that we have seen properly recognised and acknowledged from those who lead the way in our health department as well as those leading us in the government, and I applaud them. That is no reason to suggest that the routine important business of government should not proceed in an orderly way. I am glad that it does, I am glad that we are here and I commend this bill to the house very much in that vein and in that spirit.

This is legislation that the Legal Services Commission, as I understand it, has requested to facilitate the better provision of funding for those who are to be assisted by the commission in the important work that it does. I take the opportunity in highlighting that important work to recognise most recently the service of Michael Abbott AO QC as the immediate past chair of the Legal Services Commission and, because I have not had an occasion in the house to recognise it, to thank Jason Karas for his willingness to carry on that important work as still a relatively new chair of the Legal Services Commission, having been appointed late last year to take on that role at the end of Michael Abbott's term as it occurred in January this year.

Both men are well known to me. I have enormous regard for Michael Abbott and his service in particular to the law, the legal profession and the system of justice in this state. That includes a whole range of other contributions to the life of the state, not least in relation to the arts, but I will not digress.

I am so glad that Jason Karas has been available to take on this role. There are very few legal practitioners in the country, let alone in the state, who are more highly regarded than Jason Karas. Perhaps more than anyone else, bar his partner at Lipman Karas, Skip Lipman, he has certainly demonstrated what tremendous leadership in the profession can be achieved globally from an Adelaide base. Having established the practice with Skip Lipman over the last two decades globally, I am delighted that Jason Karas is serving in this very important capacity as Chair of the Legal Services Commission.

I take the opportunity also to recognise the tremendous work of Gabrielle Canny as the long-serving leader of the commission in the day-to-day sense in her role. I have known Gabrielle Canny for many years. We have not worked closely, but I have a high regard for her leadership in her role as the director of the commission also. That is to underscore that, when the Legal Services Commission requests that certain reforms be implemented so as to make their job easier or more efficiently able to be carried out, I am very pleased to see this government acting on that to ensure that the commission and those who lead and direct its work are best equipped to be able to do so.

I see that among the changes that are to be implemented in the course of these changes are really clarifications and an expanded more robust definition of what constitutes legal assistance costs and a substantial expansion and reworking of section 18 of the Criminal Law (Legal Representation) Act dealing with the entitlement for the commission to be reimbursed. It is a brief piece of legislation and very practical in its nature in terms of ensuring that the commission is able to do its work efficiently. Where we can make improvement, we ought to do so.

I will perhaps say one thing more about the important work that this bill helps to facilitate all the more in relation to the Legal Services Commission's capacity to represent assisted persons. It can be said over and over again, in terms of the very high-quality justice system that we are fortunate

to have in this state, that it is so important that there is provision for the proper and professional representation of people who find themselves before our courts.

Of course, the Legal Services Commission performs that function. Were it not for the Legal Services Commission's work and capacity, based on the funds that it is provided from the government to perform that role, we would see so many more examples of people who are unfortunately not properly advised and find themselves appearing unrepresented in court. That has the effect of doing a potential and likely injustice to those unrepresented people. In a practical way, it has the effect of almost inevitably delaying the day-to-day work of the court in discharging what it needs to do in terms of the list.

In my experience, and the Attorney has urged me to reflect to some degree about this on the civil and commercial side, I have seen the special difficulties that a judge faces when dealing with an obvious imbalance in the nature and extent of the representation that parties enjoy before the court. That is all the more amplified in the criminal context, where someone's liberty is at stake. It is so important in circumstances where someone's liberty is at stake that they have the very best opportunity to get to grips with what they are facing, to understand and be advised about the legal issues and to navigate through the process of the justice system in a way that ensures that, for their benefit and for the benefit of the whole community, there can be confidence that there is fair access to the law and legal advice.

Justice is seen to be done because it is able to be demonstrated that a fair trial is able to be provided, and that is very much predicated on the capacity for those who come before the courts, where they appropriately qualify, to be assisted by the provision of representation and advice. The Legal Services Commission provides such an important service in that regard. With those brief words, expanding to some degree on the importance of the Legal Services Commission and the work that it does, I commend the bill to the house as a further important reform in assisting that important work.

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:59):** I thank members for their contributions and, from the opposition, for the indication that the bill will be supported. I would like to reflect on a couple of things that have been raised.

Firstly, for the member for Heysen, and his acknowledgement of the Legal Services Commission and the work that is done by them, I noted his commendation of Michael Abbott QC, who is a former chair of the commission, and his successor from late last year, Jason Karas, who has taken on this responsibility. Gabrielle Canny was also recognised as a director, and she is the chief executive of the commission.

I would like to acknowledge that contribution because all too often we fail to recognise the significance of those who give. Sure, there is a payment made and so on for the work that is undertaken, but it is a lot of work, it is important work and it is work that not everyone rushes to do. Since the establishment of commissions all around the country so that we might have independent agencies to deal with legal representation for those in need—and largely it is a means-tested process for the bulk of the work in criminal and in family law—and whilst it provides many other excellent services, this is the bulk of the work undertaken in jurisdiction work by the Legal Services Commission, and the private sector supplements significant work in this area.

Since 1992, and since the *Dietrich v The Queen* High Court decision, we are under an obligation to deal with the payment of legal representation because that court made it very clear, and this has been the prevailing law since, that people who are charged with serious criminal offences are entitled—all of them—to legal representation for the trial. Quite clearly, they have held that if a person is charged with a serious criminal offence and unable to gain legal representation, then the trial should be adjourned and stayed until he or she can find such representation.

That was a groundbreaking decision at the time, but it is imposed on us as a government with the Legal Services Commission to provide that and to fill that gap. We cannot have a situation where people are charged with serious crimes and they are not dealt with. They have to be dealt with. People have to have representation, and obviously as the taxpayer we have to pay for it if they do not have the financial means to obtain that legal representation. This is not an optional extra. This is not a non-urgent, 'we will do it when we feel like it' sort of approach.

When it comes to the tightening of the legislation that we have in place to deal with this, I want to explain to the parliament what the consequences are if we do not deal with it, or if there is a case that remains haemorrhaged into stagnation as a result of our not dealing with it; i.e., there is a dispute about who is getting paid what, for the purposes of a multi-defendant case; they are all languishing in gaol pending their trial being brought on; and they get the stay because the Legal Services Commission has not sorted out what funding arrangement they are going to have. This is just not acceptable. The public would be outraged if we had the way of the member of Kaurna, who thinks this is just some kind of elective piece of legislation. No, it is not. It may not have the urgency—

**Mr PICTON:** Point of order: the Deputy Premier in her speech is implying improper on my behalf and actually misquoting what I said as well.

**The Hon. V.A. CHAPMAN:** Mr Deputy Speaker, can I put this to you—

**The DEPUTY SPEAKER:** Yes.

**Mr PICTON:** Perhaps he can rule on the point of order first.

**The Hon. V.A. CHAPMAN:** I can speak on that issue.

**Mr PICTON:** He can decide if you get the call or not.

**The Hon. V.A. CHAPMAN:** He can decide on it, but I would like to make a contribution.

**The DEPUTY SPEAKER:** Thank you, member for Kaurna. You have raised the point of order and I am in the Chair at the moment. Given what you have raised, the Attorney probably can have the opportunity to address that, and be cautious in her remarks, and she is making a contribution at the moment on the bill.

**The Hon. V.A. CHAPMAN:** Thank you, Mr Deputy Speaker. I think I have made the point of the significance of this legislation. I want to also explain that the public would be very unhappy if we left people at large who were charged with serious offences, who could not get legal advice issues sorted out and they were just not progressed. The people who claim to be victims or witnesses, or who are outraged by the conduct that is allegedly committed by this person or persons, are seemingly on the face of it getting away with it because there is an indefinite stay of proceedings.

It is a very important principle that has been enunciated by the High Court, and we have a direct obligation to make sure that we provide for it. We have a structure—certainly in a recent case I dealt with with the Legal Services Commission—that does not really cover the circumstances. Sometimes you need a particular case to actually work out what you are going to do with it. Sometimes they are a little bit extraordinary.

I will use a past case, such as the Snowtown murders case, with multiple defendants, multiple victims, people who had killed different victims but who were all involved in the same conspiracy to murder. It was obviously a shocking case that everyone is familiar with. I remember attorney-general Atkinson coming to the parliament and answering questions on that case at estimates—I know, because I was asking him questions about it—and the extraordinary costs; special arrangements were made in the budget for the cost of that case. That is one that is in the past.

Another situation now before us in serious criminal cases is that quite often an extraordinary amount of documentation is provided in discovery, in the initial disclosure of material, which may make the committal process more complicated and therefore need a lot of extra attention. It is these types of things which come to the attention of both the government and the Legal Services Commission—in this case, it is the Legal Services Commission that brought the matter to our attention—and which we need to address to make sure that we comply with the obligation imposed on us in relation to dealing with people charged with serious offences and their legal representation.

Two things were brought to our attention by the Legal Services Commission—as I said, it was certainly a direct case that came before me for consideration, as I have to sign these agreements with the Legal Services Commission—and highlighted the need for us to sort out this issue. One was to allow the commission to include prearrest costs when calculating the legal assistance costs incurred in a matter subject to a case management plan.



For members not aware, we have those in relation to these cases under the Expensive Criminal Case Funding Agreement. The second was to deal with related trials to be combined under the same case management plan where appropriate, and that is usually where there are multiple defendants.

These are key things that we need to sort out. I appreciate the opposition's indication that they will support the bill. They are important matters. They have been fully consulted on. I would urge the parliament to consider them appropriately. It took a little while, even in the consultation period, even going back to the Legal Services Commission when they wanted to make some adjustments to the bill. Obviously we worked with them to try to bring this to a conclusion. We have endeavoured to bring the matter to the parliament.

I also wish to acknowledge the Treasurer, which I do not usually, because not only has he been consulted in this process (he is not always supportive of a lot of things) but he has personally advised me of the support for the proposed changes.

*Members interjecting:*

**The Hon. V.A. CHAPMAN:** In acknowledging the interjection, there was not to be a material cost consequence apparently from his assessment. That is fine—wait until he gets the bill through. In any event, I appreciate the fact that the Department of Treasury and Finance obviously had a good look at this as well as to how we might manage this. Management plans, just so people are aware, set out an agreement between the Legal Services Commission and myself as Attorney-General as to how much there is going to be for a capped provision for a particular trial.

We will continue to pursue the current practice, but this legislation will help us to deal with the types of issues that I have just raised and make sure that we properly prosecute cases that need to be dealt with, particularly for the benefit of the victims and the community generally and, secondly, to ensure that we have a fair trial and, probably thirdly and not insignificantly, ensure that the court processes are not overburdened by having an unrepresented party attempting to defend himself or herself, and the cost of litigation or court time then being taken up perhaps unnecessarily.

That is just a practical consequence of having people attempting to deal with a matter which is really beyond their expertise. With that, I acknowledge the contributions and seek that the bill be read a second time.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**Mr PICTON:** In relation to this bill, I firstly acknowledge my fear that the Treasurer, the Hon Rob Lucas, is supportive of this bill, which should send a shiver down the spine of everybody, particularly anybody concerned about the budget of the Legal Services Commission. I was reminded by the shadow treasurer just before that there were some cuts, I believe, to the Legal Services Commission in the government's first budget as well, so that is also a concern.

Particularly in relation to the budget and the nature of these funding requests that happen for these particular cases, how many requests have occurred over the past two years? What was the quantum of funding requested? How many were approved, how many were not approved, and what was the quantum of what was approved?

**The Hon. V.A. CHAPMAN:** I have been advised that the amount fluctuates each year. We have even more than what you need, with the last five financial years. In 2018-19 it was \$1,051,000; in 2017-18, \$254,000; in 2016-17, \$859,000; in 2015-16, \$60,000—goodness, there is a lean year; I am glad I was not Attorney that year—and in 2014-15, \$400,000.

I do not have the numbers, but I probably signed one, two or three in the last 18 months or two years. I know one at least took a couple of variations to be negotiated according to the advice I was receiving. So they are not common, but I think there would be one, sometimes two cases in a

year where that needs to be considered, a plan is presented, it is ultimately agreed, and then a counsellor is approved to progress the representation.

**Mr PICTON:** Perhaps the Attorney can take on notice the full question that I asked in terms of the numbers that were both requested but also approved. Is the Attorney suggesting that every single request has been approved in full, or were there any requests that were not approved or approved for a lesser amount?

**The Hon. V.A. CHAPMAN:** I can recall one that I have referred to—I will not give you the detail of it; it is still a current case—where there had been back and forth consideration as to how it should operate and the moneys involved. I cannot recall otherwise there being any rejection of a case plan, or a case, I should say. The case plan is really the culmination of the arrangements that are ultimately agreed between the government and the Legal Services Commission, which is within the confines of them. They are the signatories to it, but it then is operationally managed by the Legal Services Commission to council, who are then employed for that purpose, or commissioned for that purpose.

**Mr PICTON:** Can you take it on notice?

**The Hon. V.A. CHAPMAN:** As to whether I have rejected any case plan, or whether the case plan has lapsed as a result?

**Mr PICTON:** Or the Treasurer has?

**The Hon. V.A. CHAPMAN:** The Treasurer has no role in this. I am happy to check if in the last two years I have said no to somebody and they are presumably running around loose out there, not charged.

**Mr PICTON:** I am wondering if the Attorney-General can answer, do the proposed measures guarantee that there will be less pressure on the commission's general budget from expensive criminal cases?

**The Hon. V.A. CHAPMAN:** I think I understand the question correctly; that is, because the Legal Services Commission has a budget largely from the state government and the federal government, is there any effect on their budget as a result of these agreements? I just want to say that the agreements establish a process where they get extra to cover for these extraordinary cases. This is why we have a management plan outside of their usual budget. I hope that answers that question. They get extra under this deal to cover these extraordinary matters.

Clause passed.

Clause 2.

**Mr PICTON:** Was the Law Society consulted on this bill? If they were not, why were they not?

**The Hon. V.A. CHAPMAN:** In this instance, no. The reason is simply that they are not a party to the agreement. It is really a financial agreement between the government and one of the institutions as to what money they get, and so obviously, if any one of the agencies comes to me and asks for more money, I do not run off to the Law Society and say, 'Well, I am going to ask the Law Society about what they think in that regard.'

This is really a matter that in statutory form sets out what the obligations are in relation to the parties, as to what is to be taken into account and what model is to apply for the purposes of dealing with this issue, that is, how much extra money and how is it going to be applied to the Legal Services Commission from the government for these special cases? The Law Society is neither a party to it nor under any responsibility to make provision under it and so no, they have not been consulted.

**Mr PICTON:** Did the Legal Services Commission request other changes to improve its efficiency or budget position that have not been included in this bill?

**The Hon. V.A. CHAPMAN:** No. The two principal issues, which I repeated in the response, were the two areas about which they had written to me, seeking for them to be attended to. I am not aware of others, and I am advised that we cannot have any immediate recollection of anything else they asked for.

Clause passed.

Clauses 3 and 4 passed.

Clause 5.

**Mr PICTON:** Attorney, is there any risk under these measures that the total funding for individual, expensive criminal cases could reduce rather than increase? I have set out a number of questions that I will ask separately in relation to that. For example, this bill improves efficiency by allowing different parts of a case to be viewed as one proceeding; however, under existing arrangements that could view these as separate matters, could there be more support available to the defendant if they were viewed as those separate matters rather than as one together?

**The Hon. V.A. CHAPMAN:** Can I just explain what happens. At the moment there is a funding obligation for the trial of a matter. This is the pointy end of the pencil, I suppose, when it gets to criminal matters in serious cases; that is, there is going to be evidence presented to establish the guilt or innocence of the person or persons accused. The High Court have said in Dietrich that this must not be allowed to proceed unless this person who is accused has legal representation here and has given us the job to do it.

The whole structure has been set around paying for legal representation for the trial. As I alluded to in response, criminal trials are not that simple. You do not just get arrested and then go to trial, because there is so much documentary record around and processes now to disclose and even going through admission of fact processes. In fact, we have done criminal procedure to death, so to speak, in this parliament.

Major indictable reform was a huge exercise. A few years ago it was found to be wanting and we have just done a comprehensive review under it, but when we looked at that again, it reminded us of how complex criminal trials have become, or the whole process has become. We still have a period after the case is first presented to the Magistrates Court and we still have a committal process. As I explained before, depending on the nature of the charges that have been laid, whether it gets referred to the Supreme Court or to the District Court, it is that cohort in the committal process that can rely on the need for counsel to give advice to the defendant or defendants, read an enormous amount of documentation and provide advice on that before you even get to the trial.

Then, of course, there can be all the voir dres, which is just a fancy phrase for a whole lot of interlocutory issues, or issues that need to be sorted out before you get started—for example, a preliminary matter as to whether or not a confession should be admitted in the evidence. There is all the legal argument that happens before the jury even gets brought back into the courtroom to actually hear the case, so it has become complex. A number of trials now, and even these preliminary processes, are very long and very expensive in terms of time; but, again, they are an important part of the process, so we have to look at that.

I think what the member is asking is, if you fund the trial and separately fund these other things, would they get more? Possibly they could, but at the moment we have a model which says you only get money for the trial. We are trying to acknowledge that, in the 21<sup>st</sup> century, people do need to be represented and they do need to have advice, and I suggest the court needs assistance to be able to get through these matters, even in those earlier stages.

The reviewing of documentation—for example, all the witness statements and things of that nature—is something that has to be done. It may have to be re-read when the trial comes up, and there is a lot of work that can overlap here. It is more complex. We agree with the Legal Services Commission that we need to look at that issue and modernise it for that purpose to achieve those three things: efficient court management of these cases; proper prosecution, which the public demands of us to operate; and a fair trial for the defendant or defendants.

**Mr PICTON:** Lastly, with regard to cases with multiple defendants and/or multiple trials, what are examples of where the Attorney may not be satisfied that it is appropriate for the trials to be combined under a single case management plan?

**The Hon. V.A. CHAPMAN:** Well, I think the Snowtown murder cases, for example, would be one, but I did not deal with that—attorney-general Atkinson dealt with that. As the member might

recall, that was not multiple offenders killing the same person; it was multiple offenders killing multiple people, some of which had overlapping involvement and some of which were done on their own. That would definitely be a situation where, in that case, there were separate trials, different counsel for a number of these people and I would expect they would each have had their own plans.

**Mr Picton:** So different crimes?

**The Hon. V.A. CHAPMAN:** Well, some overlapped. For example, sometimes these things are dealt with on the basis that a person is accused—say there are three accused involved in the killing or disposal of the remains of one person. It may be determined by the trial judge that they will have the three accused dealt with in the same trial. On the other hand, you might have three people die from one, but there may be some overlap with one of the others in relation to the disposal. I am putting these as hypotheticals at this point, but you can get a big case like that.

Another case has been well publicised at the moment in which multiple offenders are in gaol, allegedly charged with killing someone in another outlaw motorcycle gang. One person died and all of them are charged with killing this one person. It gets complicated. So, we need to accept that the court will make determinations after they have heard applications of counsel representing each of these people as to whether they have separate trials, for example, or whether they all be heard together.

Usually there are applications for separate trials, but these things have a long way to go, especially when you have multiple defendants involved and if you have different people advising them as to what their client is doing, including providing information that might assist the prosecution in relation to the conviction of others. So these things are different, but they are more complicated, especially when there are multiple defendants.

**Mr PICTON:** I ask the indulgence of one more question, even though I said that the previous one was my last. Regarding the situation the Attorney mentioned previously in relation to where there had been one approval that had involved some back and forth in terms of how it was going to be structured (and I appreciate that the Attorney said she did not want to go into the details of it), has that back and forth been resolved and a plan approved, or is there still a back and forth undertaking in relation to that matter?

**The Hon. V.A. CHAPMAN:** I am looking for advice here. I am also certain that it has resolved. It is again a current case, so I do not want to go into any detail relating to it. However, I am certain in my own mind that I had signed the final agreement in relation to that matter, but I will check because, as I say, I have done two or three of these in the last 20 months or so. I do remember one in particular that went back and forth several times.

In relation to finding out the information of exactly the number of agreements I have signed up since I have been Attorney, which really has been the last two years, and whether any of them have been rejected—and obviously I will check on that one in particular—one I recall had had several minutes of advice to me and requests from the Legal Services Commission, so it did take a little bit of extra time. I have in the back of my mind that it was resolved. If it is not, then obviously with the data I will make that available.

Clause passed.

Schedule and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:30):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**COVID-19 EMERGENCY RESPONSE (BAIL) AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

At 17:31 the house adjourned until Tuesday 12 May 2020 at 11:00.

*Answers to Questions***SOUTH AUSTRALIA POLICE**

**17 Mr ODENWALDER (Elizabeth)** (20 February 2020). What were the average response times for SA Police taskings in each of the relevant categories, for each month from January 2018 to January 2020 inclusive?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):** I refer the member to my response to House of Assembly Question With Notice No. 1490 tabled on 26 November 2019 which detailed average response times between July 2018 to June 2019 inclusive.

The following table details average response times from July 2019 to January 2020:

	Grade 1	Grade 2	Grade 3
July 2019	6:44	18:31	29:16
August 2019	7:51	18:48	29:36
September 2019	7:43	19:18	29:59
October 2019	7:55	19:56	30:22
November 2019	6:10	19:44	30:13
December 2019	7:26	19:49	29:49
January 2020	5:51	20:09	30:02

**METROPOLITAN FIRE SERVICE**

**22 Mr ODENWALDER (Elizabeth)** (20 February 2020). What were the average response times for MFS taskings in each of the relevant categories, for each month from January 2018 to January 2020 inclusive?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):** Metropolitan operations (average response times):

Month	Total Calls	Structural Fires	Hazmat	Road Crash Rescue
January 2018	0:06:24	0:06:20	0:07:38	0:06:09
February 2018	0:06:23	0:05:55	0:04:41	0:06:11
March 2018	0:06:18	0:06:00	0:05:12	0:06:15
April 2018	0:06:15	0:05:58	0:08:32	0:05:59
May 2018	0:06:17	0:05:15	0:06:02	0:06:25
June 2018	0:06:19	0:06:10	0:07:49	0:06:31
July 2018	0:06:24	0:05:46	0:03:54	0:06:31
August 2018	0:06:20	0:06:11	0:06:45	0:06:25
September 2018	0:06:26	0:05:30	0:05:08	0:06:32
October 2018	0:06:30	0:05:25	0:05:12	0:06:20
November 2018	0:06:41	0:05:45	0:06:14	0:06:34
December 2018	0:06:16	0:05:20	0:06:57	0:06:04
January 2019	0:06:34	0:05:22	0:05:20	0:06:19
February 2019	0:06:35	0:05:58	0:06:48	0:06:53
March 2019	0:06:29	0:05:32	0:06:07	0:06:32
April 2019	0:06:16	0:05:41	0:05:38	0:06:01
May 2019	0:06:26	0:06:10	0:07:31	0:06:36
June 2019	0:06:13	0:05:35	0:07:36	0:06:16
July 2019	0:06:22	0:05:33	0:06:12	0:06:10
August 2019	0:06:18	0:06:01	0:06:16	0:06:22
September 2019	0:06:30	0:05:55	0:05:16	0:06:10
October 2019	0:06:26	0:05:28	0:03:59	0:06:25
November 2019	0:06:32	0:05:56	0:07:00	0:06:25
December 2019	0:06:23	0:05:18	0:07:10	0:06:04
January 2020	0:06:31	0:05:28	0:06:17	0:06:24

Regional Operations (average response times):

Month	Total Calls	Structural Fires	Hazmat	Road Crash Rescue
January 2018	0:09:23	0:08:24	0:07:17	0:10:26
February 2018	0:10:02	0:08:23	0:09:40	0:08:38
March 2018	0:09:40	0:07:49	0:08:36	0:09:32
April 2018	0:10:28	0:08:40	0:07:01	0:09:35
May 2018	0:09:33	0:08:45	*	0:08:04
June 2018	0:09:45	0:08:49	0:11:49	0:07:16
July 2018	0:09:38	0:09:18	0:08:16	0:08:01
August 2018	0:09:47	0:07:28	*	0:10:12
September 2018	0:09:57	0:07:01	*	0:07:51

Month	Total Calls	Structural Fires	Hazmat	Road Crash Rescue
October 2018	0:10:35	0:09:20	0:03:33	0:08:59
November 2018	0:09:41	0:07:41	0:09:42	0:08:51
December 2018	0:09:20	0:08:50	*	0:08:44
January 2019	0:09:45	0:08:02	0:06:41	0:10:26
February 2019	0:10:22	0:11:03	0:06:32	0:10:51
March 2019	0:10:51	0:07:38	0:10:14	0:09:03
April 2019	0:09:34	0:08:26	0:08:37	0:08:48
May 2019	0:09:50	0:09:14	0:07:29	0:09:56
June 2019	0:09:55	0:09:58	*	0:09:20
July 2019	0:09:46	0:08:48	*	0:09:36
August 2019	0:09:56	0:06:58	0:09:31	0:09:27
September 2019	0:10:17	0:08:45	*	0:08:51
October 2019	0:10:00	0:07:16	0:10:13	0:09:24
November 2019	0:09:36	0:07:57	*	0:08:50
December 2019	0:10:17	0:08:59	0:02:45	0:09:05
January 2020	0:09:49	0:07:40	*	0:09:32

\*no tasking in that month

#### COUNTRY FIRE SERVICE

**23 Mr ODENWALDER (Elizabeth)** (20 February 2020). What were the average response times for CFS taskings in each of the relevant categories, for each month from January 2018 to January 2020 inclusive?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):** I am advised:

South Australian Country Fire Service (CFS) brigades are required to lodge an AIRS report (Australian Incident Reporting System) after each response. Whilst the AIRS report allows for recording of response times the CFS does not mandate that Brigades report these as it would not be a complete data set and would not provide an appropriate picture across the state for CFS responses.

#### STATE EMERGENCY SERVICE

**24 Mr ODENWALDER (Elizabeth)** (20 February 2020). What were the average response times for SES taskings in each of the relevant categories, for each month from January 2018 to January 2020 inclusive?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):** I am advised:

Average response times for South Australian State Emergency Service tasks paged with the highest response priority between January 2018 and January 2020 are as follows:

Aircraft crash	11.3 minutes
Building Collapse (with entrapment)	11 minutes
Building impact (with entrapment)	16.5 minutes
Heavy rescue	9.9 minutes
Rescue—confined space	15.9 minutes
Rescue general—Person trapped	11.1 minutes
Rescue from heights	14.8 minutes
Rescue—Swift water	4.2 minutes
Road Crash rescue	11.8 minutes
Vehicle accident	15.8 minutes
Tree down—on car, with entrapment	15.5 minutes

#### CORONAVIRUS

In reply to **Mr MALINAUSKAS (Croydon—Leader of the Opposition)** (3 March 2020).

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

The state government, in conjunction with the commonwealth government, is working to maintain a reliable supply of personal protective equipment.

#### CORONAVIRUS

In reply to **Mr PICTON (Kurna)** (3 March 2020).

**The Hon. S.S. MARSHALL (Dunstan—Premier):** I have been advised:

The government has opened more than 50 regional and metropolitan COVID-19 testing clinics as part of its response to the COVID-19 pandemic.

**SOUTH AUSTRALIAN PUBLIC HEALTH (CONTROLLED NOTIFIABLE CONDITIONS) AMENDMENT BILL**

In reply to **Mr PICTON (Kaurna)** (4 March).

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education):** The Minister for Health and Wellbeing has been advised of the following:

The amendments in relation to direction and detention are broadly consistent with corresponding legislative requirements in other jurisdictions.

Similar legislation in other jurisdictions includes:

- Health Act 1911 (WA)
- Notifiable Diseases Act 1981 (NT)
- Public Health Act 1997 (ACT)
- Public Health Act 2010 (NSW)
- Public Health Act 2005 (Qld)
- Public Health Act 1997 (Tas)
- Public Health and Wellbeing Act 2008 (Vic).

**WOMEN'S AND CHILDREN'S HEALTH NETWORK**

In reply to **Mr PICTON (Kaurna)** (4 March 2020).

**The Hon. J.A.W. GARDNER (Morialta—Minister for Education):** The Minister for Health and Wellbeing has been advised:

The expenditure budget allocated to the Women's and Children's Health Network for the 2019-20 is almost \$509 million. This represents an increase of more than \$66 million compared to the final expenditure budget for 2017-18.