HOUSE OF ASSEMBLY

Tuesday, 21 July 2020

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:01 and read prayers.

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

Bills

EMERGENCY MANAGEMENT (QUARANTINE FEES AND PENALTY) AMENDMENT BILL

Standing Orders Suspension

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:01): I move:

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

The SPEAKER: There being an absolute majority present, I accept the motion.

Mr Malinauskas: I will let you know what you are doing tomorrow later.

The SPEAKER: Order, leader! There being no speakers, I put the motion at once.

Motion carried.

The Hon. A. Koutsantonis: I also note, Stephan, you did give me 24 hours' advance notice of this.

The SPEAKER: Member for West Torrens!

Mr Pederick: Chuck him out.

The SPEAKER: I might today—chances are. The Attorney has the call.

Mr Malinauskas: You've got things under control.

The SPEAKER: Order! Settle!

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:02): Obtained leave and introduced a bill for an act to amend the Emergency Management Act 2004. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:03): I move:

That this bill be now read a second time.

This bill makes two important changes to the Emergency Management Act 2004: firstly, to allow a fee to be charged to arrivals from interstate and overseas for their hotel quarantine and to further incorporate the inclusion of a maximum penalty of two years' imprisonment for those who have found to have breached a direction of the Coordinator.

The Hon. A. Koutsantonis: What a good idea.

The Hon. V.A. CHAPMAN: All of them, not just your weak one. Dealing first—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —with the hotel quarantine, quarantining—

Mr Malinauskas interjecting:

The SPEAKER: Order! The Leader of the Opposition will have an opportunity to put some thoughts on the record.

Mr Patterson interjecting:

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

The Hon. V.A. CHAPMAN: Dealing first with the hotel quarantine, quarantining returning Australians from overseas for a period of 14 days has been a vital part of Australia's and South Australia's approach to managing the COVID-19 pandemic. Under the current Emergency Management (Cross Border Travel No 9) (COVID-19) Direction 2020, all people arriving in South Australia from overseas must reside and remain at a place determined by an authorised officer for a period of 14 days. All Australian jurisdictions currently enforce similar quarantine arrangements for overseas arrivals.

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

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

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

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

The South Australian government currently has capacity for approximately 1,035 people in quarantine across three hotels, and the government covers all costs associated with this. To date, South Australia has incurred approximately $3.5 million in costs to quarantine returning overseas travellers. Interstate, both Queensland and the Northern Territory charge individual fees to partially or fully cover the cost of their mandatory quarantine period. The Western Australian government and New South Wales have recently announced that they will be following suit.

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

To ensure the ongoing sustainability of these arrangements, and to allow South Australia to continue to accept and quarantine those returning to this state, the Transition Committee has recommended that South Australia commence a charging regime based on a portion of the cost of the period of quarantine. The Emergency Management (Quarantine Fees and Penalty) Amendment Bill 2020 amends the Emergency Management Act to allow for the charging of a fee to recover costs associated with providing quarantine services in relation to the emergency declared under that act.

Under the amendments, this power to determine a fee will be vested with the State Coordinator for the emergency or delegated to an assistant state coordinator. The bill provides for flexibility for who the fee will apply to, and this will be determined by the State Coordinator. Cabinet

has agreed, pending a formal decision by the State Coordinator, that Australians returning to South Australia from overseas during the COVID-19 pandemic should be asked to cover the cost of their 14-day hotel quarantine. This will ensure sustainable quarantine arrangements are in place going forward.

SA Health will coordinate the hotel quarantine scheme based on the following cost structure: one adult will be charged $3,000, additional adults $1,000 each, additional children $500 each, and a child under three no additional cost. These charges will apply for any international arrival who has entered hotel quarantine from 12.01am on Saturday 18 July 2020. This will not apply to travellers who purchased their tickets before 12pm on 13 July—I think that should be 18 July—2020. Waiver arrangements will be available for people currently in quarantine and for people experiencing financial hardship or vulnerability, and payment plans will be made available.

The bill introduced here today supports a sustainable approach to maintaining South Australia's strong quarantine arrangements and ensures South Australia plays its part in the national effort to allow citizens to return home without increasing the risk in the community. The bill keeps South Australia as safe as possible by ensuring that any person who breaches a direction will face up to two years' imprisonment, beyond the currently available monetary penalty, and of course the on-the-spot fines which have already been approved by this parliament.

I thank the State Coordinator, the control centre and public health for their continued work in ensuring our borders are secure and that South Australians are kept safe. I add, to make it absolutely clear, that the provision in relation to the first reform does apply to those South Australians who are in South Australia who disobey a direction and are required to be detained in hotel accommodation. Under the bill, they will also be required to make this payment.

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure operates from assent, except section 4 which operates from 18 July 2020.

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Emergency Management Act 2004

4—Insertion of section 25AA

New section 25AA is proposed to be inserted:

25AA—Fees on designated arrivals during declared emergencies

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

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

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

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:12): I would like to thank the Attorney-General for her fundamental change of position that the government announced overnight and in this morning's *Advertiser*. We acknowledge the fact that the Attorney-General, last

week, expressed substantial resistance to the idea that those people who compromise the safety of our state in both a health sense and an economic sense should not be subject to a prison sentence. That, of course, is inconsistent with our view that we have been rather explicit about and consistent on ever since the events of the stowaways emerged in the community last week.

It is important to bring some context to this debate, because the truth is that out in the community people who are doing the right thing and obeying the law, trying to make sure we keep South Australia safe, are not so much interested in whether or not the Attorney-General has changed her position a few times or whether or not I, as the Leader of the Opposition, proposed this first. What they are interested in is the outcome.

We are in the midst of an extraordinary crisis, and I think we are all conscious of that. There are currently 190,000 South Australians who are either unemployed or underemployed. That has an extraordinary real-world impact on so many good people in our community who are simply trying to do the right thing by their families, by themselves, by everyone else in society. They want to work hard, they want to contribute to make this state a better one.

That is difficult when we have such a high level of unemployment and underemployment, which is why it is absolutely imperative that those in charge of the state—and that is principally the government, but really parliamentarians as a whole—do everything we possibly can to ensure that we keep our state safe from COVID and protect our economy in the process.

We know that there are people out there who would do the wrong thing and compromise all that, and we have seen it occur in three different instances just in the last week alone, or thereabouts. We saw the stowaways last week: individuals jumping on a train and coming across the border, knowingly breaching the law, compromising everybody's safety and compromising our whole economy. We saw in the last few days an instance of people crossing the border under the guise of needing urgent medical attention only not to receive it, and we have just heard reports this morning of other people trying to cross the border from Victoria.

In each and every one of these cases, people are doing the wrong thing, potentially carrying COVID-19 themselves and compromising everybody in South Australia, which is why it is just so important that we send the strongest and clearest message to those people who would do the wrong thing that we will not tolerate it, that they will not be able to get away with a simple slap on the wrist or even a fine and that they could potentially be subject to a prison sentence, which is why we proposed it last week.

The Attorney-General has been resisting that every step of the way. I was very heartened to hear on ABC radio yesterday morning that the police commissioner, the State Coordinator, the person who has been in charge of our health response as a state that has stood us so well with phenomenal leadership, backed Labor's proposition for a two-year prison sentence being an option available to the courts. Of course, we saw more resistance from the government, but then last night the government changed its position.

I thought it was incredible to read in the paper this morning from the Attorney-General that somehow her position is different from Labor's position when we now know, having seen the bill, that it is exactly the same. I understand the Attorney-General has been embarrassed and she is desperately trying to save face, that somehow this is a different idea, but the proof is in the pudding. We have the bill now.

What was telling in this little saga was that this morning, having read about the bill last night on Adelaidenow and then seeing it on the front page of the paper this morning, the opposition had not been provided a copy of the bill. In fact, we had been waiting for it all morning, and only a few minutes before parliament commenced did we receive the bill, literally only a handful of minutes. Labor has had its bill prepared for some time. We obviously provided a copy of that to the government, as is appropriate. We have now, just in the last few minutes, seen a bill and it is more or less in this regard exactly the same as Labor's, so of course we are going to support it.

I think what matters to South Australians most is that they see leadership, that they see a genuine commitment to keeping people safe, that we send the strongest message in the clearest possible terms to anyone who wants to compromise our safety, to anyone who wants to put more

South Australians out of work through a reckless act of crossing a border and breaching a quarantine regulation, that it will not be tolerated and they could be subject to gaol time.

Our message is clear. Our proposition is simple. That is why we are advocating for it, and that is why we have put a position of leadership forward, making the argument. I welcome the police commissioner's support on radio yesterday morning. I welcome the fact that the Marshall Liberal government have fundamentally changed their position. It is in the interests of the state more broadly, and I acknowledge that. I want to thank the government for yet again taking up our proposition because that is the way politics should operate.

We should see continuous examples of the Labor Party in opposition putting on the table constructive ideas and then the government following and accepting them, whether that be around gaol terms for those doing the wrong thing, whether that be mandatory testing for people coming across the border, whether that be for border closures in the first instance—all these ideas that we have bowled up. We are very grateful for the fact that the government is following our lead and adopting them accordingly because ultimately it keeps our state safe, and that is our objective.

We do not want to see any more South Australians out of work than needs to be the case. We do not want to see people losing loved ones to COVID-19 unnecessarily. That is why we will continue to advocate for every last possible measure aimed at keeping the state safe. I welcome the fact that the government has changed its position in this instance.

I would encourage the Premier that the next time we bowl up a constructive suggestion or idea, rather than ruling it out of hand and then having to be dragged to the table days or weeks later, again and again, to consider it on its merits. Do not be too proud and just say no. Consider it on its merits and that way we can have these sorts of matters dealt with expeditiously, which is for the benefit of everybody, most importantly for the citizens of our state.

We support this bill and we support its passage as quickly as possible. That will not come as a surprise to those opposite, considering most of it is our idea. Let's get it through the parliament as quickly as possible and let's make the job of police easier if we can.

The final point I will conclude on is that, at the moment, we have hundreds of police officers stationed across the border with Victoria and New South Wales. They are doing an exceptional job. They are away from their families in many instances, serving our state around the clock. They deserve to be commended. It looks as though more quality police work has been undertaken this morning with the capture of other people coming across the border. I want to thank South Australia Police for that effort and I would ask that the Minister for Police, present in the chamber, pass on that thanks if possible. It obviously enjoys support across the parliament.

Our task as parliamentarians is to do everything we can. Police are doing everything they can and we have to do everything we can. That is why we have to pass this law. That is why we have to send a message to anyone wanting to do the wrong thing that if they do that, they could potentially face gaol time. We think that is a significant deterrent that will hopefully start to dissuade people from doing the wrong thing.

Ms LUETHEN (King) (11:21): I rise to support the Marshall Liberal government's and Attorney-General's move to amend the Emergency Management Act 2020. People in my electorate agree there must be harsher penalties for COVID-19 rule breakers.

The Marshall Liberal government will amend the Emergency Management Act to insert a maximum penalty of up to two years' imprisonment for those who defy our strong border restrictions. The Attorney-General said that after discussions with the police commissioner, Grant Stevens, the government would strengthen the penalty for breaches of the act. Gaol time for people caught flouting the state's tough COVID-19 restrictions comes after discussions with the police commissioner, who has advised the government he hoped to be adding imprisonment as a penalty and that that will help to deter people from breaking the rules.

As a government, we want to send the strongest possible message to those who break the law. We cannot take chances when it comes to protecting our state from the second wave of coronavirus, which our Victorian neighbours are currently facing. It is great to hear the opposition are also jumping on board to support this. South Australia has come too far to have reckless people

coming into our state illegally and unwinding our good work. From the very beginning of this pandemic, we have always followed the advice of our health and law enforcement authorities. This is no exception.

As soon as the police commissioner expressed his support for a term of imprisonment being added into the Emergency Management Act, our government acted. We had already planned to open the act up to ensure that Australian citizens returning home have to pay for their hotel quarantine, so adding this term of imprisonment to section 28 of the act at the same time makes perfect sense. The safety of South Australians is our utmost priority and we hope the addition of a term of imprisonment will deter anyone from thinking about crossing the border illegally and putting our state at risk.

On the weekend and last night, when I asked for feedback on how we are managing the state and coronavirus, my King community told me they agree with these harsher penalties. The need to deal more strongly with and have stronger consequences for people defying the state's order came up when I was doorknocking in One Tree Hill on Sunday. This week, constituents have made additional comments about their views and told me that we need to get tougher. Denise Harris said, 'I hope the courts follow through and gaol them.' Sheila Dennis said:

> Good. These people are absolutely without a social conscience. They deserve a prison sentence with NO remission for an early guilty plea. They don't care if South Australians get sick and die.

Andrew Ford said, 'What? A maximum penalty? Why not a minimum of two years' imprisonment?' Janet Young said, 'It needs to be enforced rigorously. The courts cannot do the usual "poor you" attitude.' Maria O'Callaghan said:

> Great news but let's hope that they actually enforce it and not just end up with a slap on the wrist. A minimum sentence would be more appropriate.

Naomi Porter said, 'Great news.' Scott Gilbert wants these people to go to gaol. So support for this amendment and tougher penalties is clear: there must be harsher penalties for COVID-19 rule breakers.

In addition, the Emergency Management (Quarantine Fees and Penalty) Amendment Bill 2020 will amend the Emergency Management Act 2004 to allow for the charging of a fee to recover costs associated with providing quarantine services in relation to an emergency declared under that act. Under the amendments, this power will determine a fee which will be vested with the State Coordinator for the emergency or delegated to an assistant state coordinator. The bill provides flexibility for who the fee will apply to, and this would be determined by the State Coordinator.

The government have determined that, pending a formal decision by the State Coordinator, Australians returning to South Australia from overseas during the COVID-19 pandemic should be asked to cover the cost of their 14-day hotel quarantine. This will ensure sustainable quarantine arrangements are in place going forward. SA Health will coordinate the hotel quarantine scheme based on the following cost structure:

- one adult will be charged $3,000;
- additional adults, $1,000 each;
- additional children, $500 each; and
- children under 3, no additional cost.

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

As background, under the current emergency management direction 2020, all people arriving in South Australia from overseas must reside and remain at a place determined by an authorised officer for a period of 14 days. Of the more than 1,200 Australians who have arrived in South Australia from overseas, three have tested positive for COVID-19, and of all the positive COVID-19 cases in South Australia, the vast majority have been acquired from overseas.

More than 77,000 Australian citizens have returned to Australia and been subjected to quarantine measures since 28 March 2020. As COVID-19 emerged, one million Australians were

estimated to be living or travelling overseas, so it is anticipated that thousands more Australians will seek to return home over time.

Victoria is currently not allowing international arrivals, New South Wales has a cap of 450 international arrivals a day with a maximum of 50 per flight, Western Australia has a cap of 525 international arrivals per week, and other jurisdictions are also looking into caps. These interstate caps are likely to place an increased demand on South Australia to take additional arrivals.

The South Australian government currently has capacity for approximately 1,035 people in quarantine across three hotels, and the government covers all costs associated with this. To date, South Australia has incurred approximately $3.5 million in costs to quarantine returning overseas travellers. Interstate, both Queensland and Northern Territory charge individuals fees to partially or fully recover the cost of their mandatory quarantine period. The Western Australian and New South Wales governments have recently announced they will be following suit.

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

I support the introduction of amendments to the Emergency Management Act to allow for the charging of a fee to recover costs associated with providing quarantine services in relation to an emergency declared under that act. I support harsher penalties for COVID-19 rule breakers and I thank all South Australians for their great efforts to date to keep us safe. I commend the bill to the house.

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (11:29): I would like to speak briefly about this matter because I feel impelled to speak up on behalf of Victorians because of some of the criticism I have heard of these good fellow Australians in the press. Victorians themselves are not the problem. Although I have been amused, as everyone else has no doubt, by some of the memes, particularly the ones relating to the Spice Girls and reflections on whether the Spice Girls were better without Posh Spice (Victoria Beckham), the truth is that we are dealing with a virus that does not care about nationality, creed or location inside Australia or anywhere else.

In fact, I believe the Victorians have had a lower R rating than some other states, which means that their efforts at social distancing and spatial distancing have, by that measure, been superior to those of some other states. They have, however, had the terrible fate of having the virus get loose within their community; therefore, I utterly support very strict border control. I do not think that should be done on the basis of criticising individual states and people from those states by virtue of them being from Victoria or from any other location in Australia, but I do think it is appropriate that we all observe every measure possible to deal with this virus.

Victoria is not the enemy, but we do have two enemies; one is the virus itself, which is, of course, an unthinking enemy. It does not care. It just wants to replicate. It will be very interesting to see what we determine through the WHO review and report into how this virus came to get loose within the world, the extent to which environmental destruction and exploitation of wildlife may or may not have been complicit in making that virus jump from one species into our own and also the review into the extent to which we were prepared for such an eventuality, although it has always been understood to be a possibility.

But the second enemy is one that we have under our control—that is, complacency. Complacency can be exhibited at the person-to-person level of not adequately responding to directives from health office officials about being distant, hand hygiene, and mask wearing in public in Victoria and some other places, but it can also be complacency at a governmental level. I would say that my observation has been that South Australians and Australians have tended to be slightly ahead of their governments in managing this virus.

Although I have no criticism of the decisions that governments at both levels have made, they have often seemed to me to be a day or two, or even a week or two, behind the sentiment of Australians and, in our case, South Australians. It has been clear that we have needed a harder

border for some time. The government is now responding. It was clear early that we could not possibly meet that 20 July date, and eventually the government agreed with that.

I appreciate that governing is hard and that there are many pieces of advice provided gratuitously as well with good heart, but I would like to echo the leader's observation that sometimes the opposition is capable of coming up with an idea that has merit that should not be discounted simply on the basis that we are not sitting on the government's side of the chamber, and that complacency can reside within a government that assumes it is naturally better at making decisions than the people who happen to sit on this side of the chamber.

We are all in this together. The virus does not care how we voted at the last election. The virus does not care where we were born or where we reside, so it is important that we use the only weapon that we have, which is to shut down interaction between people who may have the virus and not allow any degree of complacency or arrogance to prevent us from adopting the procedures, processes and approach that would make a difference to halting this virus.

In South Australia, we have come very close to being able to say that the virus is not within our community and will not come in unless we let it in from outside, and that is something that is very precious and ought to be responded to and respected with greater alacrity than I think there has been a risk of from the government benches. With that, I support the bill.

Mr PICTON (Kaurna) (11:34): I rise to speak on the very swiftly renamed Emergency Management (Quarantine Fees and Penalty) Amendment Bill 2020. Up until not that long ago—less than an hour ago—the 'and Penalty' was not a feature of this bill when it was provided to the opposition yesterday. This has very much been a last-minute change by the government to incorporate Labor's proposal, which we had drafted and were about to introduce to the parliament, to introduce a maximum two-year penalty for somebody who breaches the COVID-19 regulations under the Emergency Management Act.

There is a very clear reason why we have been promoting this over the past week: we need to keep our state safe. We need to keep South Australia safe. We only have to look across the border to see the difficulty and the outbreak that is happening there. We need to make sure that South Australia's health system, our people and our economy are safe, and the border restrictions have been absolutely pivotal in doing that.

Over the past week, we have seen a number of people clearly breaching the law and getting around those restrictions. The maximum penalty that we had in place was only a fine of up to $20,000. What we saw last week was exemplified when four people stowed away on a freight train. Excellent credit to SA Police for being able to detect those people as they came into our state. They did not just want to give them an expiation notice; they wanted to send a message to the community, so they brought them before the magistrate to face the fullest extent of the law.

The magistrate said, 'I have no ability to provide a prison sentence, so I can't do that. I don't think there would be the ability for these people to repay the fine, so I am going to let them out on a bond.' I think South Australians were pretty outraged when they saw that result coming out of the court. I think it was a message to the whole community to say that we have a law where, as the magistrate said, there is a deficiency and an inability to add a sentence to this element.

We swiftly announced our support and willingness to introduce legislation to provide a penalty of up to two years in the case of somebody breaching those directions under the Emergency Management Act. The government did not say, 'We will do that.' The government did not say, 'We will support the proposition that Labor are introducing.' The Attorney-General went on Leon Byner's radio program and dismissed the idea.

The Attorney-General said that this was a bad thing to do. The Attorney-General said that she was not interested in pursuing this matter because she did not think that these people deserved to face any potential prison penalty for an extreme breach of these directions. We strongly disagreed with that proposal. We have spent almost a week talking about the need for this law to be changed to make sure that we have the strongest penalty in place for somebody who would go out of their way to breach these directions.

I think it really hit home yesterday, when police commissioner Grant Stevens—State Coordinator under this pandemic emergency and the person who is effectively running the response to this pandemic in South Australia under the Emergency Management Act—said very clearly on radio that he would support these laws. Commissioner Stevens said he would support the changes we proposed. These are the changes that the Attorney-General had dismissed and argued against only days before.

We welcome the fact that we now have this legislation before us, introduced by the Attorney-General, which is exactly the same as the legislation we had drafted. Here we have the government's legislation and the legislation that we had drafted; they are exactly the same in terms of the penalty to be provided.

I think it is a bit galling for the people of South Australia that the Attorney-General cannot bring herself to say, 'We will listen to all ideas. There was a good idea put up by the opposition and we will support it.' She is completely incapable of listening to and agreeing with other ideas, so she is trying to pretend now that this is some sort of different idea even though they are absolutely exactly the same drafting, exactly the same piece of legislation.

For the people of South Australia, the benefit is the same. The benefit is that we will have this in place now; we will have this legislation passed. The worry I have is, if it was not for the police commissioner being interviewed and being asked about this repeatedly on radio yesterday, that we might not have this penalty in place, that we might not have this deterrent or this message sent to the community, this message sent to people who want to do the wrong thing that not only could they potentially face a fine but, in a case determined by a court, they could face a prison penalty for a significant breach of COVID-19 regulations.

This is not something we do lightly; these are extreme times. Of course, the directions that this is in breach of do not go through the parliament: they are determined by one person, that one person being the State Coordinator, the police commissioner, who determines those directions and a breach of them will now result in a maximum penalty of two years' imprisonment being faced. But that is proportionate to the risk that we face as a state.

It only takes one person doing the wrong thing for our state to go backwards. This whole worldwide pandemic only came from one person to begin with. The outbreak in Victoria likely came from one person doing the wrong thing there. We do not want to have a situation where one person doing the wrong thing in our state sends us backwards from the position that we are at.

Over the course of this pandemic, we have been providing our support for measures to keep our state safe. Over the course of this pandemic, we have been backing a series of legislation after legislation, including very extreme powers that this parliament has passed very quickly, including massive budget approvals that we have passed very quickly, to make sure that South Australia is safe. We have done that with the full support of the opposition, but where we have instances where there are things that need to be raised that are not been raised by the government, it is our duty to put them on the agenda and make sure they are being pursued to keep our state safe.

It started back when we first had the government dismissing the idea of border restrictions and closing the border; we promoted it. Our leader, the Leader of the Opposition, the member Croydon, put it on the table and it was swiftly followed by the government putting it into action. Even this week, we were continually promoting the fact that we need to have mandatory testing in place for people who have come across the border. We need to make sure that they are all being tested. For a good week, the government were dismissing the need for mandatory testing—absolutely dismissing it for 10 or 11 days—until they eventually changed their mind and, as of the weekend, brought in the provision that there is now mandatory testing in place.

We still do not know how many people have been followed up. We still do not know what the results of all of that follow-up have been. Have there been people who have not had the test? We do not know that because the government will not release any of those figures in terms of who has actually been followed up. The police commissioner was asked about it and said, 'Well, the police aren't following it up. Go talk to Health.' Health were then asked at the same press conference and they said that they did not know about it either. I think there is a big question mark over the follow-

up, but at the very least it was an idea that we put on the table and the government changed their mind on it after a week of dismissing it.

It is a good result, and here we have another good result, where we have put an idea on the table that has been followed. There have been countless other examples that have happened over the course of the pandemic. You only have to look at the free car parking that we put on the table and the expansion of testing. There are further things that we should be doing that we have put on the table as well, chief among them is that, if you look at our testing regime, we are currently making people get a doctor's referral to go to a drive-through testing site.

In other states, you can go to a drive-through testing site and get a test. That is what we are encouraging people to do: to get a test as soon as possible. Here in South Australia, for our two drive-through testing sites in Adelaide, you have to ring your doctor, get a doctor's appointment, go to the doctor's appointment and get a referral that has to be faxed to SA Pathology. They have to then book in the appointment, which apparently takes up to a couple of days, and then you have to go to get your test done. It is an unnecessary delay—an unnecessary delay in the sense of this pandemic.

People clearly want to have drive-through clinics; they are very popular. They are a very anonymous, easy way of getting a test, but to go through that rigmarole to do it is completely unnecessary. Why would that be in place? One thing that has been put to me is that, if you get a doctor's referral to get the test, the commonwealth government will give the state government a fee under the Medicare Benefits Scheme. If there is no doctor's referral, there is no fee provided by the Medicare Benefits Scheme.

So here we have a situation, in the middle of a global pandemic, where we are adding days of delay for people to get testing, potentially because we want to receive a payment from the commonwealth government. Let's just sort that out without delaying things unnecessarily so that we can get some more money from Canberra. In the middle of a global pandemic, that does not seem the priority at the moment, particularly when you look at our testing rates, which have gone from being the highest in the country to being the lowest in the country.

Over the past six weeks, every other state has had a higher testing rate per capita than South Australia. So we have gone from the highest testing rate to the lowest testing rate. We have done a great job as a community, but we cannot be complacent. We need to keep a very high level of testing to make sure that, if there are going to be cases that potentially come across the border, we can detect them as soon as possible.

The sooner you can detect them, the sooner you can put in place contact tracing and the sooner you can put in place proper restrictions around those people to make sure that they are not going to spread it to other people in the community. I would encourage the government to consider that further suggestion, to make sure that we can improve our testing rate and make it as easy as possible for people.

If you look at some of the data in terms of what has happened over the past week, I think there are some concerning elements with respect to what is happening with our border provisions. The government is saying that we have a hard border in place, and the figures reported in the *Sunday Mail* show that 6,700 people have come from Victoria into South Australia in the 10 or so days since that hard border was put in place. That is a lot of people.

That is potentially a higher rate of people coming into South Australia than over the 10 days before those restrictions were put in place. We are actually seeing an increased number of people coming into South Australia from Victoria. That is a level of concern, but I think the even greater element of concern is that we have a situation where the police who are doing checks on people are finding a higher level of noncompliance than they have been finding throughout the course of the pandemic.

Over the course of the pandemic, quarantine noncompliance has been happening among people who have been checked on by police. This is obviously very concerning because we do not want to have any of these people causing an issue in our community. About 7 per cent of the checks that the police have done have been noncompliant.

In the week since the hard border closure, from Sunday to Sunday, there have been 444 cases of noncompliance. That is over 10 per cent of the times that SA Police have contacted somebody and gone to check on them that they have been noncompliant. That is a very high level of noncompliance. We had the health minister, Stephen Wade, on the radio last week, saying that he thought the level of compliance was in the high nineties. Well, apparently compliance is less than 90 per cent. That is a concern.

Another element of this piece of legislation—for which we were given some notice, not quite 24 hours' notice, and which was given to us yesterday afternoon without being offered a briefing as per the usual practice—is around hotel quarantine fees.

By and large, most people think it is reasonable, particularly given the timing we are at now, that people who are coming back to Australia and being put into hotel quarantine should have to repay an amount—maybe not the full cost recovery but certainly an amount—for some of the hotel quarantine that has been put in place. It is likely that we are going to have this system in place for some time to come. It is hard to imagine a situation in which we are going to open our international borders any time soon, and so this will be in place for some time.

We have seen, obviously in Victoria, very significant breaches of hotel quarantine and we need to make sure that does not happen in South Australia as well. We have been lucky, to some extent, in that we have not had the significant number of international arrivals that New South Wales and Victoria have had to manage. There have been a much lower number of arrivals coming here, even on a per capita basis, than other states. That has meant we have been able to have a greater level of oversight of people than if suddenly there are not two or three hotels operating but five, six, seven or more, when it becomes a larger and larger operation.

We have had some allegations, in fact confirmed by Stephen Wade in the other place, that at least one private security staff member has been stood down during the hotel quarantine for not wearing a mask while at work. That is concerning because we have heard clearly the allegations about private security staff in Victoria. There has been very little detail provided about who those private security staff are in South Australia, who has been engaged, what company has been engaged, how much we are funding them and what level of oversight is in place.

In the Attorney's contribution earlier, I thought it was interesting that she said there were 1,035 places for people in hotel quarantine in South Australia.

The Hon. V.A. Chapman: No—available.

Mr PICTON: Available right now, so you are saying that does not include the ones currently being looked after. The police commissioner, Grant Stevens, said that there were 1,200 spots in South Australia for hotel quarantine, so we question whether there has been a reduction in that number or whether it implies that 165 people are currently in hotel quarantine in South Australia.

I think it would be helpful to get some explanation in terms of how this process is going to roll out. Are exemptions going to be provided for any of these fees and on what basis will those exemptions be provided? What is the manner in which we are going to be able to recover this funding from people, particularly if many coming here have an onward destination to another state, which might therefore make it more difficult to follow up on them? What will happen if they do not pay these fees? We would like some details around exactly what the situation is in regard to the hotels being run in South Australia at the moment, including what private security guards are being engaged, what companies are being engaged and what parameters and protections are in place for those staff. We need to get this right. We need to make sure that our state is as safe as possible.

We welcome the fact that the Attorney-General has completely backflipped on this issue. We welcome the fact that the Attorney-General has done a complete 180 on her complete dismissal of the proposal of a two-year sentence from last week. We welcome the fact that it is now in the government legislation and, with our support, it will become law before the end of the week and serve as a good deterrent for people coming into South Australia.

Hopefully, the message out of this for the Attorney is to listen to ideas that are being put forward. She is not the fount of all wisdom, as much as she would like to believe, and she should listen to other people, including the police commissioner, including the opposition, including people

in the community, when they have a good idea and take it on board, rather than doing what she did last week—that is, her standard approach: that anybody who puts up something alternative she dismisses immediately, even if that means she will have to do a complete backflip three days later.

Mr BELL (Mount Gambier) (11:54): I rise to make a few comments on the Emergency Management (Quarantine Fees and Penalty) Amendment Bill 2020. I would like to start by saying that of course the health and safety of South Australian residents must be our primary concern, and I think it is. I think throughout this pandemic it is going to be a very interesting test case, with the Australian Constitution in mind, particularly section 92, which provides:

> …trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

Section 117 of the Constitution, which deals with discriminating against nonresidents of a state, also highlights:

> A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.

Down the track, I assume that there will be some ongoing challenges to or determinations from the Constitution.

The concern I have is the amendment of section 28—Failure to comply with directions, and the imprisonment of two years. I say that because the commissioner already has extraordinary powers to detain under the Emergency Management Act. Of course, when you talk to people and residents of a community, they would like to see those who are doing the wrong thing punished for putting the safety of South Australia residents at risk, but to insert a two-year imprisonment as a penalty, when the commissioner already has extraordinary powers to detain anybody doing the wrong thing, is probably a step too far for me and something I will not be supporting.

In the context of how this bill has come before us, it has been done in a pretty quick and, I would say, rushed way. The normal process would be to have a briefing and to tease these things out in confidence, where you could ask questions and receive information. In our democracy, I will not be giving such extraordinary powers without the bare minimum of safeguards for people, or at least without an explanation of what those safeguards would be, because to imprison somebody for two years could and will have an extraordinary effect on that person's future in terms of a criminal record and all the negative connotations and effects that imprisonment can bring.

Quite frankly, I do not think we need those powers in the legislation when the commissioner already has the ability to detain. The ability to hold somebody and take away their liberties under the current Emergency Management Act, in my opinion, gives that ability to keep our community safe and act as a deterrent, as we have heard here a number of times. As a parliament, it would be taking the extraordinary step of now giving more power, in a very rushed way, without proper consultation, without the proper safeguards or the explanations I would require to satisfy myself that they are needed.

Living in a cross-border community, I see some issues arise where it is not just for work purposes that people are crossing over the border. We have had a number of cases where a mother is in the final stage of her life and people are desperate to get across to sit at her bedside and to be with that loved one for her final hours. You could say they could just get an exemption. I will tell you about an example from yesterday when an eye surgeon from Portland has been refused entry into South Australia to operate at the Mount Gambier hospital on patients requiring eye surgery, which has needed to be cancelled. We have not been able to get an explanation or a reason why last week that was fine but as of yesterday it is not fine.

There are many reasons for people coming across the border. I do not believe everybody is flouting the law to put South Australians at risk. For those who do, the current act has more than enough ability to forcibly detain a person who does not comply with a direction currently. For me, this is a step too far without the proper safeguards or explanations included.

As to the fees on designated arrivals, I know this is very popular—and certainly even my own family has been talking about this for a period of time—but I am really looking forward to the

committee stage when we can tease some of this out. For example, what are the exemptions? Are we putting South Australians at risk who are overseas but who feel they cannot afford the $3,000, so they stay in a place even though they would love to come home because they cannot afford the fee associated?

Are there other options available instead of staying at five-star hotels? Are there other ways that the South Australian government could keep our community safe and accommodate people who do not have the financial means to pay the thousands of dollars? Could there be alternative arrangements made, maybe at some of the other centres in South Australia which are not five-star? Those who might be needing to come across for domestic violence or other issues are trying to do the right thing but the fee is a prohibitive measure.

Let me say that overall I am very supportive that those who can afford to pay for their isolation here should be doing so. I am not trying to say that we waive fees for everybody. I think that a very good point was made that the COVID-19 crisis has been with us for a while now and those who have not returned have had ample opportunity to do so, in some cases; that is, of course, without knowing people's individual circumstances.

I rise to indicate that I will not be supporting an imprisonment of two years. I think it is draconian. I think we run the risk of handing too much power to the State Coordinator when in actual fact they have all the mechanisms and all the power they need to forcibly detain somebody doing the wrong thing at this point in time. I will be listening with interest to the debate around the designated fees for those who are arriving. With those comments, I look forward to the debate.

Ms WORTLEY (Torrens) (12:04): I want to speak in support of the bill and, in doing so, want to highlight a few of the points that have been raised by my residents who have been concerned about the flow of people coming across the border and the impact it may have. There is no doubt that this bill before us sees some severe penalties, but it is a severe situation.

Who would have thought that going into 2020 we would be standing in this chamber speaking on a bill that would see our families and friends across the border possibly being subject to a penalty if they were to cross the border into South Australia? As far as the COVID-19 virus goes, it is as the opposition leader said: it targets anyone; it is something that is absolutely devastating to our community. You only have to switch on CNN at night and see the tens of thousands of people who are dying around the world each day.

I take on board some of the comments made regarding the cost of staying in hotels. That is significant. I have residents, Australian citizens, who are overseas at the moment and want to return. I know the airfares have gone up and the accommodation costs would be significant here, but we have, in essence, been left with no choice but to implement such severe penalties, which would see people possibly gaoled for crossing the border.

I encourage the government in this instance, if this bill is passed, to ensure that it is used as a deterrent and that we do not have to see people being faced with these penalties down the track. It needs to be seen as a deterrent, through the government advertising and the media promoting the fact that this bill will now apply to anyone who is in breach of COVID-19 isolation regulations who crosses the border into South Australia.

The Hon. S.C. MULLIGHAN (Lee) (12:07): I rise to make a few brief remarks on the bill that the Attorney has brought to the house, the Emergency Management (Quarantine Fees and Penalty) Amendment Bill, which largely, I think, reflects the concerns of the broader community about some of the implementation of the state's response to the current coronavirus pandemic. I preface my comments by saying that I am a very strong supporter of the political system that we have in Australia because I think it comes up with a very particular way of ensuring that the community's concerns can be not only ventilated but well represented in this place.

We have a large, and largely expert, bureaucracy that is responsible for the administration of government and the delivery of services to the state, and in this case, relevant to the discussions that we are having today, we have a police commissioner who can be provided with exceptional and extraordinary powers to respond to an emergency like the coronavirus pandemic. All of us, in this

place at least, are elected by our local communities to reflect their concerns and views in here, and I would like to think that over the decades, and even today, many of us do a pretty good job of that.

I do not think it is a stretch to say that all of us would have been aware, from people contacting our electorate offices, for example, that people have concerns not just about the coronavirus pandemic and the threat that it poses to our community or to the state or to the nation but about some of the implementation of the state's response to it. In the last week there have been issues about whether taxpayers should be footing the bill for people who are required to go into quarantine, and under what circumstances taxpayers should be footing the bill, and also whether punishments are sufficient for those people who come into South Australia against the restrictions that have been legally placed on them.

I would have thought it was pretty obvious, either from listening to those communications to us directly through our electorate offices or from the conversations we were having directly with our constituents, if not just listening to talkback radio or reading the morning paper, that people are becoming increasingly agitated in particular about the case of a carload of people coming over from Victoria or people jumping on a train and smuggling themselves in, or making themselves stowaways, and coming across the border from Victoria into South Australia and, when caught, what penalty should be imposed on them for their flagrant disregard of the legal restrictions placed on people's movements at the border of Victoria and South Australia.

And might I say that they are very necessary restrictions for people not to be able to cross the border unless of course the movements are deemed necessary. As we know, that was certainly not the case in those two instances we saw over the last seven days: firstly, the movement of people by train and, secondly, the movement of people by vehicle. With that in mind, it was pretty obvious I think to most people that, despite us having considered only in the last months some laws to provide penalties to people who are acting in a manner contrary to a legal direction provided either to them directly or to the community at large, when those four people were apprehended after stowing away on a freight train and taken to the Magistrates Court and given a fine only, there was a very strong community desire for the parliament to—

The Hon. V.A. Chapman: They were given a bond.

The Hon. S.C. MULLIGHAN: A bond, they were given a bond. So perhaps we can denigrate the sentence that was meted out even further, then, rather than something more punitive. Something more punitive could have been either a much larger fine or, as we find ourselves today now considering, some sort of a custodial sentence. That would have met the expectations of a very nervous community at this point in time, when people are genuinely worried about their own health, the health of their families, their friends, their neighbours and other people they know in the community and also, largely, their livelihoods and the threat to both their health and their livelihoods from people coming into South Australia against those legal restrictions put in place by the police commissioner.

When the government was asked about this late last week, it was a surprise, I think, that even though the Premier had responded to a question from the journalist at a press conference he agreed with the community sentiment of some outrage about the insufficiency of the penalty imposed on these train stowaways. When asked, the Attorney-General initially said on the Friday that this was a consideration of cost, that we did not want to be putting the kind of people found guilty of an offence in the Corrections system because it might cost in the order of $100,000 a year, I think was the figure she used.

In the conversation she had on radio FIVEaa with Leon Byner last Friday morning, the Attorney insisted on this issue of cost until she said, 'Look, everything the police commissioner has asked for we have given him legislatively in the parliament.' I thought it was very surprising that the Attorney was holding out in the face of what was pretty clear and overwhelming public opinion about the insufficiency of these sentences, or the insufficiency of the legislation that could provide for these sentences.

Yesterday morning, when the police commissioner was asked whether he would support tougher penalties and a custodial-type penalty being available for those people found guilty of

breaching these legal directions, he said that, yes, he would be open to that being an option and that that would be a good thing.

Here we are, nearly 28 hours later, with a bill that has had to be hastily amended by the government. They were moving, I think with some credit, on the issue of fees being charged to people who are required to go into quarantine and put up in a separate facility, a hotel, which had previously been at taxpayers' expense, and a number of other matters, which both the Attorney and the member for Kaurna talked about in terms of the role of pharmacists and pharmacies, etc. This is a very hastily cobbled together amendment to the government's bill, folded into this bill so that it can be discussed to avoid any further embarrassment to the government.

It seems that it has not been the purist execution of the benefits of our parliamentary system, where we are all attuned to and aware of the concerns of our community and we can immediately reflect them in here, but I am glad that the pressure from the opposition and the media has caused the government to rethink the position that it held on Friday morning so that here we are, only a handful of days later, able to do what the community expects of us and make more stringent penalties available for those people who are found to break the law. I wholeheartedly support that.

As I said earlier, our community is at great risk if people carrying the coronavirus come into this state. More to the point, our community feel at great risk in terms of both their own health and, as I said, the threat to their livelihood as well. If we are able to make harsher penalties available, then hopefully that will send the right message that for a group of young blokes it is not just a lark to jump on a freight train in the dead of night and make their way across the border; that for a bunch of blokes some historic ankle injury is not sufficient reason to come across the border in a car under patently false pretences.

The penalty should be a deterrent. Not only may they be apprehended here in South Australia, not only may they be required to enter into quarantine, but they will be required to do that at their own expense, and if they are found guilty of breaching a direction from the State Coordinator or the police commissioner, then they might face a very strict sentence indeed. Rather than fleeing Victoria to come to South Australia to try to enjoy a more open, more virus-free environment, which presumably they were seeking to do, they might end up at the end of a very onerous and expensive punishment that denies them their liberty from the rest of the community. I support the bill.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:18): I thank all members for their contribution to the debate and for the consideration of this as an urgent matter and therefore its progression before the other business of the day, recognising that COVID-19 is a new and challenging aspect in our community now that we need to address frequently on an urgent basis.

The contributions made to this debate illustrate the diversity of views in terms of how we manage this issue. We always have a tension between protecting the community and isolation and restrictions that have been imposed on one side across to those who need to have special consideration. This includes travellers who, for different reasons, require the commissioner or his panel to consider exemptions to cross-border travel.

This is particularly the case for someone like the member for Mount Gambier, who has an electorate smack on the boundary of Victoria, the hotspot at the moment. The tensions are there, and there are very practical day-to-day reasons why people need to traverse our borders, and distress and concern arises about rejections or applications that are denied.

As to the question of penalties that might apply for the breach of a direction, again the contributions have been diverse. To illustrate the significance of what we are talking about in the context of directions issued by the Commissioner of Police as Coordinator, under the Emergency Management Act—and there are a number of these that are still extant and continue to operate—perhaps most media attention relates to gatherings and cross-border restrictions. However, there are a lot of others published and members have, of course, been receiving them on an almost weekly basis.

The question in our emergency management laws as to appropriate penalty if someone breaches one of those directions has been a matter of discussion throughout COVID, and I want to

remind members that there was a time when they were asked to consider the police commissioner's request to allow an on-the-spot fine to be available as a means of penalty. This parliament, at the government's request in presenting a bill, acquiesced to that consideration.

Members would be aware of the frequency with which that has been used—I think effectively—in dealing with a breach of the number of people who might be at a gathering, and it is an appropriate tool, one the Coordinator pointed out that he would need. It has been an effective one, and one that has validated the advice he gave us as a government as a basis for legislative change.

Around the country there has been continuing discussion about the whole question of detention and imprisonment: how we manage that, who pays for accommodation in detention, etc. That is another complex area but members ought to be aware, given the contribution of a number of our members about the issuing of an imprisonment term as an option in breaches of COVID directions, that the opposition's expression and demand of our government to consider and implement this as a necessary tool is not a new idea.

It is, in fact, already operating in other jurisdictions. I remind members it is up to six months' imprisonment or a fine of $11,000 or both in New South Wales; Queensland and Tasmania have similar provisions, and in Western Australia they have up to 12 months' imprisonment for breach of an order. At the commonwealth level, up to five years' imprisonment can be applied for a breach in relation to their Biosecurity Act.

When it came to the government's consideration of the Coordinator's request yesterday that we do add this in in this last week of the parliament, obviously we had to give consideration to two very important issues. One was the constitutional validity of the direction base, particularly as it relates to cross-border obligations or directions—and I will come back to that in a moment because it has been raised by the member for Mount Gambier—and also what penalty ought to apply in those circumstances; that is, how much it should be and how it should apply.

I do not for one minute suggest that sheep that might be contaminated with foot-and-mouth disease are more important than people who might be contaminated with COVID-19. There is not really a comparison. Five years' penalty for a biosecurity risk takes into account, in the ambit of those laws, the significant financial impact—in fact, the collapse of a whole industry—if there is an infection amongst livestock. I do not in any way criticise that. I just make the point that the Biosecurity Act has been called upon and utilised to protect a number of our Aboriginal communities in the state.

I think there are a couple that still remain under biosecurity law for obligations of entry and exit and declaration processes that are to occur in entering some of those properties. I cannot be certain, but I believe that both the APY lands and Yalata remain under biosecurity protection, if I can put it in that general way. Nevertheless, coming back to penalty, when the police commissioner had identified that this was an option and we needed to look at that yesterday, we considered the legal advice and the application of where it is around the country for the purposes of the development of this bill.

Let me first go to the contribution by the member for Mount Gambier because on this point he raises his concern that there would be a punitive approach of a two-year term of imprisonment for breach of a direction. I just want to reassure the member, and other members if they felt this was the case, that this is a provision that allows for a penalty of imprisonment of up to two years, not to be two years, so that is the maximum that is to apply. Sometimes, unless you are reading the whole bill, that may not be evident from the drafting of the bill, but that is very clearly the position.

It is true, as the member for Mount Gambier says, that people do like to see punishment. People do like to be kept safe, and these are very genuine concerns in the community. He has to deal with the very difficult issue of the fact that he is close to the border of an area that is under considerable pressure at the moment, but he presents to the parliament his disapproval of having this provision on the basis that the police already have the power to detain and therefore, in some way, this is not necessary, it has been quick and rushed through, and he will not be supporting it.

He does look to seek some explanation of safeguards. I hope I make it absolutely clear in this regard that this is an option that would be available to the court or magistrate to consider in the event that the police elected to prosecute the matter as a breach and sought to have a punishment

of a custodial sentence of up to two years, not a fixed two years. Secondly, there has been no issue about the South Australian police, as authorised officers under the Emergency Management Act, and their capacity to detain people.

There had been some earlier discussion in the first COVID-19 bill that sought to clarify authorised officers' powers and obligations under the act. It did not specifically relate to the power to detain; it related to the question of protection of those officers who are acting under the act having some immunity against claims against them. That was tidied up and I again thank the parliament for doing that.

This is designed to be part of the armoury in relation to a penalty to apply. It is to be a deterrent, as all punishment has an aim to be, and it may be the most appropriate in some cases. The commissioner, as our Coordinator, made it clear to the government that he did not see that the cases that had preceded his confirmation yesterday—for example, the backpackers as stowaways and the Riverland entry in the last few days—were cases he would see necessary to progress to a custodial punishment outcome.

That is his view, but he is a serious player in this process. Of course, he is the Coordinator who sets the directions. He is also head of the police force, which undertakes the investigations of breach, and he is also in charge of the prosecuting division and what action they take. As we have heard, there has been a prolific use of the on-the-spot fine and that is, again, a judgement that we respect.

If the parliament were to have confidence confirmed, it would be the fact that South Australia is in a pretty good situation at the present time. There are a lot of people to thank for that, but one of them is clearly the Commissioner of Police. I suggest that he has progressed a mature approach to the development of what is needed, when it is needed and in what circumstances, taking into account the different prevailing events in other jurisdictions.

It is unsurprising to me—it may not be to others—that there is a different level of advance in relation to what directions currently operate. All jurisdictions now have a process, but under what powers they operate, what they are and whether they are in fact necessary depends on the circumstances that prevail in their state.

I think we have been lucky that we have not had the contagion rate that Victoria and New South Wales have had, or indeed even Western Australia, which did the bulk of the heavy lifting when it came to the return of all our Australians returning home from overseas. I have provided some data to the house in relation to that. We are lucky, in that sense, that we had not carried a heavy load with that. We are taking our share, and there will be an expectation that we continue that, especially given the hotspots and the outbreak now in Victoria and, to some degree, in New South Wales.

We are going to have to pull together on this, and I do agree with the deputy leader's contribution. To paraphrase her contribution, it is not a time to 'kick a Vic'; it is now a time to actually understand that they are a neighbour. It is like any other foreign aid principle: you have to look at the people around you and you have to support neighbours to make sure that you remain safe and protected in your own region.

We do have an obligation to support those in Victoria, and that is exactly what our government is doing; that is, we are sending resources, personnel and equipment to Victoria. We have identified different models of testing to support them in their circumstances at present. We are proud to do that and it is incumbent upon us to do that.

Let me return to two aspects raised by the member for Mount Gambier that I think do need to be considered. Firstly, he raised the question of the constitutional circumstances under section 92 of the Australian Constitution, which protects the freedom of trade, commerce and intercourse between the states.

This was obviously drafted at the time of the establishment of Federation. I am not going to go into the detail of it, but it is pretty obvious: we used to have all state entities, we had colonies, we had the whole customs and excise obligations—it is a pity we could not bring those back! In any event, we had all sorts of state responsibility because we were a colony operating in our own right, and issues of who came into our state were obviously compelling.

Once we all became a part of the federation and we changed the rules, section 92 was important. Section 117, I suppose in the same flavour, ensures that all subjects of The Queen basically are not to be discriminated against, wherever you might live in Australia. I am paraphrasing, but I am trying to get to the nub here. When we have directions which centre around cross-border travel—as it is, in South Australia we are up to No. 9 of the restrictions in relation to that—we have to be really careful to make sure that there is no offending of those constitutional positions.

As most members here would appreciate, the problem is that if we do press up against that and we do offend that, we can be subject to our laws being declared invalid and therefore not being effective. Obviously, when we come here, or when as a government my department in particular gives advice to the police commissioner as to the capacity to have directions and how and when they should apply, this is a very sensitive area.

You do not need to look any further than the fact that Clive Palmer—of some notoriety and certainly a very brief political career—has challenges in the High Court already for directions that have been issued in Victoria and Queensland. He also has a mining company that has taken those proceedings, and that is all on the basis that the directions offend these constitutional protections. For the benefit of members, I indicate that that is a matter that the High Court has referred to the Federal Court to sort out some factual issues, and then it may or may not ultimately come back to the High Court.

That is why it is so important that we get these things right and, when we give advice to our Coordinator, that is, the police commissioner, when making these directions, that we do not offend those principles. We have been very clearly warned, I suppose, of the risk you have if the directions go too far. Again, if I could paraphrase this; I feel rather horrid doing this, but I do not want to butcher what has been very eloquent law on this. Essentially, if we cannot bring these directions back to a demonstrated and provable need in relation to a health risk, then we are going to be in serious trouble when it comes to challenges.

We in South Australia have been very conscious of this. I will point out that we are already a party to those proceedings and we have been since June. I did hear, four weeks later, the Leader of the Opposition scream out that it is necessary for the state government to intervene and that we need to protect the interests of the state. Of course, we had already done it the month before. I do not have a problem with the opposition coming forward to suggest what a government should do; that is their role, but it was a bit rich when, in this last lot of legislation, they came out and said, 'Look, we demand you do this,' as though this was some kind of brilliant idea from them.

This has been a continuing discussion and development of what is necessary in our jurisdictions, and in this state our Coordinator has asked for a number of things. I am proud that this parliament has actually delivered on those requests. He asked for this yesterday and we have obviously done the legwork to make sure that it comes in. I do not want to dismiss ideas coming from the opposition, but do not try and pretend that this is some great leadership from them; this is something that has been around the country.

Members interjecting:

The Hon. V.A. CHAPMAN: I remind members who are screeching out of the police commissioner's position on the backpacker example last week on which there has been some radio discussion with Leon Byner—I would actually call it a dust-up. Nevertheless, that is not something that the police commissioner wanted to act on. He did not want to be putting people in prison. He did not think it was appropriate. He made that very clear. But what we do need to think about is how we are going to manage in the future if the situation gets more difficult.

Let's consider for a moment where it could get difficult. It could get very difficult in the area that abuts the member for Mount Gambier's electorate over the Victorian border. The situation in Victoria is obviously very difficult. We hear a lot about metropolitan Melbourne. Ballarat, Bendigo—who knows how far it will get into the western districts of Victoria?

We have to be able to respond to this and assist in this circumstance and deal with the very issues that the member for Mount Gambier raises—that is, his concern about the application of the exemptions granted under the Cross Border Travel No. 9 Direction. He explained a concern that he had of a medical practitioner who had been denied access as an exemption and the process of it

and the need to have that service. I cannot remember the district in his electorate he was referring to where it was needed, but in any event one of his constituents needed to have access to this service and the denial of this particular medical specialist was obviously causing some distress to them.

This is the sort of story that we hear every day. These are the issues that have to be determined by the panel that advise the Coordinator. He has a division. I cannot remember what it is actually called. My adviser is looking at me blankly. There is a particular panel that assesses these requests for exemption.

In light of the fact that we have a very proximate geographic risk and we have a responsibility to support Victoria and Victorians through that for the reasons I have explained, it is not over yet. Who knows whether we are going to have Victorian refugees who want to cross the border at a greater rate? How are we going to manage that best and how are we going to both protect our people and ensure that we have a reasonable approach to exemptions? I want to refer to the situation in South Australia under the Essential Traveller exemptions.

Essential travellers are defined and the current exemptions apply, firstly, under National and State Security and Governance. There is a general provision stopping Victorians but allowing for active military and defence department personnel; members of parliament, including of the commonwealth (although I see they have cancelled their workload in the parliament for the next two weeks); emergency service workers, including firefighters, paramedics and the like; commercial transport and freight services (for obvious reasons, as we need to be fed and provided for and this is important for our own care); remote or isolated workers, which category is very much more restricted than it started with and is largely dealing with fly-in fly-outs; and cross-border community members. I want to bring to the attention of the parliament that it includes:

> …persons who are ordinarily resident at, or near, a South Australian border and who have reasonable cause to travel across that border for the purposes of—
>
> (a) employment or education; or
>
> (b) providing care and support to, or receiving care and support from, another person; or
>
> (c) obtaining food, petrol or other fuel or medical care or supplies.
>
> (2) A person who enters South Australia under subclause (1) must not travel further than 50 km into South Australia from the location at which they enter.

This is a daily occurrence between Victoria and South Australia at the moment, so of course it produces some pressure on the border. If we, back here in Adelaide, are looking at how we need to be protected, we also have to understand that the State Coordinator and his police officers on the border, with and the assistance of other agencies, are trying to manage this; it is not easy.

An area that has been brought to my attention by the member for Waite relates to an exemption for somebody who might need compassionate consideration. Under the current direction, there is a provision for a person to travel to South Australia:

> (a) to visit a critically or terminally ill member of the person's immediate family; or
>
> (b) to attend the funeral of a member of the person's immediate family.

They speak for themselves. However, what has been raised is the question of how we consider domestic violence victims who might be living in Victoria and what protections we have for him or her—it is frequently a her, but it could be a him—and/or a person, who might be a family member, as a carer of that person. I think it is very important that members bring to the attention of the parliament—and I certainly welcome it—cases where people have made a request and sought to have this protection by coming to South Australia in a domestic violence circumstance. We need to look at those matters.

I am advised by the member that two cases have come to his attention. One was where a person in Victoria had an intervention order and wanted to come to South Australia to provide herself with greater protection, and that was denied. In the second instance, a victim and a relative who wanted to support them submitted an application on compassionate grounds. The victim was allowed to come but the support person was not.

I do not know all the details of these cases, but I accept that people have been knocked back because I hear of lots of people who have been knocked back—not in this circumstance, but in relation to that. Remember, we are trying to balance us all sitting here in metropolitan Adelaide being protected against a situation experienced by the member for Mount Gambier on a regular basis. This is a dilemma. Given the location of the member for Mount Gambier's electorate, it might be called upon for services for the critically ill or domestic violence victims if they were able to come across the border.

We are quite sympathetic to these circumstances. The question of whether we include an extra provision in the act to specifically allow for persons who are victims of domestic violence, or indeed any carer or support person, to be exempt under the act is not a matter which I could come to accept. It has been proposed by the member. We will have discussions with the State Coordinator, as police commissioner, about how this could best be dealt with.

Looking at how the New South Wales directions manage this type of situation, they are more prescriptive as to what circumstances would be covered under a compassionate exemption. Under their provisions, there is no requirement to have a permit if you are a person entering to avoid injury or harm. They do not require one if you are a person entering for medical or hospital services, and they do not require it for a person entering to attend court or to meet other legal obligations. So they have a different process in New South Wales.

I am advised that a number of these matters are dealt with in our directions but, to deal with someone who might be entering to avoid injury or harm—not confined to domestic violence, but may cover a domestic violence situation—as the member for Waite may appreciate, we have victims of crime in very different forms. Again, this would be a matter I would have to discuss with the commissioner, and I am happy to do that, but I foreshadow that at this stage I would not be in a position to agree to the statutory amendment that is proposed, but I do undertake to take that information to the commissioner.

I also want to point out that the member had brought to my attention an article published in *The Age* upon which there had been some information published in June about the prevalence of domestic violence. It reported on a survey that had been done of a number of practitioners in the field, and its application was relevant to Victoria, and there were some concerning statistics that were reported in this article. Sixty per cent of those practitioners had said that during the pandemic there had been increased frequency of violence against women, half of the respondents said that severity of violence had increased and that there were a number of first-time family violence reports, claiming to have gone up 42 per cent, in this practitioners' survey.

The survey also reported that there was quite an alarming new form of violence reported, including perpetrators demanding that women wash their hands and body excessively, to the point that they bleed, and spreading rumours that the victim had COVID-19 so that no-one could come near them. That is concerning. I have not heard this type of alleged treatment since the days of the HIV-positive AIDS epidemic, when there were very alarming behaviours and threats to transmit the disease. It was a horrible time but we learned some lessons from that and we need to be concerned when we hear this.

I want to reassure the house that this issue of domestic violence in South Australia has been under enormous scrutiny by this government. We have been very active, particularly through my department and the Minister for Human Services and the Minister for Child Protection, to be alert to any level of incidence of domestic violence in this state during this period. I hasten to add that we have also been very alert to and are monitoring very closely the suicide rate in our community. I should also say in respect of that that there is regular consultation with the police, who in both instances are often the front-line people at the scene in relation to these circumstances of either allegation of abuse or suicide.

The incidence of increased online information being sought by a person—we do not know whether it is a victim or an offender or just a neighbour or anyone else—has increased, but the increase in relation to domestic violence cases per se apparently has not increased. We do not seem to have been under the same pressure as that being reported in this article in Victoria in June but that does not mean we should not be ever alert to it.

I want to reassure the house that there can be some terrible things that come about as a result of something like this occurring, and one of them is that the impact on humans to be able to survive the disease is bad enough. The impact in relation to relationships, and how that might translate into a violent situation—and women and/or children are principal victims—is a real worry and we need to be alert to it.

The potential of people to be very distressed in a circumstance of not just isolation but loss of job, loss of capacity to support the family or business collapse, are all things which obviously are heightened for people in health and human service providers, but no less responsible is the governance of the day, and as a government I want to reassure you that we take these things very seriously.

With that, I thank the member for Waite for raising the issue. We will continue to monitor this, and I will speak to the Coordinator about how we might best address that and ensure that we do protect those who might come to our border if they are escaping harm or violence, including in a domestic violence situation. It may be that we do need to look at other protections for people who are victims of other offences. In any event, we will certainly look at that. With that, I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr PICTON: I thank the Attorney for giving us four minutes left on the clock to get started on this committee stage. We might well be dealing with this after lunch as well. I believe there has been some suggestion from the Attorney today that there is some difference between what she is proposing in relation to penalties and what we sent to her yesterday, which was our proposal in relation to penalties.

I note that we sent, I believe it was at about 1 o'clock, our piece of legislation to the Attorney and her office. At 2.40pm we received from her senior ministerial adviser a copy of her bill, which was the emergency management (quarantine fees) amendment bill 2020. There were no penalty provisions included in that piece of legislation. It was not until 10.45am this morning, 15 minutes before the house rose, that a second, revised piece of legislation, including the fees, was provided.

From what I can see, the inclusion of the fees in the revised bill that we are debating now is basically identical to revised section 28(1) that we proposed to the Attorney yesterday. Can the Attorney clear up any misunderstanding of her comments that there might be some difference between what we had proposed and what she is now introducing? If she still believes that there is some difference between the two, despite the very clear written word pointing out that there is no difference, what does she believe that difference is?

The Hon. V.A. CHAPMAN: I am sorry that the member clearly feels aggrieved about the late notice in relation to the redraft of the bill before us today. I hope the parliament appreciates that we are working on these initiatives as they come to us as a government and that we are trying to make sure that we capture the requests of the Coordinator-General, together with the consideration of the legal advice, etc., that we have.

Just so that the member is absolutely clear, the draft bill that was sent yesterday has been substantially rewritten in relation to the quarantine fees issue, because it introduces a new class of persons—which came under consideration last night—of South Australians who are already here, they are not returning from anywhere, having to comply with the detention obligation and having to pay as well.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

STATUTES AMENDMENT (LICENCE DISQUALIFICATION) BILL

Assent

His Excellency the Governor assented to the bill.

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Petitions

BUS SERVICES

Ms BEDFORD (Florey): Presented a petition signed by 213 residents of South Australia requesting the house to urge the government to maintain bus routes along R.M. Williams Drive, Walkley Heights.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Examination of the management of road asset maintenance: Northern Areas Council Report 8 of 2020 [Ordered to be published]
Casino, SkyCity Adelaide—Duty Variation Agreement 2020
House of Assembly—SAPOL advice to the Speaker regarding disclosure of usual place of residence of Members of Parliament—2020
House of Assembly Country Members' Accommodation Allowance Claim Forms: 1 March 2010-30 June 2020
House of Assembly Country Members' Travel Accommodation Claim Forms: Correspondence from the Hon. S.K. Knoll re: repayment
House of Assembly Country Members' Travel Accommodation Claim Forms: Correspondence from Mr Fraser Ellis re: repayment
House of Assembly Country Members' Travel Accommodation Claim Forms: Correspondence from the Hon. T.J. Whetstone re: repayment
Super SA—Triple S Insurance Review as at 30 June 2019
Torrens University—Annual Report 2019

By the Attorney-General (Hon. V.A. Chapman)—

Regulations made under the following Acts—
Coroners—General
Labour Hire Licensing—Miscellaneous
Land Acquisition—Miscellaneous
Legal Practitioners—Fee Notice—(No. 2)
Summary Offences—Custody Notification Service

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

Local Council By-Laws—
City of Marion—No. 8—Shopping Trolley Amenity

By the Minister for Planning (Hon. S.K. Knoll)—

Regulations made under the following Acts—
Planning, Development and Infrastructure—
Accredited Professionals—Mutual Liability Scheme
Fees, Charges and Contributions
General—Mutual Liability Scheme

By the Minister for Education (Hon. J.A.W. Gardner)—

Regulations made under the following Acts—
Education and Children's Services—Fee Notice—(No. 2)
South Australian Public Health—Notifiable and Controllable Notifiable Conditions

By the Minister for Energy and Mining (Hon. D.C. van Holst Pellekaan)—

Regulations made under the following Acts—
Electricity—General—Retailer Energy Efficiency Scheme—Public Health Emergency
Gas—Retailer Energy Efficiency Scheme—Public Health Emergency

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

Regulations made under the following Acts—
Landscape South Australia—Fee Notice

Members

MEMBERS, ACCOMMODATION ALLOWANCES, SPEAKER'S STATEMENT

The SPEAKER (14:06): I wish to make a statement regarding the tabling of country members' accommodation allowance forms. Further to the statements I made in the house on 30 June and 1 July regarding country members' accommodation allowances, I advise the house that I have sought advice from the Commissioner of Police concerning the appropriateness of publishing home addresses or any information that would lead to the identification of the home or families of members of parliament.

I have considered the commissioner's advice and decided to table the country members' accommodation allowance forms in a redacted form so that the precise details of the members' addresses are not disclosed—the street name and number would not be disclosed, but the suburb would be. I have tabled a copy of the following:

- correspondence from the Commissioner of Police dated 2 July 2020 regarding the appropriateness of publishing home addresses or any information that would lead to the identification of the home or families of members of parliament;
- the House of Assembly country members' accommodation allowance claim forms for the period 1 March 2010 to 30 June 2020;
- correspondence from the member for Narungga dated 17 July 2020 requesting to make repayment of country members' accommodation allowance claims made since 28 November 2018;
- correspondence from the member for Schubert dated 20 July 2020 requesting to make repayment of country members' accommodation allowance claims; and
- an email from the Minister for Primary Industries and Regional Development dated 20 July requesting to make repayment of country members' accommodation allowances for selective claims.

For members' benefit—

Members interjecting:

The SPEAKER: Order! For members' benefit, rather than have that thwack of documents be available, I believe we have the information available on the tabled database of the parliament. In theory, that should be available. I want to take this opportunity to also thank—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is called to order. I do want to thank the staff who took literally tens of hours to compile that data in the most expeditious period possible.

Parliamentary Committees

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Mr PATTERSON (Morphett) (14:11): I bring up the fourth report of the committee, entitled Inquiry into the Recycling Industry.

Report received and ordered to be published.

SOCIAL DEVELOPMENT COMMITTEE

Ms LUETHEN (King) (14:12): I bring up the 43rd report of the committee, entitled Review of the South Australian Public Health Act 2011 Part 1.

Report received.

Members

MEMBERS, ACCOMMODATION ALLOWANCES, SPEAKER'S STATEMENT

The SPEAKER (14:12): Before I move to questions without notice, I refer members to the papers I have just tabled comprising House of Assembly country members' accommodation allowance claim forms for the period 1 March 2010 to 30 June 2020. For those who choose to peruse the claim forms, note that there are a number of recently resubmitted claim forms. I can inform the house that I have included the resubmitted forms together with the original claim forms into the compilation of all claim forms received in the interests of transparency.

I would like to remind members of my ruling made in the house on 30 June wherein I indicated that questions asked of members regarding claims for country members' accommodation allowance are out of order. I went on to quote Speaker Such from page 3909 of *Hansard* of 9 November 2005 to the effect:

> I remind members to have a look at standing order 96, which precludes members from asking a question of a member unless they hold a position such as minister, chair of a committee, or something like that. Public business is not the same as public interest.

I will be holding the line on this rule should questions be asked on country members' accommodation allowance claims. As I have also advised the house, I have written to the Auditor-General to ask him to consider commissioning an audit of the country members' accommodation allowance, and I have also asked him to also consider suggesting ways to make the claiming and the reporting of allowances more transparent; and, of course, I am not precluding any member from making any substantive motion in the usual way.

The Hon. A. KOUTSANTONIS: Sir, may I ask for a point of clarification?

The SPEAKER: You may.

The Hon. A. KOUTSANTONIS: In the documents you tabled, did they include expenditure claimed by the Leader of the Opposition and the Deputy Leader of the Opposition over the last 10 years?

The SPEAKER: As to the matter of the Leader of the Opposition and the Deputy Leader of the Opposition, I am aware, for members' benefit, that the member for West Torrens has asked me whether I would consider publishing similar allowances for the Leader of the Opposition and the Deputy Leader of the Opposition also for 10 years.

I have to be honest, the staff here have been working tirelessly for probably a couple of weeks now to furnish these documents and obviously make the necessary redactions for the reasons

provided, so I am open to consider them. At this stage, it has been physically impossible to produce that level of information, but I am certainly open to providing it at a future date, and perhaps I will come back to the house when I have an update on that.

Question Time

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:16): Mr Speaker, I would like to start with a question to you, sir. Will the Speaker commit to releasing all the available documentation regarding the Leader of the Opposition's travel allowances as soon as possible?

The Hon. D.G. Pisoni: Didn't you listen to the answer?

The SPEAKER (14:16): The Minister for Innovation and Skills is not assisting me at the moment. I thank the honourable Leader of the Opposition for the question. As I have made known to the parliament in recent times, I think we now have come to the stage where, in the tabling of relevant country members' allowance information, we have seen the most transparent level for this sort of information during the entirety of the parliament, quite frankly.

In respect of the Leader of the Opposition and the Deputy Leader of the Opposition information, as I thought I did clarify further to the member for West Torrens' question to me, I am certainly open to it, willing to consider it, most likely to consider it. As I said, we just physically haven't got to it yet because of what we have been dealing with.

An honourable member interjecting:

The SPEAKER: I absolutely commit to doing all I can to provide that information, but at this stage, to be honest with you, I don't even know where that information is, but I will come back to the house once I have an update. I think when you are dealing with records that are, from what I understand from the request, up to 10 years, obviously that takes some work. The files might be in security storage or otherwise. I will certainly make a commitment to do absolutely everything I can to produce that information at a later time, but when that will be I will have to come back to the house once I have an update. I hope that satisfies the Leader of the Opposition.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:17): My question is to the Premier. Does the Premier know the identities of the country MPs who have wrongfully claimed the country members' accommodation allowance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:18): I thank the Leader of the Opposition for his question. Since this matter with regard to country MPs' accommodation allowances has come to light, we have looked at this carefully. I have spoken to country MPs. There are some administrative errors. I think the number of transactions that you are publishing today would amount to many thousands of transactions and it is fair to say that there have been some administrative errors. I have made it very clear that it is the responsibility of all members of my team and, quite frankly, it is the responsibility of all members of parliament—

An honourable member interjecting:

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

The Hon. S.S. MARSHALL: —to make sure that any applications they make for this allowance are done accurately, and if there are any errors they need to be highlighted and they need to be rectified as soon as possible. I have assurances from my members that that has taken place.

Members interjecting:

The SPEAKER: Order!

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:19): My question is to the Premier. Why won't the Premier name which country members have wrongfully claimed the allowance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:19): I think I was very clear both at my press conference earlier today and to the house with my answer earlier today that it remains the responsibility of every single member of this parliament to put their applications in for their allowance in accordance with the rules and guidelines. Today I can also inform the house that the government will be making a submission to the Remuneration Tribunal, asking for a greater level of clarity with regard to the country MPs' accommodation allowance.

Members interjecting:

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

The Hon. S.S. MARSHALL: I think it is fair to say that there has been some ambiguity in relation to the country members—

Mr Picton interjecting:

The SPEAKER: The member for Kaurna is called to order

The Hon. S.S. MARSHALL: I believe it is time to take a look at it. This is one of the reasons why we as a government are putting a very large spotlight on this issue. Previously, you would note, certainly under those who were in power for 16 years, sir—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —we would get a total at the end of the year in dollar value. What we are suggesting going forward is monthly reporting not just of the dollar amount but the dates for which the member is claiming that allowance. This is a higher level of scrutiny than we have ever had in the history of this state. It is much, much higher—

Members interjecting:

The SPEAKER: Leader! The member for Lee is called to order.

The Hon. S.S. MARSHALL: —than exists in any other jurisdiction in Australia. I think that every time a member of this parliament—

Mr Malinauskas interjecting:

The SPEAKER: Leader, order!

The Hon. S.S. MARSHALL: —makes an application for that allowance, they need to make sure that they are abiding by those guidelines.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:20): My question is to the Premier. Has any member of the Premier's cabinet wrongfully claimed the country members' allowance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:21): All of the information has just been tabled by you, sir. You have made all of that information available. As I have said, there have been some administrative errors that have been brought to light—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is warned.

The Hon. S.S. MARSHALL: —and I ask members to make sure that they are rectified as soon as possible. My understanding is that that has taken place.

SCHOOL INFRASTRUCTURE PROJECTS

Mr PEDERICK (Hammond) (14:21): My question is to the Minister for Education. Can the minister update the house on the benefits of the Marshall Liberal government's $1.3 billion

investment, which is supporting schools across South Australia, including in my electorate of Hammond?

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:21): I am very pleased to be able to provide the house with some information about the Marshall Liberal government's very exciting $1.3 billion schedule of works in school infrastructure. This is something that I think all South Australians should be proud of. I think it is something all members of this house can be proud of.

We were very pleased, for example, when the former government in 2017 announced $690 million worth of works, mostly from the sale of the lands titles office, some of which was from the forward infrastructure budget within Education, and $15 million of which the former government banked against the sale of the Rostrevor campus of Norwood Morialta High School for housing, a decision that this government has reviewed.

That, indeed, was a series of commitments to schools which the Liberal Party in opposition, on the very day those commitments were made, matched. I am grateful for the work of the former government for making those promises, and I am grateful to the Premier. I am very grateful to the Treasurer, who was shadow treasurer at the time, who said we could match them and we should. It is certainly something that the front bench were very eager to do and we did. Those projects are going ahead, and we are building three new schools in Angle Vale, Aldinga and Whyalla.

We are now also refitting the old Investigator College site in Goolwa to ensure that the people of Goolwa can have a new high school. We have made hundreds of millions of dollars of further commitments right across this state to ensure that our schools have the capacity to meet the challenges of the future, to ensure that our high schools are delivering year 7, with a curriculum in the way that was designed to be taught, with specialist subject teachers and specialist classrooms, to ensure that our schools have the capacity to meet the growth in population that the former government did not make provision for in many cases, to ensure that our schools, some of them with desperate needs in particular areas, can get the projects they want.

So from Glossop in the east to Port Lincoln and Ceduna in the west, from Grant in the south up to Whyalla in the north, right around this state there are many projects currently underway. Of the projects currently underway, those ones all have shovels in the ground, bulldozers, concrete being laid, walls being put up, work being done. From Angle Vale to Aldinga, right across the metropolitan area, that work continues as well.

I hear the calls of, 'Thanks, Susan. Thanks, Susan.' I did thank Susan. I was very gracious at the beginning of this answer, acknowledging that about half of this work was in the budget—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —and that was good, and we have significantly added to it with the decisions we have made.

It was great at Parafield Gardens High School and at Seaview High School to see and speak to the people when we were looking at that work being done, the staff and the students. They were grateful to the taxpayers of South Australia, who are indeed the ones paying for it—not the government, not the former government; the taxpayers of South Australia—but supported by a government that sees education as an investment in the future.

The member for Hammond asks about his electorate. It's fantastic to see that one of his local high schools, the Murray Bridge High School, is benefiting from $20 million worth of work that commenced in April and will be completed in November next year. It is work that will include a new two-storey building for the middle school cohort and inclusive learning, a new tech studies building, the refit of the former tech studies rooms into a new entrepreneurial centre. Of course, Murray Bridge High School is one of the schools that has been successful in this government's entrepreneurial skills

program. Also, there will be a roof replacement of the gymnasium and music spaces, refurbishment of the arts areas, upgraded landscaping, additional car parking and the removal of some of the transportables that are no longer needed.

That work is tremendously important for education, for the future of the children at Murray Bridge High School and that area, and around the state. But right now, in the midst of a pandemic that is so damaging to the economy and to jobs around South Australia, these are thousands of jobs that are underway right now and it's very good news for those families, too.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:25): My question is to the Premier. When did the Premier's Leader of Government Business inform him that he had wrongfully claimed the country members' allowance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:25): I have had many discussions with many members of my team over an extended period of time. In fact, over the last two or three weeks we have spoken to many members. I would not suggest for one second that the minister had wrongly claimed the entitlement. I think that there has been serious ambiguity with regard to the determination put forward and I think that—

Mr Szakacs interjecting:

The SPEAKER: Order, member for Cheltenham!

The Hon. S.S. MARSHALL: —in an abundance of caution, the minister has repaid an amount which was claimed through to the most recent determination which was made in November 2018. The government plans to be making a submission to the Remuneration Tribunal, trying to get some clarity with regard to the ambiguity which has existed on this issue.

What we have known for a long period of time is that country members who are required to be in Adelaide, whether it be for parliamentary work or work for their constituents, are able to claim an allowance for accommodation while they are away from their constituency, while they are away from their family, from their principal place of residence. This has been in place for an extended period of time and, from time to time, the independent Remuneration Tribunal makes determinations with regard to this.

But there is still a level of ambiguity which relates to what can be claimed, whether or not it is for somebody who has leased a property or rents a property, maybe owns it, or is in the process of owning it, staying at a hotel, staying at a caravan park, staying with family members, staying with friends. All of these things need to be, I think, clarified by the Remuneration Tribunal, and that is exactly and precisely—

Ms Stinson interjecting:

The SPEAKER: Member for Badcoe!

The Hon. S.S. MARSHALL: —why we plan to be making a submission to the Remuneration Tribunal asking them to provide greater clarity because we have to assure the taxpayers of South Australia that whenever we spend a cent of their money—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —we are doing it in accordance with the determination of the Remuneration Tribunal.

The SPEAKER: The member for Badcoe is on two warnings. If this level of interjections continues, she will be leaving today. Leader.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:28): My question is to the Premier. When did the Minister for Primary Industries first inform the Premier that they had wrongfully claimed the country members' travel allowance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:28): I have had discussions with the minister over the past two weeks and it was very clear from those—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I said I have had discussions over the past two weeks. I don't know whether they have a grasp on the English language, but I have had discussions—

Mr Picton interjecting:

The SPEAKER: The member for Kaurna is warned.

The Hon. S.S. MARSHALL: —over the past two weeks with many of my country MPs who have been checking their records. We are not talking about checking records over the last five minutes or the last five days or the last five weeks. We are talking about a requirement to check records over the last decade. That was the decision that you made, sir.

Mr Malinauskas interjecting:

The SPEAKER: The leader is warned. If this continues today, he will be leaving.

The Hon. V.A. Chapman interjecting:

The SPEAKER: Deputy Premier!

The Hon. S.S. MARSHALL: Thank you, sir. You made a determination that records over the last decade would be released, so we made it very clear that members who had claimed this allowance were to go back and check those transactions. It is true that there have been administrative errors over that decade period.

We're talking about a huge number of transactions which have occurred and a very small number which have been incorrect, but this is unacceptable. I have made it very clear to my team that they need to identify those transactions which are wrong, identify those to the Clerk, and then immediately rectify those.

I am absolutely assured by the minister that there has been no net gain from the situation regarding the incorrect allowances which have been paid because, as most people in this place would be aware, our minister has worked a very large number of nights away from his electorate. There is a cap which is provided for the purposes of the country MPs' accommodation allowance. He is over that cap many times over, so there has been no personal gain from this situation whatsoever.

Mr Picton: So he didn't have to repay anything.

The SPEAKER: Member for Kaurna!

The Hon. S.S. MARSHALL: I have been assured of this situation. The errors, I state very clearly, are completely unacceptable, but those errors have been identified—

Members interjecting:

The SPEAKER: Member for Light!

The Hon. S.S. MARSHALL: —and they have been rectified.

The SPEAKER: The member for Badcoe is on two warnings. I will give one more to the leader, then the member for Finniss.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:30): My question is to the Premier. If members of the Premier's cabinet have made errors that the Premier believes are unacceptable, what recourse or what reprimand has the Premier imposed upon his ministers for wrongful claims of the country members' allowance?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:31): I have just made it very clear that I have asked people to go through those records over an extended period of time, identify any errors and rectify them as quickly as possible. But, more than that, we now have an arrangement which we have put in place going forward, which will provide much greater transparency for the taxpayers of South Australia, not on an annual basis, not on a quarterly basis but on a monthly basis, down to the individual MP and the nights they are away from their electorate in Adelaide on business and eligible for the accommodation allowance.

That is now there for the entire public to scrutinise at a much higher level than was ever provided under the former government, on a much higher level of scrutiny than under any other government in the country. I think this is a movement in the right direction.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: In addition to that, the government has written to the Auditor-General, and let's not forget for one second that it is indeed the Auditor-General who provides oversight of this parliamentary allowance. It's not a government allowance: it's a parliamentary allowance, and it's the Auditor-General who has responsibility for making sure that members act in accordance with those guidelines.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: We have asked the Auditor-General to provide a greater level of scrutiny; in fact, we have suggested to the Auditor-General that he may choose—we cannot direct him, but he may choose—to conduct random audits of country MPs' accommodation allowance claims. This will assure the people of South Australia that, when we spend a cent of their money, it is done in accordance with those strict guidelines.

The SPEAKER: The leader is warned. Member for Playford, you can leave for 25 minutes for repeated interjections during the Premier's answer.

The honourable member for Playford having withdrawn from the chamber:

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee will be following him shortly.

SKILLS TRAINING

Mr BASHAM (Finniss) (14:32): My question is to the Minister for Innovation and Skills. Can the minister update the house on how the Marshall Liberal government is creating jobs through skills training?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:33): I thank the member for Finniss. As a country MP, he knows how difficult it is at times to get the right skills in regional South Australia, and we know as a government that skills will be crucial to get us back out of the economic crisis that we are in at the moment through COVID-19. Over the past two years, the Marshall Liberal government has rebuilt South Australia's training system—and what a mess it was in when we came to office. We have done that in partnership with industry and we have done that in partnership with the training system.

We are meeting our targets. There have been almost 25,000 commencements over the last two years and over 130 Skilling South Australia projects developed in partnership with industry and developed in partnership with business. More than a thousand employers have hired their very first apprentice since September 2018. These are people who hadn't participated in the system before coming on board the government's training program.

The most recent NCVER data shows that South Australia is the only state recording growth in apprenticeship and traineeship numbers: 13.8 per cent over 2019 compared with a negative 3.6 per cent nationally, including increases in mature age apprenticeships (114 per cent) and in female apprenticeships and traineeships (22 per cent). Despite the COVID impacts that have

happened since March, we are finishing the year with more sign-ups of new apprentices than we finished with last year. I congratulate my department and the industry on the work they have done in staying on board the program during this very difficult time.

How good is the Prime Minister? When was the last time you heard a prime minister talk about apprenticeships and traineeships? I didn't hear about it when I was training or for the 22 years of running my business. I didn't hear it for the last 15 years I have been in this place. I haven't heard vocational education lifted to this level, to the level of a prime minister. We are very excited to work with the Prime Minister on the JobTrainer package. The Marshall Liberal government has always recognised—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —the critical importance of skills. We took a strong policy to the state election and we have acted on that policy. Contrast that with those opposite, who had no policy and left skills training in a mess. They didn't want to talk about skills training or TAFE when they were in office, when the Deputy Leader of the Opposition was running the place over there.

In the face of COVID, we announced a $16 million market VET package, and 98 per cent of those in non-government RTOs took up the package. We took swift action to ensure that our local training market was maintained and best positioned to continue to deliver quality training and hold onto the growth that we had worked with them to achieve over the last two years—a 20 per cent growth in non-government delivery of training with the contracts of training.

The COVID response included things such as a boost for Group Training and extra funding for Group Training so they could offer their employees to host employers for a discount to make it more attractive for them to be employed. Of course, we have also offered $5,000 bonuses for employers to take on new apprentices in direct contracts because we recognise as a government that there is a cost to the on-the-job training, and we are in partnership with business to make sure that training happens.

Fifty-five per cent of providers are at or above their pre-COVID activity level, which is a terrific success for the program we have put in place to support them during this difficult time. New training sign-ups across the non-government training sector are at higher levels than at this time last year. New training activity for those RTOs participating in the VET market support arrangements that we set up had a 5.9 per cent increase, or 2,900 new training accounts compared with the same period last year. This indicates that the VET market in South Australia is performing better than anticipated before COVID-19.

Mr Speaker, PEER are looking for 16 apprentices at the moment. You might like to share with your friend—Anthony, I think it was—on Sunday that there are jobs for 16 apprentices—

The SPEAKER: My friend?

The Hon. D.G. PISONI: —and VET applications that he may very well be able to apply for.

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: I spoke to Peter this morning and they are very happy to take his application.

The SPEAKER: The minister's time has expired. I take it you were talking about the Leader of the Opposition's friend Anthony, not mine, minister.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Order! Member for Lee, I am not going to ask you to repeat that, but I am going to warn you for a second and final time. You are lucky not to be leaving.

PUBLIC SECTOR ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:37): My question is to the Premier. Is the Premier aware that two public officers who answer to the Minister for Infrastructure were stood down for allegedly inappropriately claiming travel allowance? What message does that send to the public sector that there is one rule for his ministers and another rule for the public sector?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:38): I have no idea of the matter to which the member is referring.

Members interjecting:

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

PUBLIC SECTOR ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:38): My question is to the Premier.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Premier is called to order. The Leader of the Opposition is lucky not to have left by now. Leader, be quiet. It is not Adelaide University Old Scholars' here, leader. You will not shout in the chamber. I am trying to give the member for West Torrens the call.

The Hon. A. KOUTSANTONIS: Thank you, sir. My question is to the Premier. Has the Premier fulfilled all his obligations under the ICAC Act and reported public officers who have inappropriately claimed allowances they are not entitled to to the appropriate authority, the OPI?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:39): I have fulfilled all obligations that I have. I have made it very clear that we have obligations to look after the taxpayers' dollar, and that is a requirement on every single member in this parliament. It's not an obligation only of the government; it's an obligation of every single member of this parliament whether they are a member of the House of Assembly or whether they are a member of the Legislative Council. I think all members are aware of this obligation and should abide by it.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:39): My question is to the Premier. What process did the Premier conduct to satisfy himself that the administrative errors claimed by the members who sought to be invoiced for entitlements they were not entitled to were done appropriately and are accurate?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:40): As I have said several times already in parliament, that is an obligation on every individual member, whether they be a member of the government, a member of the opposition or a member of the crossbench. Ultimately, though, we have written to the Auditor-General and we have asked the Auditor-General to provide greater scrutiny on the country MPs' accommodation allowance going backwards and also continued and greater scrutiny going forwards.

It's one of the reasons why we are going to be publishing those records on an ongoing basis, on a monthly basis, and we think that this is a much higher level of scrutiny than has been considered previously, certainly much higher than had been considered under the previous government in its 16 years in office.

PARKS 2025 PROGRAM

Mr ELLIS (Narungga) (14:40): My question is the Minister for Environment and Water. Can the minister update the house on how the Marshall Liberal government is supporting the South Australian economy—

Mr Malinauskas interjecting:

The SPEAKER: Member for Narungga, be seated for one moment, please. Leader, you can leave for 20 minutes today under 137A. It's been a long time since I have removed you, but the interjections today cross the line. Twenty minutes, thank you.

The honourable member for Croydon having withdrawn from the chamber:

Mr ELLIS: My question is to the Minister for Environment and Water. Can the minister update the house on how the Marshall Liberal government is supporting the South Australian economy through the Parks 2025 strategy?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:41): I thank the member for Narungga for his question and know that he values the role the natural environment can play in stimulating regional economies here in South Australia. The Parks 2025 program is part of the Marshall Liberal government's record investment in the environment and water portfolio, part of a large capital injection of funds, particularly headed towards regional South Australia, to enhance our long run-down national and conservation parks and create a situation where they will attract visitors to regional communities in particular. Of course, those visitors seeing those destinations and travelling to those destinations will spend money on their way and when visiting.

There is no doubt that there are exciting things happening as part of the Parks 2025 program. It was great to head up into the Southern Flinders Ranges, perhaps quite an undiscovered part of our state, not that far beyond Clare and not in the better known part of the Flinders Ranges around Wilpena, but that little bit around Mount Remarkable. We travelled up there last week. We were joined by the Minister for Primary Industries and the Minister for Energy and Mining, who is also the local member, and Senator Simon Birmingham in his role as the Australian tourism minister.

We were announcing, as part of Parks 2025, a $5 million state contribution matched by a $5 million federal contribution in that Mount Remarkable landscape. That's a connected landscape, which is either owned by SA Water or the Department for Environment and Water, which really runs from Beetaloo Reservoir in the south, right through the Mount Remarkable region, through Wirrabara Forest, through Willowie, and Telowie through to Alligator Gorge in the Wilmington area.

There is a great opportunity to lift the quality of the amenities in that area, invest in campsites, picnic areas, walking trails, and in particular to invest in mountain biking. We know that research shows that mountain biking is a sport, an activity, that attracts a high-value customer, people who will spend along the way and who will contribute to the economies in which they visit. We have recognised that the Melrose community and the Mount Remarkable landscape around that area really does lend itself to that adventure-based tourism and mountain biking.

It was great to be able to call in on local businesses who will benefit from this project and who have been driving the project. The project is not being laid down by the state and federal governments: it's actually bubbling up from the community, the local councils, Port Pirie council, Mount Remarkable council and Northern Areas Council, coming together to shape this vision with local businesses.

The Premier and I called in to Over The Edge, the mountain bike shop and cafe, and caught up with Richard Bruce, the owner. We also met Don Norton, who along with his wife is running Under the Mount, an accommodation provider specifically targeted at mountain biking. We see huge potential here, and we see that potential because it is mirrored in other places—communities in other parts of this country which have been reinvigorated by investment in adventure sports and nature-based tourism.

Maydena in Tasmania, Mount Beauty and Bright in Victoria, and Derby in the north of Tasmania are communities that we can replicate. We can create those destinations here. We can invest in these landscapes and encourage business to then coinvest with us. Parks 2025 includes that nature-based coinvestment fund—a clear market signal to say to South Australian businesses, particularly small regional businesses, 'We are with you and we are keen to invest in you.'

MEMBER FOR CHAFFEY

The Hon. A. KOUTSANTONIS (West Torrens) (14:45): My question is to the Minister for Primary Industries. How much money does he owe the parliament?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:45): I thank the member for his question. As a proud country member—member for Chaffey for 10 years now—I have truly represented a constituency that has needed representation in regional South Australia.

Recently, it was brought to all of our attention that there were questions around the country MPs' allowance and upon that I have asked my office to do a full audit on my claims over the 10-year period. They did that and I found administrative errors, which have now been corrected. I want to make very sure that I have reimbursed the parliament for those administrative errors and—

Mr Picton: How much?

The SPEAKER: The member for Kaurna is on two warnings.

The Hon. T.J. WHETSTONE: —I take full responsibility. I apologise to the house, I apologise to the people of Chaffey and to South Australia for those errors. But what I will say is that all that information has now been provided to the parliament and it is now publicly available.

Members interjecting:

The SPEAKER: Order! The member for Kaurna can leave for the remainder of question time for shouting. He is on two warnings. We have the question and, when he leaves, we will get another from the member for West Torrens.

The honourable member for Kaurna having withdrawn from the chamber:

MEMBER FOR CHAFFEY

The Hon. A. KOUTSANTONIS (West Torrens) (14:46): My question is to the Minister for Primary Industries. Can the minister now tell the parliament how much he owes the parliament?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:47): I have already stated that this information has been publicly released and I refer to my previous answer.

ENERGY PRICES

Mr McBRIDE (MacKillop) (14:47): My question is for the Minister for Energy and Mining.

Members interjecting:

The SPEAKER: The member for Cheltenham is on two warnings.

Mr McBRIDE: Can the minister update the house on the reduction in price that South Australian gas consumers can expect in the near future?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:47): I appreciate the question from the member for MacKillop, a proud supporter of the gas industry in his electorate in the South-East, and it is very pleasing that the price of gas is going down.

Our Marshall Liberal government has made no bones of the fact that one of our highest priorities is to get down the cost of living for households, the cost of operating for businesses, and we have seen very recently, with effect on 1 July, that AGL and Origin Energy reduced their electricity prices by an average of $127 and $62 per year, respectively. Now, of course, we know that comes on top of a 3 per cent reduction the year before, and that was on top of a 0.5 per cent reduction in the year before that. So electricity prices are going down as are gas prices.

We are very optimistic that the submission put by Australian Gas Networks to the Australian Energy Regulator for the 2021-26 period will actually have a 7 per cent reduction in the cost of transmission of gas to households in South Australia—absolutely outstanding news for consumers. We all know what an important product gas is, whether it's a reticulated system into people's homes, whether it's bottles, whether it's heavy industry using a lot of it—we all know what a significant cost component that is for all South Australians, whether it be the smallest household through to the largest employer. So it is absolutely tremendous news and very much part of our government's program.

We have reduced NRM levies. We have reduced emergency services levies. We have seen electricity prices go down. We have reduced water prices. We have seen gas prices go down. We are reducing land tax; the total take of land tax is reduced significantly.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: Overwhelmingly, people across South Australia will pay less land tax than they previously did under this government. Reducing the cost of living is absolutely critical to our government because we are doing everything that we possibly can for all South Australians. This is in stark contrast to what South Australians experienced in the previous decade before we came into government.

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

The SPEAKER: Minister, there is a point of order; I imagine it is for debate?

The Hon. A. KOUTSANTONIS: That was clearly debate, sir.

The SPEAKER: I will refer to my earlier rulings about some compare and contrast within reason. If I hear the minister cross the line, I will bring it to his attention. Minister for Energy and Mining.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, I appreciate your wisdom. I can't see any harm in contrasting with the decade before we came into government. Those opposite perhaps have quite a glass jaw when it comes to that sort of thing, but let me just say that this is in contrast to what we saw in the decade before we came into government. These costs are reducing for the benefit of all South Australians. We are determined to work as hard as possible to continue in this direction, particularly during these incredibly challenging economic times due to the COVID-19 virus.

This is something that was our policy, our direction and our clear intention from opposition and in government, but we redouble our effort because we know how many households and how many businesses are really struggling due to the COVID restrictions. It seems that those restrictions will not be alleviated anytime soon from a national perspective. We are ever vigilant with regard to things that are going on in other states. We feel for those people in other states who are doing it even tougher than we are at the moment.

We are certainly not out of the woods with regard to the challenges to our economy in Australia and in South Australia from COVID-19, so no better time for people to be benefiting from lower electricity prices, lower water prices, lower emergency services levies and lower natural resources levies. Happily, we see through the Australian Gas Networks' submission to the Australian Energy Regulator that we have every reason to expect from next year that gas prices for South Australian households will be cheaper also.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:51): My question is to the Minister for Transport and Infrastructure. What administrative errors did he make in claiming over $29,000 of moneys he wasn't entitled to?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:52): I thank the member for West Torrens for his question. This is a matter that the government and I take extremely seriously, I think as evidenced by the fact, Mr Speaker, that you today have tabled documents in a way that is transparent that this parliament has not seen for generations.

The Hon. A. Piccolo interjecting:

The SPEAKER: Order, member for Light!

The Hon. S.K. KNOLL: Mr Speaker, I do consider that I have complied with all the guidelines in relation to the claiming of this allowance. I do stay with my parents and I do incur expenses when I do so, but it is fair to say that, since the November 2018 determination, there has

been ambiguity around this allowance. Until that ambiguity is resolved, out of an abundance of caution and to put this issue beyond doubt, I've repaid that money and I am not going to claim the allowance until that ambiguity is resolved.

More than that, I have undertaken to look at all my claims over my time in this place and have found three administrative errors. Those have also been repaid to make sure that everything is in order and everything is as it should be. The steps that I've taken are ones to put this issue beyond doubt, to make sure that everything is done in accordance as it should be. That, Mr Speaker, has been made transparent by you today, and that is certainly something that I welcome.

PLANNING AND DEVELOPMENT FUND

Ms BEDFORD (Florey) (14:53): My question is to the Minister for Planning. What explanation can the minister provide for apparently spending, seemingly without statutory authority, more than $10 million collected from developers to support the creation and enhancement of open space by local councils to support delivery of your controversial planning reforms? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: On 18 June, the government made regulations that would authorise expenditure from the Planning and Development Fund on various elements associated with the planning reforms. On 4 and 11 July, articles in *The Advertiser* pointed out this would take money collected from developers to support creation and enhancement of open space by local councils.

Both the Urban Development Institute and the Local Government Association oppose the regulation. An examination of budget papers for the past two years suggests the government has allocated more than $10 million from the fund without statutory authorisation, which could potentially lead to maladministration of public funds.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:54): I do thank the member for Florey for that question, but the last part of her question I do think is a massive, massive stretch. These planning reforms, to remind everybody in this chamber, were voted on in 2016 by the former government, so they are not my laws. They are laws that this parliament put in place—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and there are those in this chamber—

The Hon. J.A.W. Gardner: You voted for it.

The SPEAKER: Minister for Education!

The Hon. S.K. KNOLL: —who voted for those laws who are now trying to suggest that somehow they didn't.

Members interjecting:

The SPEAKER: Order!

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

The reason for that is quite clear, and it is that this new system, the one that almost everybody in this parliament who was here at the time voted for—in fact, I think everybody voted for—is one that is going to deliver a better and more efficient planning system for developers and for the community at large: an e-planning system that is going to deliver 10-day turnaround times on planning decisions for Deemed to Satisfy houses, a planning system that is going to reduce to 20 days instead of some 70 days-plus decision-making time frames for merit decisions, or what we are going to call Performance Best Assessed decisions, which is a massive step forward.

It is an e-planning portal which, instead of every Friday every developer having to ring up every council they've got planning applications in with, trying to find out where they are up to, is actually now having an online platform to get that information straightaway. This system is going to benefit developers as much as anybody else across the state, and so the Planning and Development Fund is an appropriate use of those funds. Yes, there was a regulation that was put in place, but this is an authority that has existed and certainly the fund has been used for this purpose for some time.

PLANNING AND DEVELOPMENT FUND

Ms BEDFORD (Florey) (14:56): Supplementary: so how much of that money is being used to enhance open space in local council areas?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:56): Again, I thank the member for Florey for that question because it does bring into light the $50 million—in fact, I think in the end we got around $65 million worth of benefit out of the Planning and Development Fund this year. We did bring forward funds from future years to bring it to this year so that we can help to use that fund and that money to provide stimulus into the economy right when it is needed most.

That has meant that we can deliver projects right across South Australia to improve open space, whether that be all the way out north in the Mangrove Boardwalk that is up at Tumby Bay in the member for Flinders' electorate, or whether that be in Breakout Creek in the western suburbs, which I think is actually in the member for Colton's electorate, although I think it borders with the electorate of the member for West Torrens, or whether there be works that I know are happening behind Modbury Hospital near to your electorate, member for Florey.

Ms Bedford interjecting:

The Hon. S.K. KNOLL: Yes, it is in the member for Newland's electorate, but as I understand it people don't identify electorate boundaries. If it's within their area, they will use it. This is a Planning and Development Fund that we have actually retooled, and it is something that I am very proud to have worked with the Minister for Environment and Water on to retool this towards better open space outcomes.

In the past, we have seen a lot of playground upgrades and we have seen a lot of main street upgrades. We know that, as our city densifies and we see more and more people choose to live within the existing footprint of Adelaide, we need to do more to generate better open space. That is why we actually retooled this fund as part of this stimulus to focus more on doing simple things like planting trees.

I know that in the member for Elder's electorate there are a number of projects where we are planting new trees. In fact, in the member for Black's electorate I know we are also planting some extra trees. Whether it be redesigning existing public parks and open spaces to be able to green them, all these projects we know are going to help in some way deal with the urban heat island effect that we know exists in our city, but also to make Adelaide, which is already one of the most livable cities in the world, that much more livable.

As our city grows and our city welcomes more people, we are investing that money in the right areas to continue to make Adelaide that cooler, that greener, that more environmentally friendly and that more livable city we have all come to love.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:59): My question is to the Minister for Infrastructure. What expenses did he incur staying at his mum and dad's house?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:59): I refer the member to my previous answer.

The SPEAKER: I remind the member for West Torrens about my earlier statement as well. The member for West Torrens has the call.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (14:59): My question is to the Minister for Infrastructure. Did the minister stay at his parents' house before December 2018 and claim the country members' entitlement and, if so, why hasn't he paid that back?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:59): Again, I refer the member to my previous answer.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:00): My question is to the Minister for Infrastructure. Will the minister offer his resignation to the Premier?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:00): I have done everything I can to comply with the guidelines, and I consider that I have complied with the guidelines.

Members interjecting:

The SPEAKER: Order! The member for West Torrens is on two warnings.

The Hon. S.K. KNOLL: But as ministers we need to make sure that these issues are put beyond doubt, and that's precisely why I have repaid this money—because I want to put this issue beyond doubt. There is ambiguity, and because of that ambiguity I have taken the proactive step to repay all of this money, to make sure that this issue is, as I say, beyond doubt.

An honourable member interjecting:

The SPEAKER: The member for Hurtle Vale is called to order. I will come back to those on my left.

STRZELECKI TRACK

Mr TRELOAR (Flinders) (15:00): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister inform the house about how the Marshall government is supporting the South Australian economy through the sealing of the Strzelecki Track?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:00): I thank the member for Flinders for the question. I know that this is a question the member for Stuart would have liked to ask, but he, being minister, I think may have precluded him.

The Strzelecki Track is a project that sat on the table for a long period of time. Again, it's another one of those things where the opposition had it in a press release and on a piece of paper but just didn't have any money towards it. Again, that's not how you deliver projects. That's how you announce projects without actually having any intention of delivering. This government, through our—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —Economic and Business Growth Fund, given how important this project is strategically to the productive capacity of our state, has chosen to put in $10 million to seal the first 50-kilometre stretch of the Strzelecki Track. This is a down payment on a project that needs to get done for a whole host of reasons. We are going to seal the first 50 kilometres of the 472-kilometre Strzelecki Track, beginning immediately north of Lyndhurst—or, as the member for Stuart would say, where the sealing currently ends, and it is somewhere north of Lyndhurst.

That stretch was chosen because we have identified water sources and material to be able to undertake this work. It will create 31 jobs over the life of the project. But the great news is that we are able to commence the sealing of the Strzelecki Track this year, in the third quarter of this year, with expected completion sometime in the first half of next year. We will make sure that we get this first 50-kilometre stretch done. It helps to build upon some of the work that has been done already.

We know the Strzelecki Track closes for roughly 40 days a year, give or take, and that has huge productivity implications for the north of our state, especially for three very important sectors, the first and biggest being our oil and gas sector, a great driver of our economy and one that we know delivers huge benefits. They do have significant difficulty getting materials and supplies in and out of Moomba and the surrounding gas fields and it's why this project first and foremost is important.

The second reason is that we know that carting outback livestock around can again get pretty difficult when this road is unusable. We also believe that the sealing of the Strzelecki Track is going to help enhance tourism and that it will become a place where tourists come to enjoy the outback of South Australia. It has been difficult on outback roads over the last couple of years because of the drought and dry conditions that we have had.

As much as the good work from contractors and DPTI staff out there has tried to keep roads in passable condition, the dryness helps to make these roads deteriorate more quickly than they otherwise would. In fact, conversely, the rain also gets in the way. The minister took the opportunity just last week to show me some photos of a recently re-formed road that, because of even just five mils' worth of rain, made that road very difficult. The sealing of the Strzelecki Track we know is going to help keep that road open. In instances where we see rain force the closure of that road, the ability to reopen it much more quickly than happens now is very important.

This is just another example of this government's record investment and spend in infrastructure in South Australia's economy right at a time when we need it most, delivering jobs. I know there has been some commentary in the last few days from members in this chamber, trying to suggest that somehow the government needs to spend even more on infrastructure. A record spend I think is a record spend.

More than that, I think what they fail to understand is that much of this spend is happening in regional South Australia. I know there are those opposite who, when they were in government, thought that everything stopped at Gepps Cross, but on this side of the house we know that it is the whole of South Australia that we need to invest in, and our regional economies are going to be the beneficiaries.

MEMBER FOR CHAFFEY

The Hon. A. KOUTSANTONIS (West Torrens) (15:05): Mr Speaker, my question is to you. How much has the member for Chaffey repaid to the parliament?

The SPEAKER (15:05): My understanding is that all moneys owed have been done so. I have a note that has been provided to me by Mr Clerk, so I am relying on that information. I will provide this amount with the qualification that, if it is incorrect, I will come straight back to the house. I have no reason to believe that it is not spot-on. For the member for Chaffey, the amount that I have that is repaid is $6,993.

MEMBER FOR CHAFFEY

The Hon. A. KOUTSANTONIS (West Torrens) (15:05): Is that the total amount owing from the member for Chaffey?

The SPEAKER (15:06): That's my information, yes.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:06): My question is to the Premier. Will the Premier ensure that all the ministers who have inappropriately claimed the country members' allowance will not claim parliamentary privilege regarding any police investigation into their conduct?

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker: I suggest that that's a matter that's quite out of order to raise in relation to a legal privilege in relation to any hypothetical investigation. The position on that matter is that I would suggest that it's out of order. It's not—

The SPEAKER: On the basis that it's hypothetical, I uphold that point of order. Member for West Torrens can have one more and then the member for King.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:06): The question is to the Minister for Transport and Infrastructure. Will he claim privilege on the documents regarding his travel entitlements?

The Hon. J.A.W. GARDNER: Point of order, sir: that question is equally hypothetical.

The SPEAKER: In that?

The Hon. J.A.W. GARDNER: The member is presupposing that there would be any possible investigation where one might claim privilege.

The SPEAKER: I uphold that point of order. It's a fine line.

CHILDREN IN CARE, EDUCATION PATHWAYS

Ms LUETHEN (King) (15:07): My question is to the Minister for Child Protection. Can the minister inform the house how the Marshall Liberal government is providing education pathways that cater for the diverse needs of children and young people in care?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (15:07): I thank the member for King for her continued interest in good outcomes for children in care. Education for our children and young people in care is one of my highest priorities. I have been working since day one on improving educational outcomes for children in care. I meet regularly with the Minister for Education to discuss educational outcomes, attendance, exclusions, extra supports available for our children, the Berry Street trauma-informed training rollout through schools, One Plans and many more to see what we can do to assist children to get better outcomes through their education.

Under the Marshall Liberal government, we have had an increase in the number of children completing year 11 and 12 who are from care. An education gives our children a foundation to make their future goals possible. If the school they are attending is not delivering on their individual needs, whether that be subject choices or areas of interest, extracurricular, change of cohort or simply to join other foster care siblings, other options should be available to them so they can achieve their best educational outcomes.

I am thrilled that the Catholic Education schools association has come on board quickly and enthusiastically and has worked hard over the last six months with my department on a great package to provide scholarships for 100 children and young people in care to attend SA Catholic schools. The scholarships will be available for primary and secondary school-age children across both metropolitan and regional schools. This will also include learning supports, a package of uniforms, books, excursions and extracurricular activities. This is an innovative joint partnership between the Department for Child Protection and the Catholic education sector.

I encourage any child in care to talk to their caseworker if they are interested in a scholarship. This can also be raised by foster carers, kinship carers and residential careworkers if they believe it is of value to or in the best interests of a child. The Marshall Liberal government is committed to providing both a whole-of-government approach and facilitating a whole-of-community response that deliver to the diverse needs of children and young people in care.

We are all aware of the benefits that education provides to children's health and wellbeing and how important education is to personal growth and social development of children and young people, and even more so when our children are vulnerable. It is also imperative that when making decisions about a child's education the needs of the individual child and carers are taken into account. We have a wonderful state school system. In fact, I am on several governing councils. However, there are instances where a different choice may be more appropriate.

I want all children in care, including foster and kinship care, to have the same opportunities and choices available to them that every other child in our community has. I thank the Catholic education sector for their willingness to come on board to work with my department and their cooperation to facilitate this initiative. This is a wonderful opportunity for our children to thrive and reach their potential, and I would welcome any other schools within the non-government sector to also embrace the opportunity to work with my department to develop and provide education pathways for children and young people in care.

COMPULSORY LAND ACQUISITION

Ms BEDFORD (Florey) (15:11): My question is to the Minister for Transport. When will you respond, answering all questions in my representation on behalf of Mr Loc Huu Lam and Ms Vivien Loo, about your department proceeding with eviction on 15 August from their home at 237 Portrush Road, Norwood, while the amount of compensation for the compulsory acquisition of their property remains in dispute? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: Mr Lam and Ms Loo are among 47 householders and small businesses in the electorate of the Premier whose properties are being subjected to compulsory acquisition in order to upgrade the intersection of Portrush and Magill roads. Mr Lam and Ms Loo have disputed the compensation offer made to them by the department and this matter is now before the courts. In the meantime, the department is proceeding to evict them and has placed a caveat on their property which restricts their ability to borrow in order to fund a new purchase.

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:12): I thank the member for Florey for her question. Can I say that a response to her is something that is going to come very soon.

Ms Bedford: But I need it now.

The Hon. S.K. KNOLL: Mr Speaker, as you could imagine, I am also extremely reluctant to talk publicly about private arrangements in relation to this. The reason I say that is because this issue is always difficult but it is one that is private. It contains sensitive financial matters of individuals who are affected.

Ms Bedford: The caveat doesn't.

The Hon. S.K. KNOLL: In relation to the caveat issue, can I say that it's one that has been raised with me on radio before and it's one that we have not been able to get to the bottom of. In fact, my inquiries of the department suggest that this is the only time that an issue of this type has been raised. In fact, my understanding is that the caveat has now been discharged but the caveat itself would not stop the family from being able to get on and purchase another property, if that's what they choose to do.

What we have done, I understand, a number of times is try to seek further clarity as to how that issue is manifesting itself. But my advice from the department is that this is an issue that has not been seen before and we have not been able to get any real clarity as to why this claim is being made. I just reiterate that I do have, and this government does have, huge sympathy for people whose homes do need to be acquired. There is always this balance between the private interests of people and their land but the broader public interest.

Here we have an intersection, the upgrading of which is going to benefit 60,000 people across Adelaide every single day, delivering some $600 million to $900 million worth of benefit over the life of this project over the next generations. These are difficult decisions that governments need to make and not ones that we do lightly. In fact, minimising land acquisition is a key part of developing and planning infrastructure projects. But this is an issue now that has been going on for some time and one that we are working as hard as we can to bring to a resolution that is as sensitive as it can be to the people who are affected.

COMPULSORY LAND ACQUISITION

Ms BEDFORD (Florey) (15:14): Supplementary, Mr Speaker.

The SPEAKER: With all respect, member for Florey, I think I am going to call the member—

Ms BEDFORD: Last question time you owed me a question.

The SPEAKER: I did, actually. Member for Florey, then the member for West Torrens if we have time.

Members interjecting:

The SPEAKER: I did.

Ms BEDFORD: I hate to have to pull rank, although he is my contemporary. How does the conduct of the department in evicting Mr Lam and Ms Loo accord with the avowed policy of successive governments to act as a model litigant, and would this happen if this were a member of your family?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (15:14): I thank the member for Florey for her question and reject the premise of the question that the government hasn't acted as a model litigant in this circumstance. We have sought to give us much time as possible to help people make arrangements, including contacting them as soon as the project was announced, which was, from memory, earlier last year—March, April, May, somewhere around there. I know that there was further contact made in October, and I know that there has been a series of contacts made over the course of time until now.

So this is something that we have been working on with potentially affected residents for over a year. We have, as I understand it, also given extensions of time because COVID-19 had interrupted, especially in the earlier stages, the opportunity for people to be able to purchase other properties. We did see open inspections close for a period of time. That situation has now passed. We have done everything we can to deal with this as sensitively as possible, understanding that there are some people who still consider this to be an imposition that is unfairly put upon them.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:16): Was the minister advised by the Speaker and/or the Clerk in 2018—

Mr Pederick: Who are you asking, Tom?

The SPEAKER: The member for Hammond is helpful for once. Member for West Torrens, can we have the question again.

The Hon. A. KOUTSANTONIS: Sir, I apologise. My question is to the Minister for Infrastructure. Was the minister advised by the Speaker or the Clerk of the House of Assembly that the Remuneration Tribunal required expenses to be incurred to be eligible to claim the country members' travel allowance? With your leave and that of the house, I will explain, sir.

Leave granted.

The Hon. A. KOUTSANTONIS: Emails were sent out to all members of parliament detailing the tribunal's determinations, and the minister has claimed repeatedly, before and after, the country members' travel allowance.

The Hon. V.A. CHAPMAN: Point of order, Mr Speaker: I think there has been some leniency exercised in relation to standing order 96, which requires there be questions on public—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: A point of order on standing order 96. Do listen, now that you're back.

Members interjecting:

The SPEAKER: Order! I'm listening.

The Hon. V.A. CHAPMAN: In doing so, whilst there's been some information provided by the minister in relation to the matters you have tabled and referred to the Auditor-General, enhanced by the contribution from the Premier, those matters are under consideration. This is not public business. This is not a question about the register of interests. The issue is correspondence between the member and yourself in relation to this matter. I suggest it is out of order. That is not public business.

The SPEAKER: I uphold the point of order.

Grievance Debate

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. A. KOUTSANTONIS (West Torrens) (15:18): It has turned out that the Hon. Terry Stephens was not alone. What we see here is an organised industrial cover-up, led by the Premier, to protect his ministers. We had the Premier giving talking points to the media that he knew in advance what was going to be tabled in the parliament. The minister said to the parliament that he has already repaid the money. That is pretty quick invoicing. He writes a letter yesterday establishing that he has inappropriately claimed money, an invoice has been issued and he has paid it already.

I have to say that we on this side of the house have grave concerns about the integrity of the government and the way they are conducting themselves. Any minister found to have inappropriately claimed an entitlement they are not entitled to has broken the law. It should not be referred to the Auditor-General: it should be referred to police. That is the appropriate authority. If a taxpayer takes money they are not entitled to, it is not the Auditor-General who knocks on their door: it is South Australia Police.

I have to say: why is there one rule for Liberal Party ministers and another rule for everyone else? How is it possible that these ministers simply think they can investigate themselves, do an audit themselves, decide how much they have to pay back themselves, and then pay it back and say we should thank them because they are being open and transparent? That is not how it works.

How it works is they stand down or they are sacked and then you have an independent inquiry. An independent inquiry investigates how much they have inappropriately taken from the taxpayer and for how long. Was it deliberate or inadvertent? Was there ambiguity or was it a racket? Did they incur expenses? How much money should they pay back and should criminal charges be laid?

I can also say this: the Auditor-General continually complains to this parliament about his ability to access documents because of privilege. The opposition does not wish to diminish the privileges of this parliament, but if there is criminality there is no excuse—no excuse whatsoever. This house is littered with examples where parliamentarians have been under criminal investigation and the parliament has waived privilege and allowed police to enter the building and examine documents and officers.

Criminality should not be tolerated. I do not know if members opposite have broken the law. All I know is what they have told us. What they have told us is they claimed money they were not entitled to. They claim it is an administrative error, or so they tell us, and they claim their officers did a check.

Apparently, while the member for Schubert, the Minister for Infrastructure, was staying with mum and dad he was incurring expenses. I cannot imagine the CEO of Barossa Fine Foods charging his son board while being in Adelaide. Maybe he did, but I would like to know some details. If he was not entitled to claim that money, that is not a matter the member can remedy himself, otherwise we are no longer a land of laws.

The rule of law should apply equally to everyone. That is why we are here. One of the reasons we do not call each other by our first and last names in this parliament is that we are not here for ourselves: we are here for our communities. I am the member for West Torrens, not Anastasious Koutsantonis. I am here representing my community. The rule of law applies to all South Australians equally, including ministers of the Crown, and if they have broken the law the book should be thrown at them.

I also point out that there are two public officers who answer directly to the Minister for Infrastructure and who had to stand down. What were they stood down for? Inappropriate claiming of travel allowances. I do not want to go into the details of the current court proceedings or any other sub judice matter, but it is fair to say that the amounts we are talking about there are far less than they have claimed.

Yet the Premier can just simply say, 'Look, the minister is a good bloke and I trust him.' There is a thorough internal process in his office about whether or not he is entitled to claim this money. He decides these are the dates he has inappropriately claimed and then he asks for an invoice, and the parliament quite properly sends an invoice out and it is paid. That is not how investigations are run. Investigations are run independently of the individuals. This is a sham and ministers need to stand down.

EYRE PENINSULA WATER SUPPLY

Mr TRELOAR (Flinders) (15:23): I rise today to speak on a topic I have spoken much about in this place, and that is the water supply on Eyre Peninsula. We were pleased to have the Minister for Environment and Water visit Eyre Peninsula a couple of weeks ago and reaffirm this government's commitment to building a desalination plant on the south coast of Eyre Peninsula.

Of course, water has been an issue from the earliest days. Matthew Flinders discovered—charted, really—the southern coastline of South Australia and commented on the wonderful natural harbour that Port Lincoln now sits on. It was even cited as a possible capital for this colony. Unfortunately, there was not enough water, so the settlement spread along the coast in the early days.

It was not until the railway line began being built in 1907, extended out to 1925, that the real necessity for water became apparent. A big part of the early water supply was to supply the steam trains with enough water to run the steam engine. The Tod Reservoir was built in 1926 and, at the time, it was the longest gravity-fed reticulated water scheme in the world, travelling some 250 miles north to Ceduna. It was pumped to the top of Knotts Hill and from there it gravitated north, believe it or not—not necessarily uphill—as far as Ceduna. It was a remarkable engineering feat for the 1920s.

Just after the war, it became apparent that we were going to need more water on Eyre Peninsula and the Uley underground basin just west of Port Lincoln was tapped into. That was supplemented in the 1960s by the Polda Basin, in between Lock and Elliston, and the Robinson Basin was accessed by the residents of Streaky Bay. Sadly, the Polda and Robinson basins have both collapsed. I am not going to ponder why that may have happened, but certainly there was significant pumping and years of low rainfall and low recharge, so there we have it.

There is concern about the Uley Basin and the fragility of that supply. In about 2008, we gained access to the River Murray water from Iron Knob out to Kimba and in to Lock. My understanding is the Murray now supplies about 15 per cent of Eyre Peninsula's water requirements. Way back in 2002, at the height of the Millennium Drought, the previous member for Flinders, Liz Penfold, was adamant that a desal plant needed to be built on Eyre Peninsula. She was right in fact, and here we are, 18 years later. It is actually going to be 20 years before it comes online, but it is in hand finally and it has taken a Marshall Liberal government to deliver it.

The minister and I went down to Sleaford, which is south-west of Lincoln on the bottom tip of Eyre Peninsula. It is exposed to the Southern Ocean. We looked at the two sites being considered. I do not believe a site has been finalised as yet, but I do know that contracts are being sought in relation to the construction of the desal plant. It is a $90 million project. It is a huge infrastructure spend, probably the biggest spend on Eyre Peninsula since the building of the Tod Reservoir almost 100 years ago.

It is a relatively small desal plant. The intention is to build just a four-gigalitre plant, which pales into insignificance when compared with the one at Port Stanvac, which can operate at 100 gigalitres. It is minuscule compared with that, but it is important because Eyre Peninsula without Whyalla uses just eight or nine gigalitres of reticulated water a year. This will provide about 50 per cent of that requirement. It is not the whole lot, it is not intended to be, but what it will do is provide water security and help preserve the existing underground basin, which of course is being extracted from at the moment, so it will help maintain and preserve that resource as well.

A side benefit, but one that is much looked forward to, is that it will also improve the water quality. People know that underground water is high in calcium; it is hard water. It is very hard on hot water services, kettles and things like that. Desalinated water of course is virtually pure. If it is to be shandied with our underground water, we should see much improvement in the quality, which will be much appreciated by the residents of Eyre Peninsula.

The final thing I have to say today is that the location really is dependent upon letting brine out into the Southern Ocean where it can be dispersed and also it provides close access to existing pumping stations and the existing system. We look forward to water security on Eyre Peninsula.

REPUBLIC OF CYPRUS

Ms MICHAELS (Enfield) (15:28): Today, I want to talk about a little village called Eptakomi on the north-east coast of Cyprus. In the mid-1970s, it had a population of about 900 people, including my parents, my brothers, my grandparents and in fact most of my family. I am told it was a beautiful place with a beautiful old church, but I have never been there and I cannot go there.

Yesterday, 20 July, was an anniversary of great sadness for my family and the more than 30,000 Cypriots who now call Australia home. On 20 July 1974, the Turkish military invaded the island of Cyprus. Over the next month, it displaced more than 150,000 Greek Cypriots, including my family who jumped into a car in the middle of the night with nothing more than the clothes that they were wearing, drove through the night across orange orchards and farms, escaping the tanks, the gunfire and the terror.

As a result of the invasion, one in three Cypriots became refugees. They were displaced from their homes and forced to relocate without any of their property or belongings, which they were forced to leave behind. I still remember stories of my brother crying because he lost his little red car and my oldest brother crying because he left his pillow at home, and he said he could not sleep without it. I was not born when my family was forced out of their home, although I came close.

Due to the military action of the Turkish government, I was born as a child of refugees in London a few months after that, far away from that beautiful little village in Cyprus. During the course of the invasion and subsequent occupation, many Greek Cypriots lost their lives defending their country. More than 2,000 Greek Cypriots were shipped off to Turkey as prisoners of war, many of whom were never released.

To this day, there are more than 1,500 Greek Cypriots who remain missing. That is 1,500 families who do not know where their loved ones are, 1,500 families whose grief is exacerbated because the resting place of their sons, daughters, brothers and sisters is unknown. And now, some 46 years later, hope of ever recovering their remains fades to hopelessness and despair. Mr Speaker, imagine living like that for almost 50 years.

Cyprus remains to this day divided by an occupying force in the north. The European Court of Human Rights has found against the Turkish government for abuses of human rights in the course of its occupation. The United Nations Security Council, through resolution 367, universally condemned the Turkish government's declaration of the occupied territory as 'a Federated Turkish State'. I wholeheartedly support that condemnation of the Turkish government's occupation of my family's land.

In its occupation of Cyprus, the Turkish military has sought to ethnically cleanse the occupied territory through the violent expulsion of Greek Cypriots from their homes while settling approximately 120,000 mainland Turks into the occupied territory. As history has shown, the Republic of Turkey is not opposed to the brutal ethnic cleansing of civilian populations.

In the early 1920s, they committed atrocities against the Greek Pontians, the Armenians and the Kurds and have continued that practice in recent attacks in Syria. The Turkish government must remove its military from Northern Cyprus. The Turkish government must respect the sovereignty of the Republic of Cyprus, as the rest of the world does. The only solution to the Cypriot conflict is for the demilitarisation and reunification of the island.

My family, along with many other South Australian Cypriot families, had their lives destroyed when they were displaced from their homes. A resolution to this conflict must result in a just settlement for these families to assist in the process of healing long-open wounds. My father is no longer with us and will not be able to see an end to the conflict, nor receive any restitution. I pray that my mother will before she dies.

The commonwealth government must aid in the current peace process. The United Nations, through its many resolutions, acknowledges the sovereignty, independence and territorial integrity of

the Republic of Cyprus. As a member state of the UN, Australia must advocate for those resolutions being respected by the Republic of Turkey. As we say in Greek, 'den xehno', meaning, 'I will not forget'.

LYMPHOEDEMA COMPRESSION GARMENT SUBSIDY

Mr BELL (Mount Gambier) (15:33): In 2018, I met two very passionate and dedicated women—Dulcie Hoggan and Pam Moulden—both part of the Mount Gambier Breast Cancer Awareness Group. Both these women developed a condition called lymphoedema after treatment for breast cancer. Lymphoedema is a condition that hits you when you are down, both physically and mentally. It is a chronic, lifelong condition that can develop after various types of cancer and requires the use of bulky compression garments to make daily life more comfortable.

The cost of these garments, which have to be completely updated every three to six months, can range anywhere up to $3,000 a year—a significant cost burden on people who are recovering from cancer. Over a lifetime, this can add up to tens of thousands of dollars. This sometimes means that many patients do not replace the garments when they need to, which can lead to health implications, such as skin infections and, more seriously, cellulitis.

An international study conducted by International Lymphoedema Framework in Australia found that one of the key issues to improve the treatment and management of the condition was addressing the high cost of compression garments. At the time I met Dulcie and Pam, South Australia was the only state in Australia not to have a garment subsidy in place. I was motivated by their personal stories and that of Monique Bareham, President of the Lymphoedema Support Group of South Australia, who also has the condition and has advocated for a subsidy scheme for many years.

In 2018, I spoke on the issue in parliament with a private member's motion, and told the stories of Pam and Dulcie, and called on the state government to establish a subsidy scheme. In 2019, an advisory group was established to help develop a subsidy model for South Australia. Last week, the news people had been waiting for—a compression garment scheme for South Australia—was finally announced by the Minister for Health, Stephen Wade.

The state government has committed $2.5 million towards the scheme, which will allow individuals to receive up to two sets of ready-to-wear or custom-made garments every six months. This was a real team effort, made possible by the continued advocacy of passionate people like Dulcie, Pam and Monique, as well as Sam Duluk (member for Waite).

Sadly, Pam passed away before this scheme was announced; however, her advocacy is now reflected in the thousands of South Australians able to access the scheme that will give a better life to those suffering from this condition. One of the most satisfying parts of being a local member is being able to represent your electorate, those who have a certain need, and being able to speak out on their behalf and advocate in parliament for a change.

I thank the state government, and in particular the Minister for Health, Stephen Wade, for recognising the importance of this issue and making sure that this contribution will create a better life for South Australians living with lymphoedema. I really just wanted to commend the state government, and in particular the health minister, for recognising this as an important issue, taking the time to meet with affected South Australians and lobbying through cabinet and the Treasurer to secure $2.5 million from the government for this very important cause.

MAWSON ELECTORATE

The Hon. L.W.K. BIGNELL (Mawson) (15:37): I rise today to talk about a few concerning things in our local area down in the south. The number one issue is that lack of work on the South Road duplication project, which we announced in our 2017 budget when we were still in government. In the lead-up to the 2018 election, the Liberal Party was asked by the very good people of the South Road Action Group whether the Liberals would match Labor's budgeted funding for this much-needed upgrade of one of the busiest corridors in South Australia.

The Liberal Party said that, yes, they would, and that there would be bulldozers out there before the end of 2019 to start building. As I have said, there was more bulldust than bulldozers. We have not seen any work start on the South Road duplication, and it is just another Liberal Party lie. They are out there saying that they care about building things in South Australia.

Do you know how many jobs could be created if they started work on a project that was announced in 2017? Hundreds and hundreds of much-needed jobs in the south. Unfortunately, this government is all about getting out there with their scissors and cutting ribbons on projects that Labor promised but not actually getting on with the job of building any of the projects that need to be done.

On the other hand, this government says they want to take away people's right to protest and to have a view on a development by the private sector in our local area because they want a stimulus because of COVID-19. They say we need to speed up planning approval so that the private sector can come in and build whatever they want to without their neighbours being able to have a say in what that may look like and without the community being able to have a say in whether that is the appropriate place for a major development.

This government wants to just allow the developers in to ruin a beautiful part of South Australia, and I am talking about McLaren Vale, our wine region. A decade ago we brought legislation into this place, which was the first of its type in Australia, to give protection to the character of McLaren Vale, and when we talk about the character it is the rolling hills, it is the vineyards, it is the pristine agricultural land that we have seen devoured by housing estates everywhere north of McLaren Vale, right out to Gawler and beyond.

We had the foresight a decade ago to bring in some protections, and where you can build in the McLaren Vale wine regions is within the town boundaries: McLaren Vale, McLaren Flat and Willunga. The community was very clear on that, and when this government was elected in 2018 and failed to reassure people in my local area that that agricultural preserve would be locked in place forever as it is and how it was intended by our community and how it was intended by the parliament people got really upset.

We had more than 500 people come to a community meeting in McLaren Vale in October 2018, so people were really concerned about it. Yet a developer wants to come along and build a 150-room hotel and conference facility out on prime agricultural road on McMurtrie Road and this government is taking away the right of my community, our local people, to have a say on that.

We all think it is probably a good idea that we have a 150-room hotel and convention centre in McLaren Vale, but the thought is: why would you ruin the character—which was what the legislation was all about protecting—when it could be built in the main street of McLaren Vale, and then the flow-on would be extra business for all those small businesses, such as the cafes and the restaurants up and down the main street?

There is a bus stop—as long as this government does not take it away—right out the front of the Visitor Information Centre, which would be an ideal site. That bus stop leads to the Seaford rail line. It leads to cafes up and down the main street. It leads to Willunga, which is where the farmers' market is every Saturday. There is another bus stop at the Salopian Inn. Again, we hope they do not take these bus stops away. These are the sorts of concerns that our local people have.

Another big concern for McLaren Vale is that this government has the power—and it has failed to exercise that power—to stop a PFAS dump being built in McLaren Vale. This is one of the most pristine food and wine areas in Australia, in the world. This government could step in and stop PFAS being dumped there, but at this stage it has not. I have spoken to the EPA, which seemed to me to be apologists for the people who want to dump PFAS into the area. They say, 'Oh, it's state-of-the-art technology.' I think they might have told us that about the retractable lights at Adelaide Oval, they might have told us that about the *Titanic*.

The people who are going to pay the price are the people of McLaren Vale in 10, 20 or 50 years' time, and I am really worried. We want to stop this dump.

COMMUNITY WASTEWATER MANAGEMENT SYSTEM

Dr HARVEY (Newland) (15:43): A little over one month ago I spoke in this place about the Marshall Liberal government's $65 million investment that would deliver a long-term solution to the Tea Tree Gully's Community Waste Water Management System (CWMS). You do not have to search very far in a suburb like Banksia Park to find someone who knows that there are big issues with the CWMS. I have previously described this system in detail, as well as some of the many problems with it, including the massive price hikes that the 4½ thousand households in my community have faced

and continue to face, and the increasingly frequent blockages, and in some frankly unacceptable instances the raw sewage that some households have had flowing through their backyards.

The Tea Tree Gully council has recently released more information about the state of the system that highlights the need for urgency in fixing this problem. The first glaring observation from the council report is just how much or how little of the system the council actually knows the condition of. The network of 117 kilometres of pipes connects over 4½ thousand properties predominantly across my electorate and also some properties in the member for Florey's electorate, the member for Wright's electorate and the member for Morialta's electorate, and of this 117 kilometres the council has assessed the condition of 12 per cent.

The council also reported on the condition of the structures of the CWMS. These structures are things like maintenance shafts and manholes. The council has assessed 89 per cent of these. However, more concerning than the amount of the system that has been assessed is the condition of what is known. In assessing the network, council applies the Office of the Technical Regulator's infrastructure standards. In accordance with the OTR standards, pipes and structures are assigned a rating of between one and five, with one being the most desirable and any rating greater than three being defective and requiring intervention.

Of the 12 per cent of the pipe network that has been assessed, a quarter has a rating of three, half has a rating of four, and about one-sixth has a rating of five. That is, two-thirds of the network's condition that has been assessed and is known to be in need of repair. Of the 90 per cent of the structures of the network that have been assessed, 64 per cent are rated three or greater, so the majority of the known condition of the CWMS is at breaking point. Indeed, the council has identified an area of Banksia Park that includes Elizabeth Street, Steventon Drive, Coulls Road and Tay Court where, and I quote:

> The CWMS assets are defective and there is a significant risk that the asset may fail if timely intervention does not occur.

Of course, this would come as no surprise to many people in my community. They have known the CWMS was not up to scratch for many, many years and they have not been silent about it either. It is a damning indictment of those opposite. Not only did they have Labor Party members as representatives of my community in this place, including my predecessor, but they were in government for 16 years. They could have listened to the people in the community who were crying out for assistance, but instead they sat on their hands.

Unlike the former government, the Marshall Liberal government is listening. Since my election, I have been speaking with many people across my community but in particular with Rose Morton, Adla Mattiske, Jan Petersen and Jacinta Lamb, who have been key drivers for fixing the CWMS. They were, and I do not think they would mind me saying this, at their wits' end with the CWMS and the complete lack of interest in fixing it. I am proud that the Marshall Liberal government has listened to their concerns. We are investing $65 million to fix this dilapidated and defective system at no cost to households.

SA Water, at the direction of the Minister for Environment and Water, with whom I have worked very closely on this issue, is sitting down with the council to develop a schedule for the conversions. We are ready to convert the first properties from next year, and my community cannot afford for any games to be played that will only delay those conversions. The CWMS is at breaking point. The fee hikes are unfair and unjustifiable. My community deserves so much better than this dilapidated system, and the Marshall Liberal government has listened. We are delivering the long-term solution that my community deserves.

Bills

EMERGENCY MANAGEMENT (QUARANTINE FEES AND PENALTY) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

The CHAIR: Attorney, you were part way through an answer to a question on clause 1.

The Hon. V.A. CHAPMAN: I think I was identifying the reason why the amendments were continuing into the night last night, of the request for amendment and, in particular, by that stage, to accommodate the significant amendment as to whom the quarantine fees were going to apply. In this regard, it was relevant to the principal aspect, or the first part of this legislation, which is to deal with who should pay those, and had commenced with a commitment to include overseas and interstate returnees—that is, South Australians coming home and people who were coming back.

It was expanded last night to consider South Australians who would also be obliged to meet this expense even if they had not been away, if they were under a detention order—if they were under an obligation to be in isolation and that required them to have accommodation, then they would have to pay. I should point out that, in respect of that obligation under the bill, the provision for payment is subject to subclause (6) of clause 4, which introduces new section 25AA of the Emergency Management Act, which provides:

> The State Co-ordinator may waive, reduce or refund a fee imposed under this section if the State Co-ordinator considers it appropriate to do so.

I hear the complaint of the opposition that it is all too difficult and unreasonable that they should have to be dealing with these matters by mid-morning today, but I think it has been very clear that there are four key elements that we are asking the parliament—the Legislative Council and here—to deal with: firstly, the introduction of pharmacists to be able to do tests; secondly, the provision for people to pay quarantine fee payments; thirdly, that there be an obligation for South Australians to pay if they are obliged to go into that quarantine arrangement and have that expense; and, fourthly, the penalties, for all the reasons that were identified yesterday.

A complaint comes that sometime at 2 o'clock they get a copy of the bill in relation to the penalty matters. Again, I point out that in the morning that the commissioner indicates that that is something that he would accept. We have discussions with the Crown law because of this question of the tension as to validity. That advice was given. I understand the Crown solicitors met with the police commissioner's representative at 2.30 yesterday. We get that advice. I contact the commissioner. I cannot do it any more quickly.

I just do not think they appreciate the significance of the work that has to be done. You cannot just stand up and say, 'We've got this great idea because this other state over here is doing it. We think this should be done. We demand, in fact, that the government do this,' and then turn around and expect it all to be done. That is just not the way that lawmaking works.

I am not going to be part of a government that will follow the lead of the previous government in just throwing things in willy-nilly and not having proper preparation, in this case apparently not even consulting with the police commissioner, who is the Coordinator for the state, and then expect that it is all going to be done. That is just not what lawmaking is about. Fortunately, we have an opportunity here to put the meat on the bones in relation to this.

I am sorry if they are miffed, but sometimes we do have to work quickly. I say the same thing to the member for Mount Gambier, who thinks we are dealing with all this too quickly. If everyone is unhappy, it must be a good bill.

The Hon. S.C. MULLIGHAN: That is a remarkable diatribe by the Deputy Premier, complaining that her tardiness in conceiving these changes is actually the fault of the opposition for daring to complain about how late it was when she was able to either furnish us with a bill or, at the very least, communicate to the opposition and to the crossbench that there were changes planned.

I think we can all admit what happened here. The Premier belled the cat about the change to penalties, or the need for the change to penalties, on Thursday of last week. The Deputy Premier went on radio on Friday morning and said that that was not necessary at all. Then we have the police commissioner on Monday echoing the sentiments of the Premier the previous Thursday, indicating a willingness to consider harsher penalties.

The only one who has been tardy in this process has been the Deputy Premier, because conceivably what could have happened, had we had a government that was willing to act more quickly and more in tune with the desires of the broader community, is that as soon as the Premier had made those remarks at a press conference on Thursday, then those consultations could have

happened immediately with the police commissioner on Thursday in the middle of the day or even in the afternoon. 'How do you feel about these, Mr Stevens?' He could have provided his advice back to the government.

We could have had a request from the Deputy Premier or her office or from the Crown Solicitor or from somebody else in the Attorney-General's Department to have some changes drafted by parliamentary counsel. In concert with that, there could have been a communication to the remainder of parliamentarians that these changes were being contemplated by the government and then there would be no complaints from the opposition, or indeed members of the crossbench, that these changes were being foisted late upon the parliament.

We do not mind if things are being done in a hurry. For each of the bills which have been brought to this place in a matter of urgency in order to respond to the coronavirus pandemic, all members of parliament on all sides have indicated a willingness to drop everything else and deal with these matters. So that commitment is there from all of us; we are happy to do that. But we are able to do it in a more informed, collegial and productive manner if we all know what is going on throughout the process.

I know the Deputy Premier does not like having her judgement questioned by anyone, so she can complain about the opposition making it clear that we would prefer as early a notice as possible for these matters. But really the fault does not lie with us. The fault lies with that minister who was tin-eared on Friday on radio, when being interviewed by Leon Byner. They could not bring themselves to countenance the concerns of the broader community and bring in these tougher penalties.

The CHAIR: Was there a question in any of that, member for Lee?

The Hon. S.C. Mullighan: No, it was just a statement in the same manner that the Deputy Premier offered.

The CHAIR: Which you are quite entitled to do, obviously. I just thought I would check to see if you did want to ask a question as well. Member for Kaurna.

Mr PICTON: I was not fully apprised, unfortunately, as the member for Lee said, of the full tirade from the Attorney-General. However—

The Hon. S.C. Mullighan: It was brutal.

Mr PICTON: It was brutal, I am sure.

Mr Pederick: Well, have you got a question?

Mr PICTON: I could take my full 15 minutes, if I like, member for Hammond. However, I will not, because I would like to ask the Attorney-General some questions about this. In particular, the question I asked, which I do not think was properly answered even though I did not hear all of what the Attorney said, was: what is the difference between what we said and what we provided to the Attorney-General and what she has now furnished to the house in this legislation?

This morning, it seems apparent that she and her office and the government have been providing information to the media that there was some sort of difference between what they were going to do and what we had done. However, when you actually read these pieces of legislation, there is no difference whatsoever. So can the Attorney-General find any piece of difference between what was provided for in the bill, which we gave to her office and to the government yesterday, versus the amended section adding the criminal penalty of up to two years, which appears almost identical today?

The Hon. V.A. CHAPMAN: I refer you to my previous answer.

Mr PICTON: The Attorney mentioned that she was provided with information from the state controller, commissioner Grant Stevens, yesterday requesting that this be provided. At what time did that occur? What time was the request made yesterday, and in what format was the request made? Did it come before morning radio when the commissioner said publicly to the community that he would support such changes? Was it after that? Was it after the 2.40pm email that was provided

from her office to the opposition providing a copy of this bill but without those changes, without that two-year sentence included?

The Hon. V.A. CHAPMAN: I do not know about all those other aspects because I do not necessarily agree with that. The commissioner made a statement on radio which suggested he was supportive of the contention that was put by Mr Bevan. It was on ABC. Having been informed of that—I had not had a request at that time—I checked with the Crown Solicitor's Office as to the validity of any issue in relation to penalty. They indicated they were meeting with a representative—I think it was one of the deputy commissioners—at 2.30, which is part of their usual business because they meet almost on a daily basis to deal with these directions.

After that, it might have been at about 3.30, I contacted them and indicated that there was a clearance legally for us to be able to progress something. I rang the commissioner at about that time, 3.30 or 4 o'clock, and he indicated at that point that he wanted to proceed. Just to be clear about it, we discussed times. He did not have a view on that, in the sense of how long it would be. As I say, I have given you a summary of all the other jurisdictions that already have it.

Mr SZAKACS: I rise to provide some context on the record for a local constituent of mine, not pertaining to the matters the member for Lee and the member for Kaurna have just been touching on, but particularly around the recoup of quarantine fees contained in this bill.

The Hon. V.A. Chapman: Is this on clause 1?

Mr SZAKACS: It is. A very concerned local constituent contacted me on behalf of her daughter, Kelly McNamara, who is currently stranded in Nepal. She was particularly aggrieved by the insensitive and outrageous comments of the Premier to the *'Tiser* on 13 July, and I quote this because I would not want to get the tone of this wrong. He said, 'The reality is people had plenty of time to get back to Australia. There's some real stragglers.'

I am going to put on the record the experience of the young woman Kelly McNamara, who is stranded in Nepal because of that country's shutdown of their borders, preventing her from leaving that country to return to Australia. She was in Nepal entirely legally and, as soon as the coronavirus global pandemic took hold, took very reasonable, proper and acute steps to return to Australia. She is the holder of a fully paid return airfare. Of course, with borders closed and flights grounded in and out of Kathmandu, she cannot access or cash in that prepaid return ticket.

She has had some opportunity to jump on a charter flight. It might be of some unknown quantity to the Premier or the Attorney, but some people cannot afford to jump on a charter flight, particularly a young woman working in the arts industry who would, upon her return to Australia, return to a job that is disrespected so much by the federal government that it does not even count for the JobKeeper payments.

If she had the privilege to be able to jump on a charter flight, she would have been home here in the western suburbs with her mum much sooner than the world has provided her the ability to do. Nepal went into total lockdown on 23 March, and her ability to leave Nepal was extinguished very quickly thereafter. I think 24 March might have been the exact day that international flights out of Kathmandu were grounded. Australia closed its borders to international travellers except for Australian citizens on 20 March.

You would hardly accuse Kelly McNamara of being a straggler and not undertaking all her best endeavours to return to her home country as soon as she possibly could. The best advice that she has received from DFAT, with whom she has been in constant contact—and, as best I have been advised by her mum, she has been receiving extraordinary assistance—is that at this stage Kathmandu's international airport will be allowing flights in and out sometime around 17 August.

On behalf of my local constituent and her daughter, who is stranded overseas in Nepal—she is not a straggler and she certainly has not been dragging her heels. The tone with which the Premier has clearly embraced this reform has been single-minded and particularly out of touch with that cohort of particularly young, low-paid Australians who are stranded overseas.

From that contribution, my question to the Attorney is: has DFAT been consulted in respect of this bill and what has been their advice, particularly around the question of people choosing to be stragglers and not returning home sooner?

The Hon. V.A. CHAPMAN: I think perhaps the member misunderstands his reading of the bill. This is not a bill which impacts in relation to the international shutdowns which he has referred to.

Mr Szakacs: No, I did not misunderstand the Premier saying that everyone who wanted to be home by now would be home.

The Hon. V.A. CHAPMAN: Well, I do not see any of those expressions of words in this bill. I think the question was: has DFAT been consulted in relation to this bill? No, and the reason for that is the decisions nationally of either the Nepalese government, or whoever is in charge over there, or the Australian government, the structure of which the member is quite aware of here, is irrelevant to the considerations in this bill. They are quite irrelevant. I note the member's statement in relation to his concern or the apparent concern expressed by Ms Kelly McNamara, who is a constituent and who is apparently stranded somewhere in Nepal in light of these international—

Mr Szakacs: She is not apparently concerned; she is actually concerned. She is not apparently stranded; she is actually stranded.

The CHAIR: Member for Cheltenham, you have had your opportunity.

The Hon. V.A. CHAPMAN: I do not know whether I can help the member for Cheltenham—

The CHAIR: Attorney, just a moment, please. Member for Cheltenham, you have asked the Attorney a question and you will have the opportunity to ask another one. We will let her answer.

The Hon. V.A. CHAPMAN: The answer I repeat is no. The second is that, in relation to the circumstances of Ms McNamara's being stranded in Nepal, I sympathise with her. She is not the only one. Of course, we know that there are a number of people who are stranded overseas. We have heard impassioned pleas already from one member in relation to people who are just stuck across the border or people who miss out on status for the purposes of exemptions to enable them to come into South Australia. That is the circumstance we are in.

The issue that has been raised by the member for Cheltenham is of no relevance to the matters of the substance of this bill. That is a matter he can direct either to the attention of presumably the President or Prime Minister of Nepal and/or the Prime Minister of Australia.

Mr SZAKACS: In the formulation of this bill, which the Attorney brings to this house, does she agree with the Premier's statements that all Australians stranded overseas should be home by now and that there are some real stragglers?

The Hon. V.A. CHAPMAN: There is nothing to do with the assertions made by the member in relation to this bill. The member is asking me questions in relation to commentary in a media situation. It has nothing to do with this bill. I appreciate the member is concerned about Ms McNamara's circumstances, and I sympathise with that, but it has nothing to do with this bill.

Mr SZAKACS: I respect the Attorney's prerogative to choose to answer or not, but it is very clearly part of this bill. The Premier determined that a bill to charge those residents returning to Australia a fee for their quarantine was required and appropriate at this time and this juncture because, as he put it, all those people who would choose to be home by now should be home by now and that there are some real stragglers.

It is core to the point that, despite and notwithstanding the Premier's assertions that there are people who are straggling, people's return to Australia, as is demonstrated by the quarantine arrangements in Nepal, is beyond their control. It is out of touch and it is condescending in nature to say that simply wanting to come home gets you a flight out of Kathmandu and back home here to Adelaide.

The Hon. V.A. CHAPMAN: I will take most of that as a comment, but if in fact the member is actually trying to ascertain whether there is any capacity for relief for anyone returning from overseas to present their impecunious state—

Mr Szakacs: That's the next clause. That's a future clause. That's clause 6, is it not?

The Hon. V.A. CHAPMAN: Clause 4, new subsection (6) of new section 25AA is the answer to where that relief can be sought, if that is in fact where you are going. That is the only connection I can see with an arts student. I do not know whether Ms McNamara is an arts student, but she has a return airfare and she is on a charter flight; she just cannot get in the country. If her problem is that she may not be able to afford to do the two weeks, the $3,000 fee, then that is her relief.

Clause passed.

Clause 2.

Mr PICTON: In relation to clause 2 and the commencement of this, it is in two parts. Essentially, you are saying that the hotel quarantine fees will start as of Saturday 18 July, I believe, whereas the other provisions, particularly the two-year sentence, would start on a date to be determined and as assented to by the Governor. If you are going to backdate the payment that people have to make to the 18th and set a particular date, then why are we not setting a particular date for when the two years' imprisonment penalty should come in? On the basis that this gets passed through this parliament, how quickly will you make the necessary provisions to advise the Governor, and what date would you expect that that would be assented to and the two-year criminal provision be put in place?

The Hon. V.A. CHAPMAN: In respect of clause 2(2), for reasons I have already announced, that is to measure with the notice that was published that it will be effective from one minute past midnight on the 18th. In any event, in relation to the rest of the bill, I would expect that, if there is consideration by the parliament tomorrow in the Legislative Council, we would be looking at a reference to the Governor by Thursday. I see that as possibly unlikely because none of us here have any real control over what happens in the Legislative Council and they have a big day on Wednesdays with private members' business. I would expect that they will be dealing with it on Thursday.

The expectation of the government is that if the parliament approves this legislation this week, then we would move it as quickly as possible for consideration by the Governor. The member may be aware that the practice of our government is that the Executive Council is a full meeting of cabinet members with the Governor on Thursday mornings, but from time to time, especially during COVID, His Excellency has made himself available to consider separate appointments for the purpose of that and often the Premier and/or other members of cabinet attend Government House to facilitate that.

We thank His Excellency for accommodating that to deal with the extreme circumstances. I would hope that, if the matter is dealt with this week, it would be presented to His Excellency as expeditiously as possible.

Mr PICTON: That is a great deal of uncertainty as to when this is going to come into place. We are dealing with an emergency now. We are dealing with a border where every single day now we are pretty much seeing the police picking up people who are doing the wrong thing. We are trying to send a deterrent here, that people would face these penalties. We had a case before the Magistrates Court even today where I understand the magistrate held people and refused bail because they were worried in terms of what the arrangements would be after they got released. Of course, there is no ability for any sentences to be imposed under the current legislation.

It seems to me that a key reason for this as a deterrent is to send a strong message, as we and the Premier have now said. Since we are setting a particular date in relation to charging people for staying in hotels, why would we not set a date for when this would come into place, i.e. perhaps today, so that people have notice that this will be in place as soon as possible?

What the Attorney has just outlined is a great deal of uncertainty. She said we cannot be sure of what happens in the other place—who knows what goes on over there. 'We will try to find an appointment with the Governor. We will try to advise him and organise a different meeting.' If we are sending a message, that is not a strong message, whereas we could set a specific date now, send a strong message and people would know that this would be in place from a particular date and be on notice that they could face the consequences.

The Hon. V.A. CHAPMAN: I generally take that as a comment, but we have respect for the Governor. We will work in with his schedule to accommodate it. To date, he has been exceptionally accommodating in relation to how we deal with this. We do not presume what the parliament will do on this. We hope that we will expeditiously deal with this today and in the Legislative Council tomorrow or Thursday. As soon as practicable after that, we will seek to have His Excellency endorse the legislation. I cannot be any clearer than that.

Mr PICTON: In relation to the hotel quarantine, where the Attorney-General is very happy to set notice and set a specific date, even if she is not on the two-year penalty for some reason, how is that going to work? Is it that people who arrive from the 18th onwards into Adelaide or into South Australia would have to commence this? Would people who were already here for some part of their 14 days' quarantine have to pay for the remainder of their 14 days following the 18th, or is it only for those people who were fully forewarned that this would be in place before their 14 days began?

The Hon. V.A. CHAPMAN: I have to hand a memorandum, which is a package of material that is provided to all the new people coming in under this regime. The public were given notice on the announcements from the weekend when it would be effective from, and they will now get a package. In fact, I have even invited them to go onto www.SACOVIDMentalHealth.org.au to chat to a person online. They are also given a website for further information, which is www.sahealth.sa.gov.au/covid2019, or they can call an information line if they need any further information.

Clear notice was given that this was the regime to be implemented. The Communicable Disease Control Branch of SA Health has neatly written out what the obligations are in relation to it. I think that they have done the best they can to make sure that notice is given. Having made the announcement, for it to be effective everyone was clearly aware that the intention of the government was that there would be a time set. It is identified in the directions of the Coordinator to be effective, and that is what has actually been implemented. That is why there is a specific provision for subclause (2) in this clause.

Clause passed.

Clause 3 passed.

New clause 3A.

Mr DULUK: I move:

Amendment No 1 [Duluk–1]—

Page 2, after line 13—Insert:

3A—Amendment of section 25—Powers of State Co-ordinator and authorised officers

Section 25—before subsection (3) insert:

(2a) A direction or requirement under this section must not prohibit travel into or out of the State where the travel is for the purpose of escaping domestic violence or providing support to a family member who is experiencing domestic violence, or is otherwise reasonably necessary for the purpose of dealing with circumstances arising out of domestic violence (but a direction may impose conditions in relation to such travel).

Parliament has given extraordinary powers to the commissioner under this COVID legislation as has become apparent to me, from reading the directives and correspondence to my office around some of the definitions of 'essential travellers' under the directives of the Emergency Management Act 2004, especially around the directive No. 9, in terms of who is an essential traveller and on what basis compassionate grounds can be granted for an individual to come to South Australia.

At the moment, compassionate grounds can be granted to persons who travel to South Australia to visit a critically or terminally ill relative or to attend the funeral of an immediate family member, provided that such persons self-quarantine during any period in which they are not visiting their relative or attending the funeral. I am sure there have been hundreds of applications made to the State Coordinator in terms of that provision.

My amendment simply includes the provision to allow persons to travel to South Australia or to leave South Australia in the case of domestic violence or escaping domestic violence. This

provision is to sit under section 25 of the Emergency Management Act 2004. There is a list of powers granted under that section, which is quite substantive and gives the power to the State Coordinator to direct persons.

In this case, this amendment is simply saying that when it comes to a person who would be seeking a directive from the State Coordinator, domestic violence would be an exempt reason. We know that there is a huge issue with domestic violence in our community. I prepared some notes to members last night and gave some examples of what we are seeing in other states, such as Victoria.

I am delighted to see that the member for Reynell has also tabled a very similar amendment—in fact, it is incredibly close to mine—on the back of seeing my amendment. I am not sure if she picked that up and would like to have carriage of that herself, but it is good to be on a unity ticket with the member for Reynell on this issue. I certainly hope that the Labor Party will be supporting my amendment as I indeed will be supporting theirs, which is to follow.

I appreciate the Attorney has already made some comments in relation to her desire to work with the State Coordinator to at least see this incorporated into the Emergency Management (Cross Border Travel No 9) (COVID-19) Direction 2020. It is my desire, and that of members of my community who have contacted me, to see that expressly enshrined in legislation; hence, I move the amendment before the house today.

The Hon. V.A. CHAPMAN: I have questions of the mover of the amendment. My first question is: has the member made any approach to the State Coordinator (that is, the South Australian Commissioner of Police) in respect of his proposal?

Mr DULUK: Thank you, Attorney. Yes, he has been provided with a copy of my proposal.

The Hon. V.A. CHAPMAN: And did the member receive any response?

Mr DULUK: Not to date.

The Hon. V.A. CHAPMAN: My further question is: is the member aware of any other jurisdiction that specifically makes provision for an exemption on travel restrictions for domestic violence?

Mr DULUK: Attorney, as I think possibly you are quite well aware, New South Wales has a broader exemption as part of their directives for persons, but just because another jurisdiction has not covered this issue does not mean that South Australia should not.

The CHAIR: Attorney, you have had three questions on that.

Members interjecting:

The CHAIR: Yes, she has.

Members interjecting:

The CHAIR: I'm in charge here. The Attorney has had three questions, and we have been very good at having three questions today. I believe that the member for Reynell has a question for the member for Waite.

Ms HILDYARD: I wish to speak to the amendment. It is absolutely abhorrent that here in Australia, and indeed across the globe as we grapple with the ongoing COVID-19 crisis and the serious devastating health and economic issues that arise for individuals, communities and countries, we deal with another crisis: the terrible prevalence of domestic violence here in Australia. This is a crisis that sees the number of women who are not safe in their homes to which they are currently much more likely to be confined with a violent partner dramatically, unacceptably increasing, a crisis that sees more than one woman per week killed by a partner or former partner.

In a recent survey, 40 per cent of front-line domestic violence workers in New South Wales reported an increase in calls or help with escalating violence. On 8 June, Tammy Mills reported in *The Age* on Monash University research into the impact of COVID on the incidence of domestic violence. As the Attorney mentioned earlier today, Ms Mills stated that the university reported:

- Almost 60 per cent of practitioners said the COVID-19 pandemic had increased the frequency of violence against women.
- Half of respondents said the severity of violence had increased.
- The number of first-time family violence reports had gone up 42 per cent of practitioners surveyed.
- Practitioners themselves were struggling working from home, which was 'wreaking havoc' on their boundaries and mental health.

The Age also reported that workers were 'reporting new forms of violence, including perpetrators demanding that women wash their hands and body excessively, to the point that they bled, and spreading rumours that victims had COVID-19 so no one would come near them'.

Practitioners also reported that perpetrators were not letting women out of their homes, supposedly to protect them from coronavirus, and that they were monitoring internet use and telephones more, forcing workers to come up with methods to combat this, including using medical, Centrelink and other appointments to meet workers face to face, and the use of code words when texting or telephoning them.

Other reports speak of women increasingly telephoning for or accessing online support very late at night when violent partners were less likely to be awake. Controlling, coercive, violent behaviour is festering, insidiously growing, behind closed doors. It is doing so in an environment where family difficulties are exacerbated through job losses, stress, worries about money and safety, and in an environment where women are much more isolated and much less able to contact services and support.

In our current environment, as we always need to, we must shine a light into every dark corner where domestic violence exists and do everything we possibly can to prevent it, to ensure that Australian women and their children can seek safety and support when they need it, wherever they need it. That is why I also filed an amendment to this bill to ensure that women fleeing domestic violence and seeking refuge in South Australia can do so with, of course, the appropriate health, quarantine and other necessary checks in place.

In seeking to do so and in now speaking to this amendment, I stand on my own record and on Labor's strong record of acting to prevent and end domestic violence however we can. We will continue to do this relentlessly until all women are safe and free from domestic violence and until we have prevented violence against women before it starts.

What we will not do, what we absolutely refuse to do, is be lectured by the member for Waite on how to prevent violence against women and on how to support women fleeing domestic violence. Putting aside the detail and the substance of this amendment for a moment, it is very clear that these amendments proposed by the member for Waite are an attempt at rehabilitating himself, of showing himself in a different light, possibly designed to speak to those whose votes he needs. The Premier—

Mr DULUK: Point of order.

The CHAIR: There is a point of order, member for Reynell.

Ms HILDYARD: —described the member for Waite—

The CHAIR: Member for Reynell, there is a point of order from the member for Waite.

Mr DULUK: Sir, reflection on a member.

The CHAIR: Yes, I uphold that point of order.

Mr DULUK: And I ask her to withdraw it—thoroughly withdraw that.

The CHAIR: I uphold that point of order and the member has—

An honourable member interjecting:

The CHAIR: The member for Waite—

Ms Hildyard: I withdraw that.

The CHAIR: Thank you, member for Reynell.

Ms HILDYARD: Being committed to ending violence against women in all its forms means that men get to a place where they do not commit it, to a place where in any circumstances it is never an option, where they do not see women as less than, where they no longer perceive that it is okay to assault or harm women in any way. Actions to end violence against women matter so very much in our collective goal to prevent and end terrible violence against women. I question whether the actions of the member for Waite do not speak to a commitment to that collective goal.

Mr DULUK: Point of order.

Members interjecting:

The CHAIR: No, member for Reynell. There has already been a point of order. Member for Waite, you have another point of order. I uphold that point of—

Mr DULUK: Yes, thank you. I ask the member for Reynell to withdraw and apologise for that.

The CHAIR: Yes, member for Reynell, it would be best, I think—

Mr Duluk interjecting:

The CHAIR: Thank you, member for Waite, I take your point of order. I uphold the point of order. Member for Reynell, we have been through this once already. I am going to ask you to withdraw and apologise this time because you are reflecting on a member, in my opinion.

Ms HILDYARD: Yes, I withdraw and apologise.

The CHAIR: Thank you. Do you have anything further to contribute? No. In that case, are there any further contributions or questions on the amendment, the insertion of clause 3A?

Dr CLOSE: I also wish to make a contribution on this clause and indicate, in support of the member for Reynell, that of course we will be voting in favour of this motion and note that the member for Reynell had not only prepared an amendment that is similar but indeed attempted to work on an amendment that would have gone further but was advised by parliamentary counsel that there were legal difficulties, so she was attempting genuinely to advance this cause.

However, I also share the member for Reynell's concerns about any interpretation of our support for this amendment, which is being proposed by the member for Waite, being in any way resiling from our very deep concerns about the behaviour of the member for Waite that remains unresolved in this chamber.

Members interjecting:

Mr PEDERICK: Point of order.

The CHAIR: Yes, there is a point of order. Again, deputy leader, that is in my opinion a personal reflection on the member. I see the member for Lee has something to say.

The Hon. S.C. MULLIGHAN: I know this is a very sensitive matter, and rightly so, but to be fair on the deputy leader, if not also the member for Reynell, there are unresolved charges about this matter regarding a member of parliament. So to make any reference to that whatsoever, and deem that being out of order and a personal reflection, I do not believe is reasonable, sir.

The CHAIR: I am going to stay with my ruling, member for Lee, because I think in that way I am being consistent today with both the member for Reynell and the deputy leader. I think where you both fell down probably was mentioning the member for Waite in your contribution. Deputy leader, I am going to ask you to withdraw your final comments.

Dr CLOSE: Can I be clear, forgive me, but you are asking me to withdraw that we on this side of the chamber have concerns about unresolved matters that relate to a member; are you asking me to withdraw that that is the case?

The CHAIR: Well, this is delicate for all involved here, deputy leader. I think you would have—

Members interjecting:

The CHAIR: Just stop the banter across the chamber, please. It is possible you would have been able to get away with it had you not mentioned the member for Waite.

Ms Hildyard: But it's his amendment.

The CHAIR: No, but that wasn't the context, member for Reynell. That was not the context. I am keen to move on with this. You have all had your two bobs' worth and continue to. What I am going to do in order to stay consistent, deputy leader, is I am going to ask you to withdraw your reference to the member for Waite. I would like you to, please.

Members interjecting:

The CHAIR: No, it was the context and the way you had framed it, member for Reynell.

Dr CLOSE: I withdraw my reference to the member for Waite.

The CHAIR: Thank you.

The committee divided on the new clause:

Ayes 23
Noes..... 22
Majority..... 1

AYES

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

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Ellis, F.J.	Gardner, J.A.W.
Harvey, R.M. (teller)	Knoll, S.K.	Luethen, P.
Marshall, S.S.	McBride, N.	Murray, S.
Patterson, S.J.R.	Pederick, A.S.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.
Teague, J.B.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

New clause thus inserted.

Clause 4.

Mr PICTON: It is always good to be here in parliament. It is a dynamic parliament. Anything can happen. Important votes can happen and you are never quite sure which way they are going to go. It is a very changeable feast here. So, while the whip is off to search for some answers about what happened there, I would like to ask the Attorney some questions in relation to this clause 4. This is essentially setting up a scheme where we will be billing people for their stay in hotel quarantine.

I wonder if the Attorney can outline what the costs are currently for the program. What would the breakdown be of those costs that are being incurred? Is there an estimated cost per person in the hotel quarantine program so that we can compare it against the costs that people themselves are being charged? What was the rationale behind the specific costs that have been arrived at under the Attorney's bill?

The Hon. V.A. CHAPMAN: $235 per day per person.

Mr Picton: Did you hear what my question was?

The Hon. V.A. CHAPMAN: Yes: what is the cost?

Mr Picton: That is what you are charging people, but that is not what—

The Hon. V.A. CHAPMAN: No. Please listen, member. You asked me the question: what does it actually cost the government? It costs $235 per day. We are charging them $3,000 for the first adult, $1,000 for the next adult and $500 for children, provided they are over three. So it is only a very small subsidy of what the actual cost is.

Mr PICTON: I would like to ask a question in relation to the security element of this. We know that there has been a significant issue in relation to private security in Victoria. We know that private security is being used in South Australian hotel quarantine. Can the Attorney-General provide which are the private security firms which have been contracted by the government to provide security in hotel quarantine? What are the taxpayers' funds that are being provided to those private security firms? What safeguards are in place in relation to the efficacy and the safety of those private security guards?

The Hon. V.A. CHAPMAN: I do not have a breakdown of the amounts paid, but I understand the $235 a day includes accommodation and security costs. It is an estimate of what the health department say their total cost is, and obviously the security is part of that. I do not have detail on the direct arrangements in relation to how much each of the security companies is paid.

Mr PICTON: Who are the security companies?

The Hon. V.A. CHAPMAN: I do not have that detail either.

Mr PICTON: It is always good to have all the information at your fingertips in this situation.

The Hon. V.A. CHAPMAN: With respect, Mr Chairman, I am being asked what the costs are to government. We are not asking for the quarantine fees to be paid as a cost to government. We are asking them to pay a fixed amount that is far less, the $3,000, $1,000, $500 model that we have introduced, as applies all around the country. If we were asking to reimburse all the costs to government, including the security costs, then I think there would be very valid questions of the minister, but I cannot give a breakdown of those.

The CHAIR: We will accept that.

Mr PICTON: It is interesting that the Attorney says that what people are being charged is far less than what the costs are because, if I am correct, she just said that the cost that the government is incurring from the exercise is $235 a night, but we are charging people $3,000 over the 14 days, which, if my maths is correct, works out at about $214.

The Hon. V.A. Chapman: $3,290.

Mr PICTON: Yes, so there is a very small difference between what we are actually incurring as costs and what we are charging people. This is a scheme in which we are almost recouping all the costs to the effect of perhaps $20 a day that is not being recouped. Some detail about what that cost is going to be in terms of private security guards and who those companies are is very pertinent, and it is interesting that the government has no information available in relation to that.

In relation to the fees, the government is saying that we will be recovering these fees. I would like to ask the Attorney: what is the process by which those fees will be recovered, how will we recover them if people then go to other states and what penalties will there be if people do not pay the fees? Also, will there be any fee waivers given to people, and in what circumstances?

The Hon. V.A. CHAPMAN: I think I have already explained to the parliament there is provision in the bill itself for the State Coordinator to waive, reduce or refund a fee imposed. As to how that will be, I have given the website references to the package that is available, but the notice to people is to identify how they pay, etc., and I have outlined in the second reading that there is an opportunity to do it by a payment plan.

My understanding about how it operates, as the health minister has informed me, is that in Queensland, where they have this system and where they have apparently not had any problem with payment, upon arrival—not before you leave the international destination—you are taken to the hotel facility, and the payment of money is on a credit card. Apparently there has been no problem with this, but there are provisions for a management plan, part payment and waiver, as I have said.

I refer the member to the very comprehensive package. It even tells you what the fees are for expenditure on a meal per day and things of that nature, so it is quite detailed. I am advised that we have backups for enforcement and waiver arrangements for the circumstances of impecuniosity. I would urge you to have a look at that. Apparently there are no problems with it in other states.

The Hon. S.C. MULLIGHAN: My question relates to the accommodations the government has organised for people who must quarantine, both for those people who have quarantined (if that is a verb) in the past and for those who will be required to enter into quarantine in the future. Which hotels are taking those people, and how were those hotels selected?

The Hon. V.A. CHAPMAN: Could I ask the member to repeat his question?

The Hon. S.C. MULLIGHAN: Which hotels have been and are being used for quarantine arrangements and how were they selected?

The Hon. V.A. CHAPMAN: I do not have all three of them, but I know the Pullman is one of them. There was originally an invitation for hoteliers to express an interest in the original establishment of this. Cabinet received a report from the health minister. There has been a process of engagement for those that were selected to be made available.

During the earlier debates, the question as to the actual capacity of the hotels was raised. I advised in the second reading that the current capacity is approximately 1,035 people in quarantine across those three hotels, and that is, as I understand, the gross capacity as distinct from the net, because there is obviously a question raised as to whether some beds are already occupied. Just to cover that matter off, as well, I provide that information to the committee.

The Hon. S.C. MULLIGHAN: Was that a process by which the health minister issued a market-wide call for expressions of interest or was it done in some other fashion?

The Hon. V.A. CHAPMAN: I am not quite sure what the member suggests by market-wide. Is that advertisement across the board, Australia-wide? I do not know. I know that there were multiple hotels at the time who had expressed interest. From memory, I think there were nine or 10 in a list available for consideration and then, I am advised, they were ultimately selected based on accessibility, capacity to have secure facilities and presumably the amenity they can provide to those who are going to be accommodated. Assessments were made, but my understanding is that was all managed through the health department. They may have had assistance from the Department of Planning, Transport and Infrastructure.

The Hon. S.C. MULLIGHAN: Now that our arrangements under the Emergency Management Act will facilitate those people fleeing domestic violence situations to be able to come into South Australia otherwise uninhibited by preventions of travel to the state, is it the intention of the Attorney to recoup accommodation or quarantine expenses that may be incurred by the state up-front for those people and their accommodation once they arrive here?

The Hon. V.A. CHAPMAN: It is not a question of my intention, because I am not the operator of this scheme. If the parliament progresses the scheme on the basis that it is then to be implicated, the quarantine fees under this bill are to apply to international and returning interstate people and people who live here who are required to be under quarantine. The application of the obligation to pay will be for all of those unless, of course, they qualify for the exemption, and that will be a matter for the Coordinator and/or his panel. I know there is a panel in existence who review these matters, so it will be dealt with on that basis.

Mr SZAKACS: Attorney, I take you to, within clause 4, new section 25AA(2), in respect of the capacity to charge differential fees for different classes of liable people. Would you explain your expectations as to the nature of that description? I know it is an exercising of discretion by the State Coordinator, but I am just interested particularly in what you mean by 'class of people'.

The Hon. V.A. CHAPMAN: I am advised that it does relate to what I expected it relates to but it may even be broader, and that is the capacity to be able to charge an initial fee under the proposal for $3,000 for the first adult, $1,000 for the accompanying adult and then $500 for a child and nothing if you are under three. That is a differential in relation to the application of the fee.

I am also advised 'liable person', which is defined under the act as having the obligation to pay that fee, can be a prescribed arrival, which is really a person defined under subsection (10), and then also a designated person, which is a class of person specified in the notice, and there can be a differential between those. So it is both. I was aware of the differential in relation to the class itself of whether you are an adult or a child, essentially, and whether you are the first adult and/or a second and subsequent, but it also relates to the fact that we have basically some local and some people who are coming from international or interstate.

Mr SZAKACS: Attorney, you perhaps pre-empted some of my questions in respect of this clause. In my earlier contribution in respect of my constituent who is stranded in Nepal, I note that the drafting of this clause provides that arrivals must pay and then there is, obviously, under new subsection (6), a discretion for the State Coordinator to waive, reduce or refund fees. What is your understanding and your expectation as to the circumstances in which the State Coordinator may waive, reduce or refund fees?

The Hon. V.A. CHAPMAN: I do not have a full list of the current guidelines of the panel. I do not think there is a published list but, in relation to financial hardship eligibility assessed against the criteria, I am advised it is in the bundled material I have just referred to: an individual being unable to meet current financial obligations, i.e., home loan, immediate living expenses, including due to the quarantine period itself; unemployment or on JobSeeker/JobKeeper or other relevant Centrelink service; as an Australian studying overseas; or a loss of business entity, home or possessions due to COVID-19; or a natural disaster.

So it is pretty broad, and if your constituent who is stranded in Nepal, apart from having her fully paid airfare and access to a charter flight, has no other money and is able to fulfil one of those, I expect she will be given relief when she gets here for her 14 days.

Mr BOYER: On the same clause, Attorney, can you tell us how many people, if any, have been allowed out on exemptions from hotel quarantine to date?

The Hon. V.A. CHAPMAN: I do not have that information. It has not been provided or published by the commissioner. I am only aware of people who do not get approval, probably like members in the parliament who have constituents who are concerned if they do not get approval and cannot come to South Australia; or, in the case of one matter I dealt with, for a barrister to be able to go interstate and come back for the purposes of supporting a royal commission. So these things come to our attention for the different roles that we have, but apparently there is no summary of that published by the police commissioner.

Mr BOYER: Just to clarify, Attorney, the data is not available anywhere, or it is just not summarised anywhere or publicly available?

The Hon. V.A. CHAPMAN: The Coordinator or the panel may have possession of how many applications they have received and how many approvals they have granted. There are a whole lot of different categories: fly-in fly-out, whether you are eligible to get that, or whether you can come in for a funeral. There are lots of different things upon which there is a process of approval. Whether they are in fact keeping a record under which subsection each is either granted or exempted, I do not know because it is not published material. It is not provided to us as a government.

Mr BOYER: Attorney, can you explain whether or not the hotel quarantine arrangements countenanced in this will apply to domestic arrivals who are put into quarantine—for instance, the stowaways who have come across the border?

The Hon. V.A. CHAPMAN: The answer to that is yes. They obviously can apply for the same relief. It is a matter for the Coordinator.

Mr SZAKACS: Attorney, does this section give the state controller capacity to charge or recoup fees for arrivals who are exempted from quarantine in a hotel and may be permitted to quarantine in a private residence or other type of facility outside a publicly available hotel?

The Hon. V.A. CHAPMAN: No, it would not, and I will give you an example. There would be a lot of people who return and they are able to go to their home, no-one else is living there and there is no reason why they therefore cannot undertake the quarantine in their own home. There are other people who will return but the home they live in and they want to go back to is lived in by other members of the household. They cannot actually fulfil the quarantine obligations, so they need to find another place.

I had a recent case on Kangaroo Island where they came in and to do their 14 days they obviously could not go and stay with their parents, but they could stay in a property that was next-door on a farm where they could stay for their 14 days. They are not paying the fee to the government because they are not using a hotel room. This is a matter that is designed to pick up the quarantine fees where the government is making the payment. If people return and they are able to quarantine to the satisfaction of the Coordinator in satisfactory circumstances, then that is obviously a matter for him.

Mr SZAKACS: A supplementary: an earlier characterisation was that this scheme is designed to recoup not the full cost to the arrival but some of the costs expended by the taxpayer. Is it your answer to my previous question that for those arrivals who are given exemption to self-quarantine in their own private residence, the state government and therefore the taxpayer do not expend any money in the execution of that private quarantine in such circumstances?

The Hon. V.A. CHAPMAN: Correct.

Clause passed.

Clause 5.

Mr PICTON: In terms of the wording, I have asked what exactly the difference is between our legislation, which appears identical, and this legislation, which appears identical, despite the Attorney suggesting publicly that they are somehow different; we have not really had any answer to that question, and I do not expect we will.

I hope maybe we will get an answer to this question: of this two-year penalty, which as I said is identical to what the opposition proposed in writing to the government yesterday, what was the process the Attorney went through to consider the two-year proposition and what balancing factors did she weigh up in setting the two years? It appears pretty clearly as though she has picked exactly the same outcome the opposition wrote to her about yesterday.

The Hon. V.A. CHAPMAN: I refer to my previous answers for the first part of that question. In relation to the second question, I will just repeat that the principal consideration was the request of the police commissioner, when I spoke to him at around 3.30 yesterday afternoon, which arose out of the statement he had made in response to a question on the ABC. We had a discussion as to the time frame; as I recall, he did not have a view on that.

Legislative Services then checked with parliamentary counsel as to what occurs around the country, and in particular under the Biosecurity Act, which of course is five years. Whilst I made the comment earlier about the importance of the protection of animals having a higher penalty for a contagious disease than was proposed in this bill, when I canvassed the matter with the police commissioner that was an amount that was in the mix. I think we have really just reached a compromise—

Mr Picton: So it was what he wanted?

The Hon. V.A. CHAPMAN: I repeat, if the member is not listening: he did not express a view as to what it should be. We sought advice from Legislative Services, which I understand discussed it with parliamentary counsel, as to what would be a reasonable amount. Two years was a long way from five years. In any event, that was a consideration. We just accepted advice on that assessment as to what that would be. I will not repeat what I have said before.

Mr PICTON: The Attorney talks about the Biosecurity Act; however, I think more pertinent to this debate and this pandemic is the South Australian Public Health Act. The Public Health Act, as the Attorney would hopefully know, includes a range of offences as well. I am just wondering whether there has been any consideration as to why we have not been using that act in terms of its offences so far.

Has there been any consideration about prosecutions under the Public Health Act, or is there a deficiency in terms of the ability to use offences under that act in relation to this pandemic? Clearly, we have been through a process where we have had bill after bill after bill come before the parliament. In each instance, the opposition has given its support to that legislation, including some quite extreme powers on a whole range of matters.

Parliament has given complete approval to the executive government during the length of this pandemic, including this very elongated emergency declaration in which we are taking part. I think there was an appreciation through that process that, after those bills, the government had the powers it needed to deal with this. Clearly, there is a gap here. There is a gap in what was put in place in relation to offences against the Emergency Management Act. Was there a gap in relation to the Public Health Act? Why has that not been used, and why have offences under that act not been applied?

The Hon. V.A. CHAPMAN: The member might recall that the Public Health Act was implemented when Australia first started to deal with this matter. In fact, you might recall there was a young woman who returned from China and her parents came to South Australia. They declined to exercise an option under the Public Health Act obligation to be tested. They were at the Royal Adelaide Hospital and were detained under the Public Health Act. At that time—

Mr Picton: I am talking about the offences.

The Hon. V.A. CHAPMAN: If I could just come to that, the Public Health Act was utilised during the early part of the COVID experience, if I can put it as highly as that. Ultimately, once an Emergency Management Act declaration was made, it was the preference of the Coordinator that the clarification of powers as to his authorised officers and the provision of the penalties for his prosecution of the matter was made clear under the Emergency Management Act. We dealt with that as a parliament. The parliament agreed that that would be the case.

Mr Picton: The offences are still in operation.

The Hon. V.A. CHAPMAN: I know that the member interjects to say, 'The offences are still in operation.' There are still offences under the Public Health Act which clearly could be applied. The Coordinator made it quite clear that he intended to exercise his powers under the Emergency Management Act and that that was his preference. That is a matter for him. He is the police commissioner as well as the Coordinator.

As a government, we do not direct the police minister as to who they prosecute or under what act. That is a matter for the minister. However, the member should remember quite clearly that that was his express preference, and it was considered and debated in the first of the COVID-19 bills for the reasons I have outlined.

Mr PICTON: It is always frustrating when the Attorney does not necessarily always listen. There are two elements in relation to the Public Health Act. There are directions that can be put in place under the Public Health Act, and clearly we went through a period in which the Public Health Act was being used as the vehicle, which, I think, COVID time melds in, but I think it was a week or so in which the CE of health had those powers under the Public Health Act, and they were the vehicle by which emergency declarations were being used.

Then the State Coordinator, the police commissioner, took over under the Emergency Management Act, and now the Emergency Management Act is used as the vehicle. That does not mean, though, that, with respect to the South Australian Public Health Act offences—particularly part 7 of those offences where somebody causes a risk to public health in South Australia, for which there are very serious consequences—there does not need to be a pandemic for that to be an offence. They are quite hefty penalties of five to 10 years' imprisonment depending on the severity of the case.

We have seen people who have, particularly during the course of the last few weeks, caused risk to public health through their actions—and I even refer to the Premier's comments supporting that—but there has been no choice to consider those offences under the Public Health Act. I acknowledge that we are not using that act as the vehicle for the emergency declarations, but those offences should still be in operation. Those offences should still be part of the toolkit that the government should have if there is a serious breach to public health and a risk to public health by somebody's behaviour, whether or not the Emergency Management Act is in operation at all.

The Hon. V.A. CHAPMAN: I actually agree with the member. The Public Health Act is there, it is operational, it has offences in it, and it has been brought to the attention of the Coordinator that they are available to him. In fact, he has utilised them when support was required of him during the time of the initial part of the pandemic and when there was still a responsibility for him to undertake.

Nevertheless, they are still there; they are still valid. This parliament has passed them. I can remember that the member for Kaurna's boss was the minister for health at the time. We dealt with that legislation, and I think the biggest pandemic we had at that time was the bird flu, so it has been utilised. It is there and available, but it is not for the government to utilise them.

We are not the investigators or the prosecutors, but let me assure the member that I am not aware of any deficiency in the act. It is there and it is available for use, and if you have any questions on why the Coordinator has not elected to prosecute under them be my guest, ask him.

The Hon. S.C. MULLIGHAN: I want to ask the Deputy Premier a question about the operation of section 28, which we are amending with the new penalty provision. I listened to the Deputy Premier's comments on morning radio today when she made repeated allusion to these powers being similar to those which had been previously imposed to try to curtail the spread of AIDS, or HIV, and went on to provide some explanation back when those powers were being imposed.

The Hon. V.A. Chapman: Well, not powers; they are offences.

The Hon. S.C. MULLIGHAN: Offences. When those offences were being legislated, the idea was to make it an offence if somebody who knowingly had HIV or AIDS continued to conduct themselves in a manner which then spread that virus to another person. I wonder whether the Deputy Premier can explain that analogy because to my mind that would require, for a successful prosecution, somebody being prosecuted in this context rather than the AIDS context, knowingly having coronavirus.

The Hon. V.A. Chapman: Correct.

The Hon. S.C. MULLIGHAN: So they must know that they have it. They must—

The Hon. V.A. Chapman: Or reckless indifference.

The Hon. S.C. MULLIGHAN: Right. If the Deputy Premier could explain that in some more detail, I would be grateful.

The Hon. V.A. CHAPMAN: Under our Criminal Law Consolidation Act there are serious offences relating to someone who (I will paraphrase it now) endangers life or causes harm. Like most criminal cases, you have to actually establish that you have some intention or reckless disregard, to ensure there is some level of mental intent—a sort of mens rea as such—and that, secondly, you have actually acted on it.

The last case I can recall was several years ago now where an HIV carrier had continued to have intercourse with, I think, five or seven young men. He knew that he had it and, in fact, a number of them did contract HIV. It was at a time when it was not an automatic death sentence, as it was a decade or so before, but they contracted it. It was quite a well published case. I was still in the parliament at the time that it occurred. I see the member for Kaurna nodding. The man was prosecuted and I think in the end he was sentenced to seven years' imprisonment.

Mr PICTON: Yes, the Public Health Act has powers and offences there as well.

The Hon. V.A. CHAPMAN: The member for Kaurna indicates that that again could have utilised the Public Health Act, and that may be so, but the fact is that he was charged and it was dealt with as a criminal offence. We have not seen the same level of fear in relation to a contagious disease

since. I say that with respect. Bird flu was a worrying situation, SARS was another concerning condition, and I think Ebola fortunately did not get to South Australia, but all these sent a shock of fear into the population that might have been exposed to it.

Yes, that is the situation that I was referring to on radio this morning. Those criminal offences still exist. They still require elements of proof. The difference here is that this would be an offence that did not relate to a 'deliberate causing harm', it would relate to a breach of the Coordinator's direction, and so in a way it is a lower threshold to prove, irrespective of whether somebody did actually get the coronavirus or something of that nature.

The example I have given already is where the police commissioner indicated where he thought a custodial sentence might be appropriate, where somebody did knowingly have coronavirus. I was using 'reckless indifference' or 'scant regard' or something of that nature, and he had used his description of when, in his view, he considered somebody should attract a term of imprisonment.

Certainly the proposal here is that there would be not a proof of harm or proof of intent: it would be a proof of breach of the direction, and that would then provide the opportunity to impose a sentence of incarceration up to two years. That is his view. In a way it provides that other option but that is not to eliminate the Public Health Act, as has been referred to. There are certain capacities to prosecute under that and the Criminal Law Consolidation Act.

The Hon. S.C. MULLIGHAN: I am grateful for that explanation, but I just want to get it clear in my mind. I understand the application, as described by the Attorney for those previous uses or those offences under the Criminal Law Consolidation Act, where somebody knowingly had that communicable disease, but I just want to be clear that that is not required for the purposes of this section.

It seems to me we have a reasonably rapidly spreading virus in Victoria, certainly in contrast to South Australia. There are virus hotspots that have been declared by the Victorian government. There have been impositions imposed on the communities in those virus hotspots, the mandatory lockdown provisions. It is easy to see how somebody could think, 'Stuff this. I don't want to be staying here in lockdown. I don't want to stay here and risk my own health'—for example, despite what Dan Andrews characterises our state as—'I will flee to greener pastures. I will head over the border and go to South Australia where there is demonstrably less risk of contracting coronavirus.'

If somebody is resident in one of those hotspots—they may or may not have coronavirus; they have no idea whether they have coronavirus because they are perhaps asymptomatic—and travels over the border, if the police commissioner judges that they have had scant regard or shown reckless indifference, they will still be able to attract these penalties if they are unaware of whether they have the virus; is that correct?

The Hon. V.A. CHAPMAN: There is no restriction on the terms of when there would be an application of an imprisonment term. If there is a prosecution under the act through the courts, the $20,000 fine here with the provision for up to two years' imprisonment will be the new toolbox, if the commissioner has already determined through his prosecution unit not to do an on-the-spot fine. It is pretty clear he has favoured that to date. It is efficient, it is quick and so on. For a number of matters, that seems to have been certainly adequate.

He takes the view, as I have said several times, that imprisonment would not apply to some of these people who are coming across the border from Victoria in the last week. In fact, today I see some fines have been issued, and the two Victorians who turned up here yesterday have been sent back. Obviously he has a view about how these things should be addressed. I think there were $3,000 or $2,000 fines or thereabouts and they were sent packing back to Victoria.

The process of what is going to be prosecuted, as I say, is not a matter for government. That is a matter for the independent prosecutors. I do not know how I can assist you any further other than to say, if there is a determination to prosecute and there is a finding of guilt through the court, it would be up to the magistrate to determine all of the other factors in relation to sentencing that might apply: intent, harm actually caused, whether in fact they had knowledge of their condition and continued to wilfully disobey social distancing regimes and just a flagrant disregard for people, as the

commissioner says, and really creating havoc in relation to potential fear and a contagious element to that.

I cannot indicate to you all the factors that would be considered, but the Sentencing Act comes into play, and there are whole lot of factors in relation to what a magistrate would consider in how that should apply and what penalty they should get.

The Hon. S.C. MULLIGHAN: Just to close off on this point, conceivably somebody who crosses the border from Victoria, who is not a prescribed person or someone who has not successfully applied for an exemption, could either be issued with an on-the-spot fine or be subject to these penalties; is that correct?

The Hon. V.A. CHAPMAN: Yes, indeed, as they would for a breach of any direction. It is not just a question of you breaching the cross-border travel, direction No. 9, but any direction. The police commissioner still has to say if there has been a breach of the gathering rule. As I say, there are a whole lot of obligations—that you have entered an aged-care facility. All the things on which directions have been issued, the option remains open for that consideration to be made, on the spot or not. If they go to court, then obviously that is an option. So far it has not been exercised on people coming in from Victoria. They have been dealt with by fines and a bond in two cases, as I understand it.

Clause passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:25): I move:

That this bill be now read a third time.

The Hon. S.C. MULLIGHAN (Lee) (17:25): Just a brief contribution—indeed, a request—if I may. Given the amendment that has passed here to facilitate the travel of those fleeing domestic violence from Victoria into South Australia, can I suggest to the government that it would assist the parliament and members within it, particularly in the other place but no doubt here if the bill comes back here, to understand how the government intends to manage that particular aspect of the regime.

I asked a question during the committee stage of the debate about whether those people who were fleeing domestic violence situations in Victoria and coming to South Australia would have to pay for their stay in quarantine as per the provisions of this bill as well. But I think it would also be of interest to us, let alone to the broader community, to understand how a person can demonstrate or how must they demonstrate, if required, that that is the situation they are fleeing in Victoria.

Of course, there are two considerations here. One is those officers, who are charged with the responsibility of patrolling the border and assessing anyone who approaches the border and attempts to cross it, will want to be satisfied that people are coming in only legitimately under the avenue that that amendment has provided. But by the same token, we do not also want to enhance the distress of someone fleeing such a situation from Victoria that they be required to undertake some sort of onerous furnishing of information.

I will not belabour that point any further, but I think that is going to be important for those in the other place to understand, particularly opposition members in the other place but also for the community more generally. So if we could ask that of the government to consider how that regime might work and communicate that to us, that would be greatly appreciated.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:27): I thank the member for the contribution and request in that regard; of course, probably the member himself has highlighted the aspects of how this is going to operate. I have already spoken to the mover of this amendment and had some discussion with him as to what his view would be as to how this should apply.

What are the threshold or guidelines to be done to be able to assess that somebody is exempt as a result of the escaping domestic violence, which is under this amendment? One of them

was to identify if they had a recent intervention order against a particular person they claim they are escaping from. But these are matters that, in fact, the Coordinator will need to determine for the purposes of instructing his officers as to what they are going to do on the border when somebody presents to say, 'My husband is chasing me. He is 50 kilometres down the track and I need to get over the border.' That is going to be a matter for them.

I think it is disappointing that the mover had not canvassed these matters with the commissioner before, but I have undertaken already to him, as I have said, to raise these matters with the commissioner, and I will obviously let him know that it is the House of Assembly's wish that this be progressed. We have voted on that today. I will make sure that our government representative is appraised of the commissioner's view as to the enforceability of this and how it could apply.

But these are the complications that come with bringing in an amendment before there has been careful consideration of how it can actually work. Nevertheless, as I indicated I undertook to do so, I will do that. I imagine through our representative in the Legislative Council there will be a reporting to them of the commissioner's application as to how that will progress.

Mr PICTON (Kaurna) (17:29): I will just make a brief contribution on the third reading.

The ACTING SPEAKER (Mr Cowdrey): No, the debate has been closed, member.

Mr PICTON: It is a third reading contribution, sir.

The ACTING SPEAKER (Mr Cowdrey): If the Attorney spoke, she closed debate.

Mr PICTON: Well, I was not given an opportunity before the Attorney got up.

The ACTING SPEAKER (Mr Cowdrey): You did not seek the call.

Mr PICTON: I would have, but—

The ACTING SPEAKER (Mr Cowdrey): That is irrelevant, unfortunately, member for Kaurna.

Bill read a third time and passed.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 July 2020.)

The ACTING SPEAKER (Mr Cowdrey): The member for Lee.

The Hon. S.C. MULLIGHAN (Lee) (17:30): Thank you, member for Colton. I appreciate receiving the call on this once more. When we were—

Mr Teague: He's Acting Deputy Speaker.

The Hon. S.C. MULLIGHAN: So he is the Chair of Committees, is he? Is he Acting Deputy Speaker?

Mr Teague interjecting:

The Hon. S.C. MULLIGHAN: Is he? I am sorry. I did not realise we had passed such a recognition of the member for Colton's service.

The ACTING SPEAKER (Mr Cowdrey): Perhaps you could direct your remarks to the bill in question, member for Lee.

The Hon. S.C. MULLIGHAN: Thank you. Sorry, I was distracted by the unparliamentary interjections of the member for Heysen. He must think this is a courtroom.

Mr Teague interjecting:

The ACTING SPEAKER (Mr Cowdrey): Order! Member for Lee, please continue.

The Hon. S.C. MULLIGHAN: This might curry in the Magistrates Court, but it will not here. I was trying to shed some light on the concerns of the Ombudsman when it came to amendments for the Freedom of Information Act. I had previously noted that the Ombudsman, if he has made submissions to the government, has not made them publicly available, so the best proxy we have for this is the report his predecessor provided in 2014 with a series of 33 recommendations. I had just so very briefly referred to those recommendations and had nearly finished. I will just quickly whip through those I did not get to. Looking at recommendation 22 out of 33, the former ombudsman said:

> Agencies should note the legal position that merely satisfying the initial criteria in an exemption clause with a public interest test under the Act, is not enough to satisfy the test that disclosure would, on balance, be contrary to the public interest.

This is an important recommendation because we constantly receive determinations from agencies citing that it is the agency's view that, on balance, a release of a particular document or particular documents would be contrary to the public interest. The ombudsman here makes reference to the existing provision in the act—in fact, under the objects of the act; I think it is section 3(3)—that says that nothing in the act precludes the release of a document, notwithstanding other provisions or exemptions provided for in the act.

Essentially, that means that it is up to agencies to make the judgement that, even though they might find a reason not to release a document, they are still able under the act to release that document. That is particularly important when it comes to the public interest test because there might be a document that is otherwise considered to be exempt under one of the provisions of the act, but the agency should be given the opportunity to form a judgement that it is in the public interest. There are ways—tests, if you will—by which the agency will try to weigh up whether the public interest is met or the public interest is not served by the release of a document.

This is a particular area that is going to receive substantial attention not just here but, I suggest, in the other place, given that the amendments in the bill from the Deputy Premier attempt to include some examples of where the public interest may be served in the release of a document. Conversely, we have seen in the other place where the Hon. Mark Parnell MLC has previously provided an extensive public interest test to try to better frame up how agencies can weigh up that public interest test.

It has certainly been my experience, as it has been in the application of other clauses in other sections of the Freedom of Information Act, that agencies will use any means possible under the act to try to prevent the release of a document. This is particularly the case when it comes to the public interest test. There are all sorts of what I would consider to be bogus applications of the public interest test by agencies, which then cause them to determine that documents that have been located are not to be released. The next recommendation states:

> The agencies should develop a policy in that assessing the public interest test in their FOI determinations, they should reject the Howard factors and focus on the actual content of the requested documents.

That is particularly interesting because the Howard test is not only a test used by agencies in determinations I have received back but also a test applied by the current Ombudsman. It is interesting in this regard that the previous ombudsman may be offering a view that differs from the practice of the current Ombudsman in the application of the Howard factors.

Unfortunately, or perhaps fortunately if you are required to listen to this debate, I do not have the Howard case in front of me, so I would not dream of regaling the intricacies of the case. The particular factors that are of concern here to the former ombudsman are summarised, namely:

- the author of the document was or is of high seniority
- that disclosure would confuse the public or that there is a possibility that the public might misinterpret the information—

I find that particularly egregious as a reason to find the release of a document is against the public interest—

- disclosure of the information could reasonably be expected to cause embarrassment to the government or to cause loss of confidence in the government.

That of course should not stand as a reason to withhold a document by virtue of the application of the public interest test. Where would we be if documents were not released under freedom of information applications, or in response to freedom of information applications, because they might cause embarrassment to the government?

For members of parliament, particularly those of us who hold shadow ministerial portfolios, that is often half the reason to submit FOI applications: it is to find out how the affairs of state and the administration of government agencies and departments have been conducted. If they have been conducted poorly or inefficiently or inappropriately, then that is of course of the public interest.

Bringing those documents to light, and the matters those documents relate to, may cause embarrassment to the government and so they should. That is part of the function of how we here, particularly in opposition or even generally for others within the community, can hold governments to account. The next recommendation states:

> Following Commonwealth and interstate FOI legislation, the Act should give express guidance on what factors should and should not be taken into account in determining whether disclosure of documents would, on balance, be contrary to the public interest.

As far as I can gather, the Attorney has tried to address the substance of this recommendation in her bill by the inclusion of the examples of how the public interest test might favour the disclosure of documents. But even with those examples that the Deputy Premier provides in her bill, there is no exhaustive list for or against. The Deputy Premier may perhaps quite rightly argue that it is impossible to come up with a comprehensive and all-encompassing exhaustive list of factors that would weigh both in favour and also against the release of documents according to a public interest test.

Notwithstanding that, it is certainly my view and it is certainly a view that the member for Heysen would have noted is expressed within my meagre range of amendments, my trifling number of amendments that the member for Heysen takes such objection to, that we try to flesh those out a little more, and I do not think that is unreasonable. Recommendation 25 is an important recommendation. It reads:

> If ministerial 'noting' is to occur—

and by that the Ombudsman is presumably referring to the practice of an agency providing to their minister for information only that a determination is about to be issued to an applicant—

> the process should be established by a formal written policy, common to all state government agencies.

This is something which I have had particularly distasteful experience with over the last couple of years in association with applications I have made to the Premier's office and to the Department of the Premier and Cabinet in relation to the Adelaide Oval Hotel development.

I will not go into the detail of that. That is perhaps a dish better enjoyed after the dinner break, suffice to say that it is a reasonable recommendation from the Ombudsman that if a minister is to participate in this process, even in the event that all they are doing is noting that a determination is to be made, then there should be a policy around that and it should be formalised, bearing in mind of course that the usual practice, as far as I can understand it, is—and this is not common to all agencies; not all agencies do this—agencies that choose to do this will send a copy of a determination to the minister for noting before the determination is made.

It is then up to the minister or the minister's office to ensure that that determination is adequately cited by the minister or his office before it is released. In the manner in which I just referred to the application I had made to the Department of the Premier and Cabinet and the applications I had made to the Premier's office, that process held up the release of documents, which I was legitimately and lawfully entitled to access, by several months. That is absolutely outrageous. The next recommendation states:

> The Act should create offences of improperly directing or influencing a decision or determination made under the Act.

I think the Attorney has sought to address this recommendation at least in making it clear that if a direction has been made with regard to a determination made under the act, then in responding to the applicant it should be made clear (a) that that has happened and (b) who has made that direction.

Having said that, it is not quite correct to say who has made that direction and, more to the point, that the provisions in the bill spell out the position of the person who has made that direction. We have some concern with this, as I will speak about when I go through the bill in some detail, in that that might mean that the applicant is no better off understanding who has actually made that determination.

If we have documents that are or are not released to applicants, if we have determinations that are made to applicants that merely cite the position of the accredited FOI officer, it might well be that those determinations are signed off by either an accredited FOI officer or even the principal FOI officer of an agency. Where there is more than one accredited FOI officer, it could leave the applicant nonplussed as to who has made that determination, and that is relevant if there is to be an internal review of that decision.

It is also relevant for the agency if there is to be an internal review of that determination because initially it will make it difficult, or more difficult than it needs to be, for the agency to determine which of their accredited FOI officers dealt with that particular determination. It also makes it correspondingly difficult for the Ombudsman if they are to consider an external review of that determination. We find unnecessary the needless anonymity that the government's bill attempts to impose on accredited FOI officers or principal FOI officers. The recommendations continue:

> Agencies should publish their FOI information statement on their website.

I think most agencies do that in any event. The next recommendation states:

> The Chief Executive of the agencies should promote information disclosure and issue a written directive to all staff about the need for compliance with the objects and operation of the FOI Act.

It is my recollection that most of the chief executives with whom I have worked tend to do that in any event. Recommendation 29 states:

> All of the agencies should, as a matter of policy, provide on their website:
>
> - the postal and electronic addresses to which access applications may be sent
> - the telephone number of an FOI officer
> - a link to an access and internal review application form
> - links to the FOI Act and State Records of South Australia
> - details of external review and appeal rights, and a link to Ombudsman SA and/or the Police Ombudsman (whichever is the relevant review authority) and the District Court.

I think that some, if not all of that information, is usually disclosed on the relevant sections of agency websites. Perhaps some of those do not link to the FOI Act and State Records of South Australia, nonetheless that is at least a practice which is, as far as I am aware, partially implemented by the majority of government agencies. Recommendation 30 provides:

> Information disclosure initiatives should be enshrined in legislation, to harness the strength of legislative force and to capture local government councils, universities and other agencies which are subject to the FOI Act.
>
> However, this should not interfere with proper access being provided outside of the FOI Act and other legislation. Prescribing information that should be released in legislation can create a culture of risk aversion when providing access to information through administrative schemes.

This also bears some reflection in that we have a recommendation from the former ombudsman that information disclosure initiatives should be enshrined in legislation, and we already have some of that in the current act. We have an addendum to that through the Deputy Premier's bill in introducing the regime of proactive disclosure.

Unfortunately, aside from establishing the principles of proactive disclosure, the actual information that should be proactively disclosed is to be left up to the premier of the day determining a policy setting that out. So we do not have a legislative basis for what actual information must be proactively disclosed by government agencies. The rationale for that from the Deputy Premier might well be the second part of that recommendation, that is:

> Prescribing information that should be released in legislation can create a culture of risk aversion when providing access to information through administrative schemes.

With all due respect to the former ombudsman, I am not sure I agree on that point. It is important for legislation to set the bare minima of information that should be released. If it is not set out in legislation, then you can bet that agencies will not go one millimetre further than they are legally obliged to.

That is unfortunate. I can say that with some confidence because agencies do not even go as far as the current act requires of them. I think to expect them, out of the generosity, openness and transparency of their hearts, to go further than what we would prescribe as a minimum in the act is fanciful. The report goes on:

> Performance agreements of Chief Executives and senior management in the agencies should contain a provision requiring a responsibility to ensure appropriate practices and performance in respect of access to government-held information, including FOI.

Of course, none of us would know whether or not that is happening because the government does not publish chief executive contracts or performance agreements online. I think that is a shame. The former chief executive of the Department of Planning, Transport and Infrastructure, who was summarily sacked after the 2018 election at some cost of half a million dollars to taxpayers, used to publish his contract on the DPTI website and was entirely relaxed about his performance agreement and the remuneration he received being available to the public.

That is not shared by other chief executives across government, nor is that information readily available. I agree with the ombudsman that this should be a requirement, as there should be a requirement that chief executives meet all of their legislative obligations in the conduct of their duties. The second to last recommendation, you will be pleased to hear, Deputy Speaker, is:

> After the passing of the amendment to the Civil Liability Act…Chief Executives in the agencies should issue a memorandum to all staff explaining the consequences of the amendment and the protections described by the Attorney-General in his second reading speech.
>
> The memorandum should also emphasise that the FOI process is a last resort option only.

For full disclosure, I will have to admit that I am not immediately familiar with the context to which that recommendation refers. Perhaps that is something that the Deputy Premier might be able to better describe, given that it referred to a bill that both she and the former member for Enfield carried in the parliament.

I am sure the Deputy Premier will be capable of giving us some insight, at length, about how that came to pass, as well as its import. Given it is a recommendation by the former ombudsman with regard to amendments to this act, it would be useful for us to hear about that. The final recommendation, sir—which you have been waiting for on the edge of your seat—is:

> There should be an independent oversight body with investigation, audit and recommendatory powers to:
>
> - issue FOI guidelines
> - ensure public awareness of FOI legislation
> - give FOI advice and conduct FOI training for agencies
> - address complaints about the FOI process
> - monitor and audit agencies' FOI performance
> - conduct merits reviews (with determinative powers)
> - recommend administrative and legislative reform
> - report to the parliament on the operation of the legislation
>
> This body should also be responsible for the oversight of state privacy policies and legislation.

We do not have that arrangement at the moment. We do not have an independent body within the Public Service that does that; however, I do recall that the ombudsman released an extensive report on agencies' operation of the FOI Act. I am not sure whether that was done of the ombudsman's own volition or whether it was done at the request of the government in an effort to respond to this particular recommendation.

However, you can see that there is a broad range of issues with the operation of the act canvassed by the ombudsman in that report of May 2014. With that in mind, it is perhaps worth reflecting on how the Deputy Premier seeks to address those concerns as well as issues that she may have identified with the operation of the act.

As others are aware, and as the Deputy Premier I think has commented to the house, there has been a consultation process for the development of this bill. It has been a consultation process which invited submissions across the public sector and, indeed, I think also from the public as well. I would hope that the submissions made to that consultation process have been adequately reflected in the contents of the bill before us. We do not know this, of course, because as I mentioned in my earlier remarks, we did ask for some details of those consultation submissions. In fact, we put in an application under the FOI Act for those submissions and a determination was made by the Attorney-General's Department not to release those documents.

Oh, the irony: that we—legislators as we are in this place—would not be trusted with the information from the public consultation in order to amend the bill. Without access to whatever submission the Ombudsman might have made publicly, and without access to those submissions which had been made presumably by agencies and members of the public, we are really flying blind in that respect. We have to refer back to what we do have publicly from the Law Society, from the consolidated submission from the media and also from the former ombudsman in his report of May 2014.

The Deputy Premier's bill unfortunately does not get off to a flying start when it comes to amending the act in the interests of providing a greater transparency and disclosure of documents to applicants. I am not referring to the first three clauses which, at least in my view, remain relatively uncontroversial, but more the fourth clause of the bill which is the substitution of sections 3 and 3A, which in the current act are the objects of the FOI Act. They are drawn deliberately broadly, and in being deliberately broad they of course seek to promote that access to government documents and access to documents held by agencies should be made as openly available as possible.

Unfortunately, what we have here is an attempt in this to be overly specific and, even in being overly specific, also preclusive of certain documents. In that regard, I am referring to the astounding removal from the objects of the act of a reference to promote openness in government and accountability of ministers of the Crown. I would have thought that we would all recognise that that is pretty important to leave in the act, and so I find it gobsmacking, to be honest, that the Deputy Premier would seek to deliberately remove that particular element of the bill. I think that speaks volumes about this government's approach to openness, to transparency and to accountability. With that, I seek leave to continue my remarks after the break.

Leave granted.

Sitting suspended from 17:59 to 19:30.

The Hon. S.C. MULLIGHAN: It is a pleasure to resume my contribution on the Freedom of Information (Miscellaneous) Amendment Bill. Just before we were required to pause in the house's consideration of this bill, I was making some remarks about the contents of the bill insofar as they relate to clause 4, which is the substitution of sections 3 and 3A of the act, which relate to the objects of the act and the principles of administration. I made some remarks that early on in section 3 of the act it was an object to promote openness in government and accountability of ministers of the Crown. Those words are specifically deleted in the Deputy Premier's bill. That is nothing more than a watering down of the objects of the act.

To deliberately remove a reference to ministers of the Crown—and also I should say it removes the reference to members of parliament and their access to government documents and access to information—I think says a lot about what the intent of the government is in amending the act. It is a watering down of the public's right to access government documents and to access information. This is the first substantive clause where we see the government continue in what I would regard as its quest to flee scrutiny, accountability and transparency in its operations.

There can be no justification for the removal of the reference to ministers of the Crown. Even the insertion of what is proposed in the bill at new section 3(1)(a):

(a) that representative democratic government is supported and enhanced by ensuring that proper public scrutiny of government activities occurs;

I am not sure that that is accurately reflective of the tenets of the of the Westminster system. We have representative democracy, the process by which a small number of citizens of the community are elected to a parliament in order to respectively represent the views of each of their electorates. Then we have the concept of responsible government, where ministers of the Crown are responsible to the parliament for the operations of government. With regard to this blend in the clause proposed by the Attorney, that is:

that representative democratic government is supported and enhanced by ensuring that proper public scrutiny of government activities occurs—

we do not have a representative democratic government in those respects. What we have is a government that should be held accountable to the parliament and, in turn, accountable to the community through the tenets of responsible government.

I realise what the source of the words is, and that is, I think, the same report from which I was quoting earlier—the May 2014 Ombudsman's report. But the inclusion of it, to the exclusion of a reference to both ministers of the Crown and to members of parliament being able to access documents, is something that should not be supported by this parliament and should not be supported by members in this house.

When I first started my comments, I gave the member for Heysen—ruing as he was the number of amendments that had come from the opposition—for the benefit of the member for Heysen, a member of the moderate faction of the Liberal Party, some history of the freedom of information legislation. In fact, it was one of the splitters from the conservative party to the Liberal movement, Martin Cameron, who had taken up the cudgel that was formally wielded by the former Labor attorney-general Christopher Sumner in pursuing freedom of information legislation. I thought he might find it interesting that it was a former moderate Liberal member who pushed for this legislation to be established.

But in providing that history, I also spoke, as is my wont, at some brief length about the delay between the election of the Bannon government in the early 1980s, succeeding the Tonkin Liberal government, and legislation actually coming into effect for a freedom of information regime, which of course did not happen until the early 1990s.

What had happened in those intervening years? You only need to look at the media reports during that period of the 1980s to realise that it was—and these are not my words but the words of the reporters of the time—the Sir Humphrey Applebys of the Public Service in the 1980s, including representations from the Public Service board, who were complaining about the concept of a freedom of information regime and how onerous it would be for them to adhere to.

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: I am happy to suffer the slings and arrows of the member for Bragg for the offences of ministers allegedly caused more than 30 years ago, but even that might be a bow too long to be drawing at this stage of proceedings. But it was certainly the representations from the Public Service board and certainly the rationale provided during the 1980s that this was something that was being resisted by the Public Service at the time.

Whether it is the exclusion of references to the ministers of the Crown or the preclusion of references to members of parliament and the access to documents that they should be afforded under the act, what we see in the remainder of the bill is a substantial pushback from what are clearly the interests of the agencies who will be responsible for administering the act as it may be amended subsequent to this bill.

I think that is a very poor reflection on the government that they have chosen this opportunity rather than make good those complaints and concerns that they had previously raised in this place, whether it was about the lack of punishments for interference within the FOI determination process or whether it was for some of the other changes that the Deputy Premier championed when she was in opposition. Rather than just see those, what we see is a very substantial watering down of the FOI Act.

Moving to the other parts of clause 4 of the Deputy Premier's bill, it includes that the objects of this act are also to authorise and encourage the proactive public release of government information by agencies. That should be supported broadly and is supported by the opposition. It was the former Labor government that introduced proactive disclosure in South Australia—a regime, I should note, which has been watered down by the current government. Apparently, they deem it a security risk to reveal after the fact where ministers stayed while on ministerial travel.

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: How topical that we should be talking about ministers' reluctance to reveal where they stayed while claiming travel expenses or allowances. It is, no doubt, something which will continue to be pursued, not just by the media across the state but by the opposition, in subsequent question times during the course of this week. The Deputy Premier interjects and says, 'Well, it was the police commissioner's advice.' This is the advice that has never seen the light of day—

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: —it has been tabled, has it?—that we should never reveal the location at which ministers have stayed, overseas or interstate, after the fact of them staying there. It would be a security risk to those ministers, wouldn't it, if someone, for nefarious purposes, wanted to visit that location many weeks after the minister had already vacated that site. I mean, please—really?

When it comes to the proactive disclosure regime that the government speaks of or attempts to impose within this bill, all we see are a number of principles. We do not actually see a requirement to disclose particular types of information. Instead, it is up to the Premier of the day; a curious inclusion because, as far as I am aware—and I am happy to be corrected by the Deputy Premier—the Freedom of Information Act is assigned to the Attorney-General, not the Premier. So I am not quite sure why this particular task would be assigned to a premier, but it would be up to the premier of the day to determine a freedom of information proactive disclosure regime policy to apply across the public sector.

That actually mandates less than what we have today, which is a freedom of information proactive disclosure regime that applies to certain types of documents and certain types of information. Notwithstanding the concerning security risk of declaring where ministers had been several weeks ago, we are also expecting to see from agencies a declaration of other travel and accommodation expenses. We are also expecting to see mobile phone costs and a range of other expenses incurred, particularly by ministers and their officers in the conduct of business.

But we do not see that actually spelt out here, and that is why, amongst the disconcertingly voluminous amendments that have come from the opposition for the benefit of the member for Heysen, we say, 'Let's actually countenance a proactive disclosure regime that sets out what those documents should be.' It would talk about the types of expenditures, for example, that should be disclosed publicly and regularly. The Deputy Premier's bill does not do that. All it requires is that some policy be promulgated from time to time by the premier of the day.

Of course, it is entirely feasible that there may be a premier—it could even be this Premier—who decides that their policy is not to proactively disclose anything above and beyond that which is already required of the unamended act, and would that not be a poor outcome? Given this government's reluctance and fear to engage in openness and transparency, I do not think it is too long a bow to draw when it comes to this area. Can we trust the current Premier to come up with a fulsome and detailed proactive disclosure regime that would put all these things on the public record?

It is actually in the interests of the Public Service at large, let alone the public of the state at large, that we do have a very detailed proactive disclosure regime because the vast majority of freedom of information requests are seeking the very information that a proactive disclosure regime, properly implemented, would identify and would place, for example, on a government website so that all people can see it. It would obviate a large number of freedom of information applications for agencies across the Public Service.

Surely that is in the interests of both the government of the day and the ministers in charge of their agencies, who are constantly under pressure to find efficiencies and savings. Surely it would just be easier, rather than having to increase their staffing and resourcing of their freedom of information staff and units, if they could just proactively disclose all this information. The need for dozens and dozens if not hundreds of applications seeking out the same information could be thwarted.

If we look at clause 5 of the bill, the amendments to the interpretations of the current act, these proposed changes, are also quite far reaching. I draw your attention to subclause (4), where the current definition of a document is expanded quite significantly, rather than what we have currently in the act:

> document includes—
>
> (a) anything in which information is stored or from which information may be reproduced;

That is a very broad set of parentheses. It is deliberately designed to capture as broad a range of document and information as could possibly be conceived. In this instance, I do not actually doubt the intentions of the government in seeking to amend that definition. I suspect that the intentions of the government here are to be a little bit more contemporary in how the definition of 'document' is put in the act. Rather than the definition I just read out to you, the proposed definition includes:

> (a) anything in which information is stored or from which information may be reproduced—

which we have just had, and—

> (b) information stored in an electronic form by means of a digital data storage device;

This might be a bit esoteric for some members, maybe even for the Deputy Premier and those opposite, but the question that the opposition has and that I know some members of the crossbench in both places have is: is this actually an expansion of the definition of 'document' or an inadvertent contraction? Are we being unfortunately too prescriptive in outlining information stored in an electronic form by means of a digital data storage device? Does that inadvertently preclude some information or document types that might otherwise be captured in the course of a document search pursuant to an application under the act? That is something that we are concerned about.

When we look at subclause (6) of that clause, it comes to changing the definition of 'personal affairs', indeed deleting the definition of 'personal affairs' and replacing it with a new definition, not of personal affairs but of personal information. This might seem like hairsplitting to the casual observer but, unfortunately for those of us who are frequent flyers when it comes to freedom of information applications, there is an ongoing and constant effort by agencies to frustrate freedom of information applications and the release of documents by virtue of spurious applications of exemptions for documents that contain what they see as being personal affairs.

On the face of it, we can all agree, broadly speaking, that documents containing information about the personal affairs of someone by and large, you would think, should not be released. I think we can all agree on that, but the way in which it has actually been interpreted by agencies is to exclude documents, or to include documents but redact information that they deem to be personal affairs but is actually personal information.

This is a theme and common thread we see throughout this bill, where, for example, names of individual freedom of information accredited officers are no longer to be provided to applicants but, instead, just the generic position title. But also we see determinations where we have the names and desk numbers, for example, of public servants, which are redacted from documents which are to be released. There is external review after external review, which has been conducted by the Ombudsman, which deems that this is inconsistent with the act or this is an incorrect application of the exemption provided for in the act. This is really not only an incorrect application of this part of the act but an extraordinarily resource-intensive and time-consuming incorrect application of this part of the act.

If you have, for example, put in a freedom of information application to an agency and let's say a couple of dozen documents are identified that fall within the scope of the request, and are otherwise under the other provisions of the act not exempt and able to be released to the applicant,

then quite commonly—not in all agencies, I should add, but just in some agencies, and I can point to, for example, the current Department of Planning, Transport and Infrastructure that seems to enjoy doing this—they go through every single document and remove the name, the desk telephone number (not that that is usually of any interest to anyone anyway) and email address of people who may be the author, the recipient or, in some other form, contributor to a document.

The Ombudsman has repeatedly made the point that that is an incorrect application of the current personal affairs exemption and the freedom of information staff have incorrectly applied that, thinking that a person's name is information that constitutes their personal affairs and what we see here is an effort to strike that out by the Deputy Premier and replace it with a definition of 'personal information', which I should say, further to the points I have been making here, is 'personal information, of a person, means information or an opinion about the person, where the person is reasonably identifiable'. So, of course, that would include their name, their email address and possibly their desk number.

The Ombudsman has been careful in pointing out the incorrect application of this to make it clear that, for example, if mobile phone numbers are included, say, in the signature block of a public servant, that might be information that should be precluded as information constituting personal affairs because it is not clear to the Ombudsman, to the applicant or perhaps even to the freedom of information officer making the determination, whether that mobile phone is a work mobile phone, a personal mobile phone and so on.

So, for example, it might change, of course, for some ministers but for most of us, if we send out a signature block that includes a mobile phone number, it usually is the mobile phone that we readily answer for work or personal purposes. That is not clear, for example, in this context and I agree with the Ombudsman that it is best to tread carefully. If that information is to be redacted, well then fair enough.

But redacting the actual name of a public servant or redacting the name of anyone who is mentioned in a document, who may or may not be a public servant or third party, is usually found by the Ombudsman, depending on the context, as being a bridge too far. This of course comes back to the earlier point I was raising before the break about the former ombudsman's recommendations about the application of the public interest test and ensuring that the public interest test is not constrained by the findings of the Howard case, which is a famous case used in external review determinations of FOI applications where these matters are usually considered, where personal information, for example, might be released.

That is something that the opposition is concerned about as well because not only does it not meet the spirit or the intent of the current act but it also means in practice that an enormous amount of resources and time is allocated to the making of what would otherwise be a very straightforward determination in needless redactions of what is currently basic personal information. For example, at clause 6 we move on to the insertion of new sections 4A, 4B and 4C, 4A being a definition within the act of 'exempt agencies'—agencies for which the application of the act should not apply due to the sensitive nature of those.

These exempt agencies, on my understanding—and I am happy to be corrected by the Deputy Premier—usually have been longstanding exemptions. We do not have any concern with that, except to say that section 4A(4) of the bill reads:

> (4) Subject to subsection (5), if an agency—
>
> (a) is an exempt agency, this Act does not apply to the agency; or
>
> (b) is an exempt agency in respect of particular functions or classes of information, this Act does not apply to the agency with respect to those functions or classes of information.

Subsection (5), which is referenced in subsection (4), provides:

> (5) A reference in Schedule 1 to an agency includes an exempt agency or an exempt agency in respect of particular functions or classes of information.

We are keen to know why that is specified in the bill. Does this mean that agencies, which are not completely exempt agencies but are agencies which may have particular functions, for example, which are exempt functions, are deemed to be exempt agencies and hence are not required to have

the same supporting infrastructure for the administration of this act? For example, would a principal officer—'accredited FOI officers'—in short, have the capacity to respond to applicants who may or may not be aware of the exempt status of that agency or the exempt functions of that agency?

When it comes to 4B, we have the new section 'Accredited FOI officers' inserted by the government, and this is something that I have been concerned about for some time. In fact, I was even concerned about it at the time when I was a minister. A minister of the Crown is considered to be an agency in their own right, and every agency requires a principal FOI officer under the act. That in effect means that applications that are made to a minister, or to the office of a minister, are then determined by the principal officer of that agency, which happens to be the minister.

You can see the inherent conflict of interest when you have a minister who is making a determination about whether documents should or should not be released to an applicant about the operations or the affairs of that agency, which is the minister and its office. This is something that is addressed in the opposition's proposed amendments to the bill. It provides for a new exclusion of ministers from that role of being a principal officer of the agency. That makes sense because ministers, almost without exception, as far as I am aware, have a department or an agency that is responsible to them.

It is appropriate, and indeed something conceived by the Deputy Premier's bill, that an agency can refer to another agency the responsibility for meeting obligations under the act. For example, this would mean that rather than the Attorney being the principal officer of her agency—the agency of the minister of the Attorney-General or the office of the Attorney-General—she would instead refer or delegate that to another principal officer (presumably, in this case, the principal officer of the Attorney-General's Department) and they would perform that function for the Attorney.

I think that is a more robust regime and inspires more confidence than we have at the moment and we have admittedly had for many years, including under the former government, where ministers were able to sign off on FOI applications that were made to their own offices. That practice is flawed, and in my view and that of the opposition, should most certainly be stopped.

If we then cast our minds to 4C, which is included in the Deputy Premier's bill, this is where we see more of the overt attempts by the government to deliberately restrict the documents which can be released to an applicant—this is the trickiness which is attempted to be inserted into the act by this bill—when a document is deemed to be held by the agency. It states:

> 4C—When document is held by an agency
>
> (1) A reference in this Act to documents held by or in the possession of an agency is, where the agency is a Minister, a reference only to such of those documents as relate to agencies for which the Minister is responsible.

Ministers are in receipt of all sorts of documents—in particular, minutes from other ministers, for example, talking about issues that might involve the interactions or operations of their respective agencies together. Let's say, for example, the Attorney-General were to write to the Treasurer about a budget issue, a funding issue or an issue to do with the financial management of the Attorney-General's Department.

If that minute were located in the Treasurer's office rather than in the possession of the Attorney-General's office or the Attorney-General's Department, then a strict reading of 4C(1) would preclude that document from being discovered. This would be regardless of whether that document would meet any of the other exemptions provided for under the act. As the old saying goes, possession is nine-tenths of the law; we can see this clause take that to the nth degree.

Unless a document is held by a minister regarding an agency for which they are responsible, the document is not able to be released. That cannot be supported. That would preclude the release of a broad range of documents. I am going to provide a couple of examples where applications made successfully and satisfactorily, after some onerous process of seeking an internal review and then an external review, were finally released. As such, 4C(1) should not be supported. Subsection (3) continues this. It states:

> (3) An agency is not to be taken to hold a document while the document is held by or in the possession of an exempt agency for which the agency is responsible.

So an agency that holds a document that might otherwise be released can be deemed to not hold a document if it is currently located in another exempt agency. You could see, for example, in the portfolio area that I am most interested in, the Treasury portfolio, where we have an exempt agency, the South Australian Government Financing Authority, that documents that might just happen to be in the temporary possession of that authority would be deemed not to be released because they did not happen to be in the right or the correct possession at a particular time. Subsection (4) compounds the problems with section 4C. It states:

> (4) An agency will only be taken to hold a document stored in an electronic backup system if the document has otherwise been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1997 or contrary to the agency's established record management procedures.

On first reading, there does not seem to be any justification for that. We are now largely at a time when the vast majority of government records are created, transmitted and stored electronically. Even 10 years ago the state government was in the practice of having an automatic backup of its electronic document and record management system updated every night, so you could argue that that would constitute an electronic backup system under this new definition of the act.

What should now be the well-worn practice and a clever way to source and access documents, as initiated as far as I am aware by Rob Lucas of the other place, would be to put in a freedom of information request for any documents that were created by the agency, say, for example, in the Department of Treasury and Finance, between a date range and held within what was then called—I am not sure if it is now called—the objective document management system and that would provide a list of documents to the applicant. It would not provide any further information. It might provide the date of those documents, but otherwise just the title of the documents.

The intrepid applicant, formerly Rob Lucas and now me, would go through that list of documents, look at the titles of the documents and think, 'That's of interest. That one not so much. That one is of interest,' and so on, and then put in subsequent freedom of information applications to access those individual documents.

Our concern is that this inclusion of new section 4C(4) will preclude documents held in that sort of document storage regime from being able to be accessed. If that is the case, an applicant is really going to have to chance their arm in making a freedom of information application so that on the date on which the application is received by the agency—not made by the applicant, mind you, but received by the agency—that document better be there, rather than in the temporary possession of someone or somewhere else, and it better be in paper form rather than be in electronic form.

If there are literal readings of the ways in which these clauses have been drafted, you can see how restrictive this new regime will be for applicants, and that is something that cannot and should not be supported. New section 4C(5) states:

> (5) An agency that maintains an electronic backup system on behalf of other agencies is taken not to hold documents stored in the electronic backup system on behalf of those other agencies.

It might be of some use, Mr Speaker, if you will, to cast your mind back to one of the issues of the day back in 2013, when there was child sexual abuse at Largs Bay Primary School. There was an ongoing campaign by the Deputy Premier and those opposite to try to paint the premier of the day, the former member for Cheltenham, as having been aware of this incident and having not done anything about it.

The allegation was based, by the Deputy Premier, on the receipt of an email by members of the premier's staff. There was much discussion, if I can put it so euphemistically, both in this place and publicly, about whether there was any evidence to support the Deputy Premier's allegation that the staff member who had received a notification of the sexual assault had provided that information to the premier.

It went to the point where there was not only a freedom of information application, which of course you would expect, but there was a continual and constant questioning of the Department of the Premier and Cabinet staff, who were responsible for administering the freedom of information regime as it pertained to the premier's office, about what sort of document searching had been

conducted in order to try to satisfy the Deputy Premier about the existence or the nonexistence of a document that may or may not finger the premier for having known about this particular incident.

It went to the extent, as far as I can recall—and, again, this is seven years ago or so now—of the manager of the electronic backup system for that daily, every 24-hour backup of not only the document management system and all the documents stored electronically within it but also the email servers that all staff, including staff within the premier's office, used. There was an interrogation of that third-party managed document management system.

A reading of the bill, as introduced by the Deputy Premier, would suggest that that process is now no longer relevant and no longer accessible by an applicant wanting to chase down such an issue to that same degree—which surprises me, or maybe it does not surprise me given this government's approach to openness and transparency. Nonetheless, it is contradictory—oh, it is the member for Unley. It is lovely to have him here. It is extraordinary that we would have—

Mr Teague: Reflecting on a member's presence in the chamber.

The Hon. S.C. MULLIGHAN: I know where I am meant to be when the vote is on, that is all I am saying. I know where I am meant to be. It is what we get remunerated for, remember—being up here and putting my hands up and down. I know you agree; it is just that not everyone seems to.

It seems extraordinary that after pursuing such an issue to such an extent over so many months—including, of course, recruiting one of the parents from the primary school to run defamatory ads about the former member for Cheltenham at that time, who was also a candidate for the electorate of Lee in the 2014 election, I remember—and despite going to that effort, pursuing the full extent of that, and of course finding nothing—

The Hon. V.A. Chapman: Where's Simon now?

The Hon. S.C. MULLIGHAN: Finding nothing.

The Hon. V.A. Chapman: He is hidden away.

The Hon. S.C. MULLIGHAN: Yes—same as the allegation that the Deputy Premier lodged back in those days, perhaps gathering dust—is that the assertion?—that nothing was substantiated, at least the capacity to do that search was available. Well, not under this bill. This precludes it, which I find extraordinary. That is something that we also take exception to.

At clause 8, the insertion of part 1A is the government's attempt, admirable in intent though it might be, to include a proactive disclosure regime within the act. I think in principle this is something that can be supported, not just for promoting openness and accountability and transparency of government activities and expenditures of finite government resources but also because a successful implementation of a proactive disclosure regime would alleviate much of the workload of those staff within the Public Service who are charged with administering the act, receiving and responding to applications.

I am sure we can all agree that a great number of freedom of information applications, whether they are made by members of the public, members of parliament or the media, are to chase down the sort of information that is now, or was previously, released via proactive disclosure. While the Deputy Premier has put principles in here for proactive disclosure, admirable though they are, recognising that documents and information held by government agencies are a public resource and that government agencies—not ministers, of course; they have been removed from the objects of the act—are committed to being open and accountable, engaging with the community and encouraging public participation in the making of decisions, policies and laws, and so on, unfortunately when we get to new section 8B we run out of steam in the creation of this public disclosure regime.

It just requires, really, that the Premier must, consistently with the principles, issue a proactive disclosure policy directing agencies specified in the policy. Here we have a reliance on the Premier to promulgate a policy. It is up to him or her to specify in the policy which agencies are subject to it—not all agencies, presumably, will be subject to it—and that information relating to the agency or held by the agency should be released, that the policy should be published in the *Gazette*

and on the website and that the agency to which the proactive disclosure policy applies must ensure that information is published in compliance with that policy.

Great—but what information? This is where the regime from the Deputy Premier falls down: there is no specification of what should be provided for in this regime. Indeed, the terms used in new section 8B(1), 'to publish information relating to the agency or held by the agency', seem to contradict some of those provisions that we were just talking about earlier in new section 4C—When a document is held by an agency.

Under 4C, a document held by an agency but not necessarily directly relevant to the functions of that agency is not a document that should be released under the act, according to that section of the act, but when it comes to the proactive disclosure policy, published information relating to the agency or held by the agency, regardless of whether or not it is relevant to the agency's functions, should be released. It may be a drafting error, or it may be an attempt in 8B to right the wrongs of 4C. Who knows? Perhaps we will discover that during the committee stage.

Clause 9 of the bill touches again on that topic I was discussing earlier about personal information, particularly 9(1), the deletion of 'personal affairs', which is the removal of the current provision in the act, which I think we can all agree quite rightly ensures that the personal affairs of someone are not revealed in the release of documents; hence, documents that would otherwise do so are not released. That is removed and it is merely about personal information. Presumably, information about the person, including their name, if you go by the way the agencies currently interpret the act, will no longer be provided, but apparently affairs concerning that person can be released—curious, and I am not sure something that should be agreed to here.

When we get to clause 10 and the substitution of the current section 13 of the bill, we start talking about how in different ways successful applications must be made to agencies. If applications are not made in these terms, then the applications can be refused. So, for example, new section 13(1)(a) provides:

> (1) An application for access to an agency's document under this Act—
>
> (a) must be in writing and contain such information as is reasonably necessary to enable the document to be identified…

There is a practice, which some but not all agencies adhere to, where an applicant can put in an application for documents which says, for example, that any documents that provide information about the following matters or, for example, again taking an area I am particularly interested in, in Treasury and financial management issues an application might be something along the lines of any documents that provide or show information about the collection of, off the top of my head, stamp duties for the first six months of such and such a financial year. It is likely that there is not a document that is so particularly titled.

It may even be likely that there is no such document that seeks specifically to provide an overview or a representation of stamp duty collections for a six-month period in a particular year. In the past, perhaps not currently, the Department of Treasury and Finance has always countenanced these applications, I guess with a mind to the objects of the act that agencies should always be of a mind to release documents or release information, to the point where they might even create a document which otherwise is not in existence but which provides the very information the applicant seeks. They might interrogate, for example, all sorts of financial records, and so on, about the request in order to create a document to respond to it.

Under the terms of section 13(1)(a), it would seem to preclude those sorts of applications being made. So here we go again: a further constriction of an applicant's capacity to access documents that would otherwise legitimately be accessed under the FOI regime. I think, when we get to subsection (2)(a), this is something I can speak about from personal experience. It states:

> (2) If an application—
>
> (a) is for access to documents received or produced by an agency, or part of an agency, during a specified period of time; and
>
> (b) does not provide further identifying information about the documents,

> the application will not be taken to contain sufficient information for the purposes of subsection (1)(a).

After the last election, after the allocation of ministerial responsibilities and, subsequent to that, the allocation of shadow ministerial responsibilities, of course recognising that there is a longstanding practice where the incoming government briefs are not released under freedom of information application, certainly the former opposition tried and I think the current opposition has tried—I need to be rebuffed—I wondered, for example, how other applicants have attempted to access these documents.

I put in a request to the Department of Treasury and Finance for all documents that had been provided by the department to the Treasurer's office for the two working week period from 19 March 2018. You may recall, Speaker, that was the Monday straight after the state election, when I think the Premier, the Deputy Premier and the Treasurer were the first ministers sworn in before the remainder of the cabinet ministers were sworn in later in the week. So it was that Monday to the following Friday.

In due course, a response came back from the accredited FOI officer from the Department of Treasury and Finance that said the request was too broad, that it would capture thousands of documents. That was in fact a conversation not had with me in the first instance but with one of my electorate assistants in the Lee electorate office who then referred the matter to me. I had a conversation with that FOI officer, and I said, 'Well, what do you mean there will be thousands of documents? Documents going from the Department of Treasury and Finance to the minister in a two-week period?'

There may be a dozen or a couple of dozen documents but I cannot imagine a thousand documents. I said, 'Surely before you contacted me or contacted my office there must have been some cursory search, some preliminary research, to try to provide you with some information which would enable you to make the assertion that there would be thousands of documents captured in this very brief 10 working day period at the outset of the new government's term.' 'Oh, well, strictly speaking,' came the response, 'that would also include all the emails that are going to and from the minister's staff with the setting up of email accounts, notwithstanding the temporal and practical difficulties of sending an email to someone who does not yet have an account, and so on'. I said, 'Okay, fine; I will refine the application,' and did so, which is provided for under the act.

I was then provided with a determination saying that my application captured too many documents. It was far too broad, too onerous for the department to respond to, and so the determination was that the application was effectively to be denied. I thought it was curious because I am interested to know what sort of document search would have been undertaken. In my recollection, when freedom of information applications are made, the accredited FOI officer receives the application. They may make an electronic search of documents which might fit the search terms in the application, and then it is usual practice, as far as I am aware, for that officer to send out an email to people who may be in possession of any documents which might meet the terms of that application.

That is pretty orthodox. That is pretty normal and regular, I understand. I go back to my earlier comments about receiving a determination from the minister as the principal officer of the minister's agency rather than from the department, so the inherent conflict between the minister determining an application into their own office, of course, becomes apparent.

I sought an internal review, had no joy and I thought, 'Well, perhaps what I will do is I will put in an application about the determination process of that application.' In response, eventually I got a swathe of documents back. That showed to me, as far as I could determine from those documents, that there had not been any search made in any substantive way to determine that the terms of the application I had made were indeed for an onerous number of documents that would take too much time and encapsulate too many resources of the department.

It almost seems as though subsection (2) has been specifically drafted to ensure that that sort of application cannot be made. You might think, 'Well, member for Lee, you were just fishing, weren't you? You were just trying to see what documents were served up between the department

and their brand-new minister in the first two weeks of a government.' Yes, that is true. That is what most members of parliament do with the vast majority of freedom of information applications.

There might also be times when it is important in the pursuit of a particular issue of public importance or of community interest to try to ascertain exactly what documents did come into the possession of either an agency or a minister so that particular information or particular types of documents can be seen to have either been received or not received, depending on the issue at hand. Subsection (2) would specifically preclude that sort of application. Why should people not be able to apply for access to a range of documents within a particular time frame? I do not think that is unreasonable.

Let me raise the other circumstance to which I alluded before the break and that was the extraordinary decision of this government to award a $42 million taxpayer-funded loan to the Stadium Management Authority for the hotel at Adelaide Oval. This was a source of considerable community consternation and a source of considerable consternation amongst the hotel industry, particularly to those people who had done the right thing, worked hard, saved their money, built a relationship with the bank and got financing for their own investment objectives, only to be trumped by the cosy relationship between members of the Stadium Management Authority and the newly elected Liberal government.

Of course, it is of interest to see what documents came into the Premier's office, for example, in the particular time frame when this matter was being considered. The way in which the freedom of information application was dealt with was nothing short of extraordinary and obvious in its attempts to completely thwart my attempts, and the attempts of other applicants, to legitimately access documents that should be released to the public through these sorts of applications.

On placing the application to both the Premier's office and the Department of the Premier and Cabinet, as it got close to the time these determinations were due within the 30-day statutory time period, suddenly there were large document releases to the Adelaide *Advertiser* before information was released to the applicant. Members might recall, for example, the publication of stories by select journalists about Project X, a project which dare not speak its name within the Premier's office or the Premier's department or within the Department of Treasury and Finance.

Those documents, that information, were deliberately released to the media before being released to the applicant. Would it normally be the purview of public servants and accredited FOI officers to strategically place this sort of information into the media before it gets into the hands of an applicant? No, of course not; that is a political decision, a media management decision made by the likes of political staff employed by a minister's office. That is clearly what happened here. You may recall, Mr Speaker, that the Project X announcement, the Adelaide Oval Hotel, was made in late November 2018.

As I have said, and as I just said, if the Stadium Management Authority, off its own back, was to go and build a hotel within its existing footprint, then knock themselves out, go for it. All power to them. Why would they not create more money-making opportunities so that they can provide for a more financially stable and successful outfit down there at Adelaide Oval, to their credit just as they have done with the roof climb, to their credit just as they have done with the cafe there—I cannot recall off the top of my head whether or not they charge for access to the Bradman Museum but, to their credit, as they have done for all those sorts of endeavours.

In fact I even supported—and supported by my own hand in writing—their attempts to get the more substantial development of Adelaide Oval No. 2 up, which was thwarted by the Adelaide city council and which eventually saw the development of the Karen Rolton Oval. I attended the Midnight Oil concert at Adelaide Oval No. 2 and it was fantastic; it was terrific. The tobacco smelled a bit different from what I was used to, and maybe that contributed to it, but a good night was had by all.

Those sorts of commercial enterprises—big tick, no worries. Our objection was to a secret, clandestine, walk-up start that the deputy chair of the SMA, John Olsen, former Liberal premier, had with the Liberal government for a taxpayer-funded loan of $42 million to the exclusion of the remainder of the hotel industry.

When I put in these applications, not only was the information released to the media before it was released to me as an applicant but there was also a large number of documents that were not released at all. Those documents, some of which were correspondence and documents created by the Stadium Management Authority, had been deemed by staff managing the freedom of information application process as needing consultation.

What we then saw was a long process of frustration where the Stadium Management Authority, outside legislative strictures of the act, was provided an ongoing opportunity to respond to the consultation process about whether they had any objections to any contents of the documents or the documents themselves being released to an applicant.

By this stage, there had been a determination, there had been an internal review and an application made to an external review. The Ombudsman was so concerned about the conduct of this particular determination that a meeting was convened between staff of the Ombudsman, me as applicant and the freedom of information officer from the Department of the Premier and Cabinet, who was responsible for managing the determination.

At that meeting that was held at 45 Pirie Street, it was revealed to me by that freedom of information officer that for a long period of time, the determination that was to be released to me as the applicant had been sitting in the inbox of the Premier's chief of staff, the now federal member for Sturt, James Stevens.

This determination to the application I had made had sat there gathering dust on former chief of staff James Stevens' desk. That is not how the process is meant to work. That is something the former ombudsman specifically made reference to in his report of May 2014, and in the months and months that were afforded to the Stadium Management Authority for consultation over what they deemed 'commercial information', they deliberately dragged their heels.

If it was not for the select committee on the redevelopment of Adelaide Oval, we would never had understood why they dragged their heels so much. Because as it turned out, we were told by the Stadium Management Authority's own banker, the Commonwealth Bank, that they had actually been offered a commercial loan. Sure, the Stadium Management Authority had to put up a deposit, but that deposit had already been considered and approved by the SACA board and, we understood, also by the SANFL board.

When the then chair of the Stadium Management Authority was asked why, after having been offered a loan by the Commonwealth Bank on commercial terms, it was rejected and instead they went with the strategy of pursuing a loan with the state government, the response was, 'Well, if you can get a 100 per cent loan from the state government then why wouldn't you?' I find that astounding—absolutely astounding. No wonder the Premier's office did not want that information coming out.

Some of the other information that did come out—and we are talking between 12 and 18 months after the application; that is how long it took to get an answer out of the Premier's office and the Department of the Premier and Cabinet about this controversial project—included emails between the Stadium Management Authority and the Premier's own media adviser about which journalist this drop should be given to, to give it the most favourable coverage.

I am not sure that any journalist would like to be considered by a political staffer to be someone who is more or less likely to do the government's bidding when it comes to reporting on a government initiative, but that just gets back to that issue I was raising earlier about the factors favouring disclosure or not favouring disclosure about it being embarrassing to the government. That is one of the worst determination processes I have ever witnessed, I have to say. It was a deliberate campaign of obfuscation and deterrence by the Premier's office.

I feel for the relatively young accredited freedom of information officer who, if you put yourself in their shoes, probably just thought they were doing the right thing by following the wishes of the Premier or, at least as had been communicated to him, the Premier's office. You can see how easily compromised these processes are when people seek to impose themselves in the determination process. So clause 10 of the bill—the replacement of section 13 of the act and the new section 13(2), is something that cannot be supported at all.

Looking at clause 11, I am sure it is no surprise to the government that parts of clause 11 will not be supported by the opposition, particularly clause 11(2), which changes the 30-day statutory time period for determinations and increases it by 50 per cent to 45 days. At this point you have to start asking the question: who is this bill designed to assist?

Is it designed to assist the government of the day? I think we are starting to build up a pretty compelling case: removal of references to ministers of the Crown, relying on a coincidence of timing of application and physical location of documents to ensure that a document is entitled to be released in response to an application, the restriction of applications which merely seek types of information rather than accurate descriptions of documents, the restriction of applications which are for documents sent or received or are in possession of within a particular time frame and now an increase of 50 per cent in the time taken for making a determination under the act. I mean, please.

We see red-tape reduction bills which do not actually reduce red tape for the community, for example. They reduce red tape for the bureaucracy and they do not change anything for the community. This is even worse. This increases the amount of time by which agencies have to make their determinations.

I go back to that issue I raised at the outset of my comments on 16 June and also at the outset of my comments after the break this evening, and that is the staunch resistance of what was then the view within the Public Service of introducing a freedom of information regime, because it would be too resource intensive, too time intensive, require too many staff, etc. Now we see the attempt by the government, rather than better resourcing the freedom of information effort across the public sector, to slow down the determination of applications to make life a bit easier for those departments. That cannot be supported. If we do not maintain the requirement of a determination within a month or thereabouts of 30 days, surely we are effectively running up the white flag on the Public Service's efforts to make these determinations.

However, it gets worse. We currently have a regime within the act that allows for an extension of the time limit, that 30-day period if, for example, there are extenuating circumstances for the agency. We see amendments to section 14, which currently provides that the principal officer of an agency that is dealing with an application may extend the period within which the application would otherwise have to be dealt with under section 14 if satisfied that the application is for access to a large number of documents or it requires a search through a large quantity of information within a period that would unreasonably divert the agency's resources, or the application is for access to a document in relation to which consultation is required under division 2.

That is not unreasonable. That is longstanding. That is something that we are all used to. However, we have additional provisions now. We have new paragraphs (c) and (d). Paragraph (c) reads:

> (c) the agency is dealing with an unusually high number of applications under this Act and does not have sufficient resources to deal with the application within that period;

There are a few issues here. First of all, who makes the determination that there is an unusually high number of applications? Who makes the determination that the agency does not have sufficient resources to deal with this? Of course, does this not provide the incentive for the government to deliberately remove resources from those areas of agencies that are responsible for this particular function?

Why would you not, for example, leave only one accredited FOI officer? Why would you not, perhaps under this provision, only have a principal officer for the agency and not have anyone else? When even a small clutch of applications are made, then the agency can point to this new provision and say, 'Sorry, I just do not have the resources to deal with this. We are just going to have to blow out the time limits.'

I refer back to that practice which was initiated by the member of the Legislative Council, Rob Lucas, where searches are made for documents within the objective system within a particular time frame. Determinations are made for a list within that time frame and then subsequent applications are made for individual documents specifically with those titles which were provided for in that initial determination. It is very orthodox and quite common, at least within that particular department, and presumably in other departments.

But what that is now used as is an excuse to delay the determination of all applications, saying that the volume and the quantity of these applications is such that it would unreasonably divert the agency's resources when, of course, the opposite is true. The application is so specific for the accurate title of a particular document that it is a relatively small amount of work, a relatively easily achieved task, to respond and determine that application in short order. Now that is to be made even more difficult for applicants with a determination that there is an unusually high number of applications and so on. Even more concerning, though, is new paragraph (d), which reads:

> (d) the agency is dealing with a number of related applications under this Act (whether involving the same applicant or applicants who are acting in concert in connection with those applications)…

Who on earth makes this determination that separate applicants might in fact be acting in concert with one another? It is not inconceivable, for example, that there is a broad range of people, whether members of parliament, members of the community or the media, who are all separately of their own volition inquiring about a particular issue and seeking access to particular documents or particular types of documents and doing so in a similar time period.

For example, there may be a rush of applications to the Premier's office and to the Minister of Transport's office about communications between the Premier and the Minister for Transport about the claiming of country members' allowances. Under this provision in this bill, it would not be beyond the agency to say, 'Clearly, all of these different people, all these people within the media, people in the opposition and people who may just be interested as members of the community, they must be acting in concert with each other. They must all have a common interest in this. They are all searching for ostensibly the same or similar types of documents and to respond to all of them would unreasonably divert the agency's resources.'

That is something we cannot countenance, unless of course the Deputy Premier has some very persuasive examples of how these agencies have been letter bombed by applicants for access to documents, but I doubt that is the case—I very much doubt that is the case. Clause 13 of the bill, by and large the insertion of new section 14B, massively narrows the availability of documents to applicants. Subsection (1) provides:

> (1) The obligation of an agency to provide access to documents in response to an application is limited to documents held by the agency when the application is received.

I mean—really? So if somebody makes an application on a particular date, even if they transmit that application on a particular date—for example, there are many agencies that have online application portals—if that application is made but is not deemed to have been received by an officer until some later date, then the search for documents is at the time that the agency deems that it received that application.

Please do not be fooled into thinking that when applications are made, particularly electronically, they are automatically received and recognised as such by agencies. I have certainly made applications electronically on one particular day, only for those to be determined to have been received by agencies a day or a number of days after that electronic lodgement. What that might mean is that, in the effluxion of time between the making of the application and its submission to the deemed receipt of that application, those documents may well have moved on from that particular agency.

As we have seen from the earlier definitions that the Deputy Premier is seeking to include into the act, you really have to chance your arm under this new regime. You make an application and you pray it gets there at a particular time when those documents just happen to still physically—not electronically, physically—be in the possession of the agency. Subsection (2) provides:

> (2) An agency must undertake such reasonable searches as may be necessary to find any of the documents applied for that were held by the agency when the application was received.

This comes to the fundamental question about what is a reasonable search. What is an adequate search for documents by agencies under the act? Subsection (3) states:

> (3) The agency's searches must be conducted using the most efficient means reasonably available to the agency.

An agency might deem that a thorough search might not be the most efficient search. An agency might deem that the most efficient way to search for a document is to send an email out to other people, a quick task rather than, for example, trying to establish where the physical documents might be held by an agency within the premises of that agency and going down to have a look for those physical documents personally. If that is not deemed the most efficient way to search for documents then those documents will not be thoroughly searched for. So we are also greatly concerned with subsection (3). Subsection (5) provides:

> (5) An agency is not required to search for documents in an electronic backup system unless the agency is taken to hold the documents in that system by virtue of section 4C(4).

If you go back to new section 4C(4), it states:

> (4) An agency will only be taken to hold a document stored in an electronic backup system if the document has otherwise been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1997 or contrary to the agency's established record management procedures.

This goes back to the issue of what constitutes an electronic backup storage system when, today, most documents are stored electronically and automatically backed up on a daily basis. Does the interrogation of that daily backup, the backup that might be determined at a particular date, allow it to be or not allow it to be discoverable for the purposes of making such a determination? That really is a significant restriction of the availability of documents under the act. If we move further on to subclause (2):

> (2) Section 17—after subsection (6):
>
> (7) A request for an advance deposit (or for a further advance deposit) under this section is a determination for the purposes of this act.

My understanding of that clause is that, by virtue of it being a determination, it is appealable as a determination either to an internal review, an external review, or so on. What I am concerned about, though, is does that also satisfy the determination in terms of the currently 30-day but soon to be 45-day, if the Deputy Premier has her way, statutory time period in which determinations should be made?

In clause 15 of the bill, the capacity of agencies to refuse to deal with certain applications, we start to see further reference to this concept of an agency being:

> …entitled to consider 2 or more applications (including any previous application) as the 1 application if the agency determines that the applications are related and are made by the same applicant or by applicants who are acting in concert in connection with those applications.

On the face of that, you can see where that would be reasonable. If two people presumably from the same political party or two members of the community from the same community or interest group separately, independently and inadvertently make an application on basically the same terms for the same types of documents, making a single determination and then furnishing that determination to the applicants is not unreasonable.

The concern is the use of this provision by the government or by officers to preclude access to information by other applicants by deeming them as being somehow connected to others. There does not seem to be any definition around or any consideration around how those determinations are to be made. It is solely up to the discretion of the agency. Paragraph (2ac) states:

> If an agency determines that more than 40 hours of work is likely to be required in dealing with an application, it will be taken to be the case that the work involved in dealing with that application would substantially and unreasonably divert the agency's resources for the purposes of subsection (1).

We would be interested to know how the 40-hour limit was determined. On the face of it, 40 hours, being more than the standard Public Service 37½-hour working week, seems to be a significant amount of time.

If an accredited FOI officer sends an email out to a large number of people within an agency—say, several hundred people—asking them to do their own document search, is that a cumulative effort by all those hundreds of people undertaking that cursory email and perhaps hard copy document search within their own offices? If a few hundred people spend even less than

10 minutes collectively, does that substantiate the 40 hours? That would serve to rule out a great number of applications and hence determinations under the act.

It is clause 15(3) that is even more interesting, and that is the insertion of the concepts of 'frivolous or vexatious' applications.

There being a disturbance:

The Hon. S.C. MULLIGHAN: I see I am not the only one who thinks so. The concern is who makes the determination that it is frivolous or vexatious and on what basis and how is that decision to be substantiated?

Over the page in the bill we see some further preclusions of applications. On the face of it, new subsection (2b) seems to be reasonable. You do not necessarily want people using the act to obtain documents that they should otherwise be obtaining through other means, for example, trying to obtain information which would otherwise, I assume—I am happy to be corrected here; the Deputy Premier is more practised at this than I am—be about wanting to have their own document discovery process for the purposes of some form of court action by attempting to use the act. I understand that.

We have some questions about how it would apply. For example, would it apply to court transcripts, because court transcripts in many cases may or may not be released when people make requests of the relevant court? In subsection (2d) we have, I think for the third or fourth time, this concept of applicants acting in concert and there are no reasonable grounds for believing the agency would make a different decision on the application. These are matters of judgement which basically go to the issue of whether agencies will now have the capacity to prevent applications being appropriately determined by virtue of these new provisions.

What will, I am sure, be of great interest to people who usually make applications is the insertion of section 18A—Vexatious applicants. The Ombudsman may declare someone a vexatious applicant, which is not unreasonable in itself because it is conceivable that there would be people who would seek to abuse the process, and not just abuse the process in terms of wanting to access lots and lots of government information either from the same agency or from lots of different agencies, they might engage in the application process in order to genuinely frustrate the agency or even genuinely frustrate an accredited FOI officer or a principal officer of the agency. I think that is understood; however, we do have some concerns about subsection (3), which states:

> (3) An applicant may be found to have repeatedly made applications for the purposes of subsection (2) whether the applications were made to the same agency or to different agencies.

That is interesting because if, for example, a member of parliament—who might be charged by their political party with the responsibility of maintaining, for example, government accountability—places a series of applications to a wide range of agencies seeking, ostensibly, the same types of information from those agencies, that may well meet the terms of subsection (3) that an applicant has made the same applications but to different agencies. I would hope in that case the Ombudsman would see how those applications have been made and interpret appropriately the intent of why those applications have been made. Subsection (5) provides:

> (5) A copy of the declaration must be given to the person as soon as practicable.

I would be more comfortable if it were provided to them within a specific period. Subsection (8) reads:

> (8) The Ombudsman may publish—
>
> (a) a declaration and the reasons for making the declaration; and
>
> (b) a decision not to make a declaration and the reasons for the decision.

That is presumably on the basis that there has been an application by one or more agencies to have someone declared as being vexatious. We would have some concerns about whether the person has the capacity to make their own representations to the Ombudsman to plead their case before that declaration may be published publicly, otherwise somebody who is seeking to use the freedom of information regime legitimately may be inappropriately or inadvertently declared vexatious under these terms and publicly named as being so while they have not had the chance to argue their own case.

In clause 17 we see another attempt by the government to change the statutory 30-day time limit to 45 days. I made some reference before about the attempt in this bill to try to provide some guidance in agencies who are making determinations about whether the release of a document is in favour of the public interest or not, and five examples are provided by the Attorney in clause 18—curiously only five, not more than, and curiously not examples where documents will be released against the public interest.

To the Attorney's credit, just including examples where the public interest is served by the release of documents would tend to give the impression that the intent of the Attorney is to promote the release of documents, but if you weigh up the number and breadth of these five provisions compared to, say, what was provided for in the other place in earlier debates on bills seeking to amend this act by the Hon. Mark Parnell, he went to some considerably greater detail. Indeed, not that I was a plagiarist, but I have plagiarised—

The Hon. V.A. Chapman: Somewhat.

The Hon. S.C. MULLIGHAN: —almost completely, if we are being honest. I think the Deputy Premier is being generous to me there by saying 'somewhat'—but certainly, in this instance, I have plagiarised the good work of the Hon. Mark Parnell in the other place in putting in as many factors favouring disclosure when it comes to applying the public interest test or not against the release of documents.

In clause 19 we had some concerns about subsection (1)(c) of the new section 20, which is to be inserted into the bill. The new section reads:

(c) if it is a document that—

(i) was not created or collated by the agency itself; and

(ii) genuinely forms part of library material held by the agency;

On the face of it that seems pretty reasonable. If somebody is seeking documents that may end up as published reports by federal government agencies, for example, the applicant could have their attention better directed to the websites of those agencies and find that information there.

I think that where this does raise concerns is, for example—and I know this is a very specific example—for the past 20 years, the South Australian Department of Treasury and Finance has been a lead agency with genuinely nation-leading experts on the application of the goods and services tax in South Australia. The Deputy Premier may recall that the member for West Torrens and I recently spoke on a matter of indulgence about the passing of former Treasury official Rob Schwarz, who was the national expert not just on the GST but specifically on the application of horizontal fiscal equalisation in the application of the GST.

This seems like a yawn-worthy subject to contemplate, particularly at this hour, but it is particularly important to the state's finances. It requires, for example, that South Australia, in line with other smaller jurisdictions in the commonwealth, receives commensurately more GST revenue than what its population might generate. This is so that we have the capacity to provide the same level of services as can be provided anywhere else in the country.

Mr Schwarz and other Treasurer officials, including those still working in the Department of Treasury and Finance, have long provided advice to governments and have developed and maintained a library of material about the GST and horizontal fiscal equalisation. These are important documents, not just for South Australia but for the nation.

Those documents would perhaps be considered historical and could form a library of information for the Department of Treasury and Finance. If access to those documents were to be denied on the basis that it is part of a library of material—I am not talking about those documents provided by Mr Schwarz as an employee of the agency, because that would satisfy new subsection (1)(c)(i) in that clause. I am talking about other perspectives, other papers and other submissions provided by people around the country about HFE, which are important to consider for the state's positioning on that issue.

In my view, yes, that sort of information could be considered to be a library, but by virtue of that it should not necessarily be excluded from release by the terms of that clause. We would be

interested to hear from the Attorney during the committee stage as to the intention of the application of that element of that clause, and whether the drafting of the clause reflects that intention. According to subsection (2):

> (2) An agency must refuse access to an exempt document referred to in Schedule 1 Part 1 and may refuse access to any other exempt document.

That is a very substantial change from the current act. Overarching the current act is the encouragement that agencies are able to release documents even if they are determined to be exempt by provisions within the act. Of course, they do not have to release those, otherwise they would not be exempt, but they are able to. This again calls into question the issue of the public interest test. Here we have a very specific clause that says the agency 'must refuse access to an exempt document' referred to in that schedule. As I hastily flick through the current act, my recollection is that that schedule refers in the early parts to cabinet documents.

While I have spoken at some length about the misapplication of some parts of the act, for example regarding personal affairs and so on, it is certainly the case that the provisions of clause 1 under schedule 1, part 1, Cabinet documents, subclause (1)(a) through to (f) are, in my experience, frequently misapplied by agencies. I can say this because I have external review after external review from the Ombudsman that set out how the agencies have incorrectly applied this.

What we have here is a fundamental change to the act that says that all those documents categorised in that part essentially must not be released. We have further changes coming up where we contemplate a change in the reach of the act from the state government into local government to ensure that those documents are not able to be released. That change in the act is quite significant, and to remove the discretion of an agency to release those documents I think is a poor move.

I can give two examples, which I briefly mentioned in an earlier contribution on this. It is the practice of the federal government, both the Prime Minister and the Treasurer, as well as particular line ministers, to communicate with their state government counterparts around the country about initiatives in the federal budget released on federal budget night that are relevant to either their governments, for example in the case of the Premier or Treasurer, or to particular portfolios, and I refer to, for example, the Minister for Transport and Infrastructure.

There might be a fairly broad letter from the Premier saying, 'The budget that we have released tonight does X, Y and Z.' The correspondence to the Treasurer will do that in more detail and, in particular, set out, for example, the quantum of the payments from the commonwealth to the state for particular purposes.

When it comes to communication from the federal Minister for Infrastructure to the state Minister for Transport and Infrastructure, it will set out all the payments the commonwealth is making for projects that are jointly funded by the commonwealth and the state or, indeed, just solely funded by the commonwealth through the state. That is of keen interest because we have had claims by this current government here in South Australia since the last state election that record amounts of funding have been budgeted for by the commonwealth for upgrades to the north-south corridor.

I will not go over the information that I previously regaled about how patently untrue that has been. Certainly, promises have been made, but funding allocations unfortunately have not made good those promises, so it has been of keen interest to me and to the opposition to understand what is in that communication. Those documents certainly exist.

For example, certainly with the Minister for Transport and Infrastructure there is a covering letter from the federal minister and then there is a schedule or a large table of all those projects and initiatives for which the state will receive commonwealth funding, both broken down by the total amount, the amount that has already been expended, the amount that is due to be expended in the current financial year or in the subsequent financial year, across the forward estimates and beyond the forward estimates. You can see how that is of key interest when the opposition is trying to find out how much money is actually allocated, for example, to upgrades to the north-south corridor.

Those documents have been located by agencies in response to FOI applications and they have been refused to be released to me as the applicant. The claim usually is that perhaps these are cabinet documents because the information in that correspondence is used to provide information to

cabinet about what is in the federal budget for South Australia, or they are exempt documents communicated by another government—for example, because they have come from the commonwealth they contain information from an intergovernmental communication to the government of South Australia—or a council.

We have pursued these applications through the internal and then external review process and on both occasions, for the application made to the Minister for Transport and Infrastructure and to the application made to the Treasurer, the Ombudsman has indeed found that some of those provisions have been incorrectly cited as reasons to refuse access to a document. In the end, the Ombudsman has varied those agencies' determinations and required that more documents be released.

Even if an officer thought that those documents genuinely met the terms of schedule 1 of the act, then they could make a determination, for example, that, 'Well, perhaps it is not 100 per cent clear that these are entirely exempt under the terms of either clause 1 or clause 3 under schedule 1,' or they might think that it is in the public interest to release those documents, and in fact that is precisely what happened with the application to the Minister for Transport and Infrastructure.

After the budget was released in May 2018, it took until the end of 2018 for the agency to say, 'Well, do you know what? Most of the information is out there in the public anyway, so we're just going to release the documents. The period of time has progressed so much that this information is now presumably of less immediate interest and so there's no harm in releasing the documents to you.' That is specifically precluded under the terms of clause 19(2) of the Deputy Premier's bill, that is:

> (2) An agency must refuse access to an exempt document referred to in Schedule 1 Part 1 and may refuse access to any other exempt document.

I think that is a retrograde step. I do not think that enhances transparency or improves access to government documents at all; in fact, it does the complete opposite. This serves to put beyond any doubt whether any of those documents considered in that schedule, whether they are documents under clause 1 regarding cabinet documents or clause 2, Executive Council documents, which ostensibly, on the face of it, you would stomach not getting access to.

However, when it comes to clause 3—Exempt documents communicated by another government, and clause 4—Documents affecting law enforcement and public safety, then there are judgements that need to be made by agencies, but by virtue of the wording of that provision in the bill there is no discretion for the agencies to release them. That is something that we cannot support. When it comes to clause 20, a new subsection (3a) is to be inserted in the act's section 22:

> (3a) If giving access to a document in accordance with an application will disclose to the applicant information that the agency reasonably considers is outside the scope of the application, the agency may delete the out of scope information from a copy of the document and give access to the document by giving access to a copy of the document with the out of scope information deleted.

This practice of redaction of documents is widespread, and I seem to glean from external reviews that I have received back from the Ombudsman that it is certainly not his purview to instruct that parts of documents can be released that are deemed to be in scope and that orders can be made for redactions of what an agency might deem to be out of scope.

I am not sure that the current act provides for a regime of redacting partial documents either. I look forward to that discussion in the committee stage, because what in practice it would mean is the very time-intensive process of an officer going through all of the documents that might meet the terms of the application and choosing to redact as much as possible that is deemed to not accurately match the scope of the application rather than just release the entire document, which meets the terms of the application but which may also include information that does not meet the terms of the application.

You can see the appeal, from the government's perspective, of ensuring that as much information is redacted out of documents as possible. For example, I have had determinations come back that have subsequently gone through the external review process to the Ombudsman, where information had been redacted by an agency, which was redacted not because it was out of scope

but merely because the contents of those portions of the documents were embarrassing to its authors or embarrassing to the government.

That is no reason to have such redactions of documents that would otherwise be released. It is not consistent with the objects of the act to say that these documents are a public resource and should be publicly available, and it seeks to further encourage the practice where agencies look for any possible excuse to reduce the amount of information that can be released to an applicant, which is clearly contrary to the objects of a freedom of information regime.

It is not clear under clause 21, which seeks to amend section 23 regarding notices of determination, why 23(1)(b) is being deleted out of the act. Currently, the regime provided for under section 23 of the act is where an agency has to notify an applicant in writing about the details of a determination. That is extremely useful for applicants, and by and large can often appropriately discourage the applicant from seeking further information or appealing the issue to internal review.

It might say that a thorough search has been conducted and no documents found, or it might say, 'Well, we've found some documents which we think might suit the terms, but these are all exempt documents because all we can find, for example, is a cabinet submission and a cabinet agenda.' Well, fair enough, you are not necessarily going to pursue that, but starting to reduce the amount of information provided in a notice of determination, that 'if the application relates to a document that is not held by the agency—of the fact that the agency does not hold such a document', I am not sure what purpose is served by the deletion of that section.

In subclause (2) we have the removal of the name of the officer who is making the determination, and I am not sure why. I am not sure what security risk is inherent in the accredited FOI officer making their name known to the applicant in the making of a determination, because under the changed countenance in the bill we would only have the designation of the officer. We really only have two types of officers in play here: we have a principal officer of the agency, which by definition there can be only one; and, then, we have accredited FOI officers, of which there can be multiple.

So, if an applicant or indeed the Ombudsman is seeking to consider further the determination, and it is merely signed off by an accredited FOI officer with no further information, then it becomes a process by which the Ombudsman, through the agency, needs to go back and interrogate the document management system with reference to the file number, for example, to see who managed the file, and so on, so that, if there is to be an internal or external review, that can be pursued accordingly.

I am not sure why the bill continues to try to remove the names of people involved in making these determinations. Perhaps it is similar to the advice we have received by the Deputy Premier, that the locations of hotels in which ministers stayed several weeks ago the police commissioner has provided advice that that is a security risk to those members. Maybe it is the same; maybe the police commissioner has said that there is a security risk to accredited FOI officers if they should reveal their name to an applicant. I would be interested to hear if that is the case.

Clause 21(3) may actually be quite helpful for the applicant and for the Ombudsman, and that is, I think, judging by how it is drafted, providing some form of schedule of documents that have been discovered, released or not released, deemed exempt, etc., for the benefit of the applicant. That is very useful. This is a variable practice across different agencies. Some agencies provide a reasonable amount of information in their document schedule: the date of the document, the title of the document, the author of the document and, in some cases, even the file number of the document. That enables a clear understanding for the applicant and also, in the event that there is to be an internal or external review, for the reviewer of these documents. In clause 22 of the bill we see the deletion of subsection (1) under section 25. The new subsection reads:

> (1) This section applies to a document that contains matter concerning the affairs of a council (including a council constituted under a law of another State) or any government (whether of Australia or elsewhere).

I understand this to be a section of the act that refers to consultation rather than just exemption of documents. Certainly, I have another very, very longstanding freedom of information determination, which has been pursued to internal review and now external review, where it seems there are

documents in question about communications between the government and a foreign government, whereas the current act is only written considering governments from other parts of the commonwealth. This application significantly broadens the current application to include a council or any government, whether of Australia or elsewhere.

Mr PICTON: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. S.C. MULLIGHAN: I am grateful to have the opportunity to continue my brief remarks. The application to any government, including from other governments outside of the Commonwealth of Australia, then provides for an unreasonable opportunity for access to documents to be delayed. That is unfortunate because you could imagine, if there is a document that references or has some information concerning a foreign government—the process that a government agency would have to go through to consult with that government—what sort of reception that might get.

Clause 23 seeks to amend this notion of personal information away from personal affairs. I do not think that is reasonable in the context of the current act. One of the areas where the act does require the disclosure of regular information is for disclosure logs to be provided, and by and large that practice should be continued, supported and made more robust. We look forward to testing those amendments with the Deputy Premier.

Then we have the rather substantial changes when it comes to objections and the amendments to the internal review process. Here we have further provisions about the statutory time periods being changed in favour of the agency rather than the applicant. Again, these changes are being made in conjunction with those other amendments sought by the bill where access to documents is restricted either by design or inadvertently and again seeks to make the access to documents more onerous, more time consuming and more difficult for the applicant.

If we look at clause 25—the amendment of section 29 of the act regarding internal reviews—at subclause (3) we have the change to the 14-day period for internal reviews to a period of 20 days. That is not quite the 50 per cent increase we had for the statutory period for the initial determinations, but still an increase of over a third. Then we have the capacity for the principal officer of an agency to extend that period by a further period of up to 14 days, and importantly, if they are satisfied that the application relates to a large number of documents.

In practice, what we see is principal officers in some instances making determinations that massively extend the period of time that the agency has to determine applications. Certainly, I have had Rob Lucas as the principal officer of the agency of Treasurer write back to me and extend time periods for nearly an additional six months. He has done so not on the basis that applications have been made that seek to uncover large numbers of documents or would require detailed, onerous types of searching practices, but on the basis that it would collectively provide him and his agency more time to make these determinations.

Of course, by ensuring that there is such a significant period of time that passes between the time in which the application is made, bearing in mind that applications are made on a basis that there is some contemporary interest in a particular matter for which access to documents is sought, delaying access to those documents, putting off determination periods by several months or longer, ensures that the currency of the information contained in those documents is no longer, and that is a subversion of the intents and objects of the act.

We have a change under clause 26, where we see the attempted change from personal affairs to personal information of the person. Again, it may be the intent of the government to make application of these measures within the bill more restrictive, to put it beyond any doubt that certain information about a person or their affairs is released.

However, by supplanting the current definition of personal affairs in the bill, it may inadvertently have the opposite effect, where information about their personal affairs is able to be released but personal information about that individual—their name, for example, or email address—is no longer to be released. If you look at how the current act is worded about documents affecting personal affairs, you can understand what the intent is and why the parliament has arrived at that wording.

Application for amendments of agency records perhaps goes back to one of the earliest needs for a freedom of information regime, and that is for those individuals who are seeking access to information they understand is held about themselves by a government agency and also seeking to ensure that only correct information is held by that agency. It is not unreasonable that the Deputy Premier would have a regime to provide for that to occur, and to occur in a timely manner but also in a manner where the applicant has to provide evidence of their identity and, in doing so, prove that their identity has some relevance to the information they are seeking access to.

Under clause 28 we see the attempt by the government to blow out the time frames, the statutory time frame for a determination from 30 days to 45 days. In clause 29 there is another change to 45 days. Again, we would consider this to be a pretty retrograde step when it comes to watering down access to government documents. In clause 33 there is also an increase in the 14-day period to 20 days.

With the changes to the external review regime by the Ombudsman considered by clause 34, we have a deletion of relevant review authority replaced with just the Ombudsman. If that is the case, if we are going to consolidate these responsibilities within the Ombudsman, then it might be worth reflecting that we previously had a call from the current Ombudsman for more resources from the government so that the Ombudsman and their office is able to adequately discharge their responsibilities.

We have the Ombudsman who is responsible for external reviews under the Freedom of Information Act. We also have the Ombudsman who is responsible for conducting investigations as referred to them by the Office for Public Integrity. We also have the Ombudsman who is responsible for managing complaints made about public servants or Public Service agencies, and also the Ombudsman who has a responsibility for conducting investigations into Public Service agencies or conduct within Public Service agencies.

So, if there is additional responsibility to be piled onto the Ombudsman, then I think there needs to be some discussion about to what extent greater resources are going to be provided to the Ombudsman to enable him (or in the future, presumably her) and the office to conduct these responsibilities.

Then we get into the detailed provisions of clauses 34 and 35 regarding external reviews by the Ombudsman and reviews by SACAT, and the role that the Ombudsman plays, for example, in reviews to SACAT and the treatment of information which may be available for information that has been previously considered either by the agency or by the Ombudsman prior to it being considered by SACAT. Most substantially, clause 35(2)(4) provides:

> (4) In proceedings under subsection (1) or (2)(a)—
>
> (a) the agency will be a party to the proceedings; and
>
> (b) the Ombudsman will not be a party to the proceedings but is entitled to be notified of the proceedings; and
>
> (c) SACAT may, of its own motion or on application by the Ombudsman, require the Ombudsman to make written submissions to SACAT in relation to the proceedings.

Bearing in mind that an applicant must traverse the external review process by the Ombudsman before proceeding on to a consideration by the SACAT, and if very specifically the Ombudsman is not to be a party to those proceedings, that does a couple of things. One is in determinations made in external reviews where the agency's determination is varied and presumably more documents are to be released. There is also the situation where you have a sole applicant, maybe a member of the community who is trying to get access to this information pushing it all the way through. I seek leave to continue my remarks at another time.

Leave granted; debate adjourned.

DANGEROUS SUBSTANCES (LPG CYLINDER LABELLING) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

STATE PROCUREMENT REPEAL BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

WAITE TRUST (VESTING OF LAND) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 22:01 the house adjourned until Wednesday 22 July 2020 at 10:30.

Answers to Questions

GLENTHORNE FARM

130 The Hon. S.C. MULLIGHAN (Lee) (16 June 2020). With regards to Glenthorne Farm:

(a) Does the government completely own Glenthorne Farm?

(b) When did the government take ownership of all or part of the land comprising Glenthorne Farm?

(c) How much has the government spent on works at Glenthorne Farm?

(d) What was the value of the greater presence at Lot Fourteen given to the University of Adelaide in exchange for transfer of land at Glenthorne Farm?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water): I have been advised:

(a) The government owns Glenthorne Farm, which was proclaimed as part of the Glenthorne National Park-Ityamaiitpinna Yarta, on Thursday 28 May 2020.

(b) The government assumed ownership of the property on 26 October 2019.

(c) The government has spent $1,069,082 on Glenthorne Farm as at 10 June 2020.

(d) In exchange for the transfer of land at Glenthorne Farm, the University of Adelaide and the State Government entered into a memorandum of understanding that committed the parties to negotiating a potentially significant presence at Lot Fourteen.

TAXI INDUSTRY

132 The Hon. S.C. MULLIGHAN (Lee) (4 June 2020). How much revenue is forecast to be received from the $1 passenger levy on passenger transport services in 2019-20?

(a) How much revenue is forecast to be received from taxi services in 2019-20?

(b) How much revenue is forecast to be received from chauffeured (or 'blue plate') vehicle services in 2019-20?

(c) How much revenue is forecast to be received from 'rideshare' services in 2019-20?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised:

The forecast revenue from the $1 passenger levy on passenger transport services in 2019-20 is $10.848 million.

Below is further breakdown of the forecast for 2019-20;

(a) Taxi services—$4.052 million

(b) Chauffeured or 'blue plate' vehicles—$0.170 million

(c) Rideshare services—$6.626 million

AGED-CARE FACILITIES

133 Mr PICTON (Kaurna) (16 June 2020). How many SA Health aged-care facilities have had CCTV cameras installed as part of the CCTV trial so far—and what are the locations?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

As at 16 June 2020, no cameras have been installed.

AGED-CARE FACILITIES

134 Mr PICTON (Kaurna) (16 June 2020). What are the proposed dates for the further installation of CCTV cameras in SA Health aged-care facilities for each location?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

No dates have been set for installation as yet.

AGED-CARE FACILITIES

135 Mr PICTON (Kaurna) (16 June 2020). Who is the provider for the SA Health CCTV aged-care trial?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

The supplier who will partner with SA Health for the CCTV Pilot is South Australian company Sturdie Trade Services Pty Ltd.

AGED-CARE FACILITIES

136 Mr PICTON (Kaurna) (16 June 2020). On what date did the SA Health aged care CCTV trial go out for tender, on what date did the tender close and whom was the tender sent to?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

The procurement process opened on 5 November 2019, with submissions closing on 2 December 2019. This was an open procurement process advertised publicly on the Tenders SA website.

AGED-CARE FACILITIES

137 Mr PICTON (Kaurna) (16 June 2020). How much money has been extended so far of the $500,000 funding allocated for the CCTV aged-care trial? What is the breakdown of the expenditure?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

As at 16 June 2020, no funding has been expended.

AGED-CARE FACILITIES

138 Mr PICTON (Kaurna) (16 June 2020). What have been the meeting dates so far for the CCTV Aged Care Trial Steering Committee?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

The steering committee has met on the following dates since the commencement of the project:

- 7 May 2019
- 20 June 2019
- 30 July 2019
- 3 September 2019
- 29 October 2019
- 5 February 2020.

TRANSITION COMMITTEE

140 Mr PICTON (Kaurna) (18 June 2020). On which dates has the Transition Committee met (either in person or via videoconference or teleconference)?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Premier has advised the following:

At 25 June, the Transition Committee had met on the following dates:

28 April	Meeting 1
29 April	Meeting 2 (teleconference)
01 May	Meeting 3
01 May (2)	Meeting 4 (videoconference)
02 May	Meeting 5 (videoconference)
06 May	Meeting 6
13 May	Meeting 7
15 May	Meeting 8
19 May	Meeting 9
25 May	Meeting 10
26 May	Meeting 11
29 May	Meeting 12
02 June	Meeting 13
04 June	Meeting 14
09 June	Meeting 15

12 June	Meeting 16
16 June	Meeting 17
19 June	Meeting 18
23 June	Meeting 19

TRANSITION COMMITTEE

141 Mr PICTON (Kaurna) (18 June 2020). On which dates did the premier attend meetings of the Transition Committee?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Premier has advised the following:

The Premier attended the Transition Committee meeting on 19 June.

CORONAVIRUS

143 Mr PICTON (Kaurna) (17 June 2020). How many rapid turnaround COVID19 tests announced on 17 April 2020 have been used?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

As at 17 June 2020, 703 Rapid COVID-19 tests had been performed.

CORONAVIRUS

144 Mr PICTON (Kaurna) (17 June 2020). Up until 17 June how many COVID19 tests have been conducted on children from 0 to 5 years old?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

As at 17 June 2020, 7,552 children aged <5 years had been tested for COVID-19 by SA Pathology.

PERSONAL PROTECTIVE EQUIPMENT

145 Mr PICTON (Kaurna) (17 June 2020). How many vending machines for personal protective equipment (PPE) have been installed and at what locations?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

There are currently 27 personal protective equipment (PPE) vending machines installed across SA Health sites at the following locations:

- The Queen Elizabeth Hospital
- Flinders Medical Centre
- Modbury Hospital
- Lyell McEwin Hospital
- Women's and Children's Hospital
- Gawler
- Mount Barker
- South Coast District Hospital—Victor Harbour
- Riverland General Hospital—Berri
- Murray Bridge
- Whyalla
- Port Augusta
- Naracoorte
- Bordertown
- Kingston
- Millicent
- Penola

- Mount Gambier

CORONAVIRUS

146 Mr PICTON (Kaurna) (17 June 2020). As at 17 June 2020 how many staff work for the COVID-19 hotline?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

As at 17 June 2020, the State Emergency Information Call Centre Capability team is rostered per weekday shift as below:

- 15 call takers
- 1 team leader
- 1 team supervisor
- 1 administration coordinator.

On weekends (due to a substantially lower call volume), the following roster applies:

- 6 call takers
- 1 team leader.

WAKEFIELD HOSPITAL

147 Mr PICTON (Kaurna) (17 June 2020). For the use of the Wakefield Hospital during the pandemic, who is the contract with, how long is the length of the contract and what is the value of the contract?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

SA Health has signed a six-month lease, commencing 22 March 2020, with Cromwell Wakefield Property Trust for Wakefield Hospital.

The contract value for rent and outgoings for the site is approximately $2.6 million excluding GST.

PRIVATE HOSPITAL CONTRACTS

148 Mr PICTON (Kaurna) (17 June 2020). For the contracts with private hospitals announced on 4 April 2020, which hospitals are contracted, what is the length of each contract and what is the total value of each contract?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

The private hospitals and day surgeries that entered into the Private Hospital Funding Agreement (COVID-19) are listed below:

Adelaide Ambulatory Day Surgery
Adelaide Eye and Laser Centre
ACHA—Ashford Community Hospital
ACHA—Flinders Private Hospital
ACHA—Memorial Hospital
Bedford Day Surgery
Brighton Day Surgery
Calvary Adelaide Hospital
Calvary Central Districts Hospital
Calvary North Adelaide Hospital
Central Day Surgery
Glenelg Community Hospital
Glenelg Day Surgery
Griffith Rehabilitation Hospital
Mclaren Vale & Districts War Memorial Hospital Incorporated

Mount Gambier Private Hospital
North Eastern Community Hospital
Northern Endoscopy Centre
Norwood Day Surgery
Oromax Day Surgery
Parkwynd Private Hospital
Seaford Day Surgery
Southern Endoscopy Centre
Sportsmed Hospital
St Andrew's Hospital Inc
Stirling Hospital Inc
The Burnside War Memorial Hospital
The Tennyson Centre Day Hospital
Victor Harbor Private Hospital Incorporated
Vista Day Surgery
Western Hospital
Windsor Gardens Day Surgery

The agreements commenced on 31 March 2020 with a six-month term, subject to the continuation of the COVID-19 National Partnership Agreement.

Payments to each party to the contract are calculated monthly based on an agreed methodology that supports their individual viability requirements.

HEALTH HEROES HOTEL

151 Mr PICTON (Kaurna) (17 June 2020). What was the provider/s of the Health Heroes Hotel and how much funding was spent on the hotel as at 17 June 2020?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

The provider of the Health Heroes Hotel was an approved panel provider.

I am advised that as of 17 June 2020, no staff or members of the public had used the hotel yet and no funds had been spent.

SCHOOL IMPROVEMENT MODEL

186 Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (1 July 2020). Can the minister provide:

(a) The number of schools in each of the 2018 School Improvement Model categories by their 1-7 category of index of educational disadvantage. No identifying information on individual schools is required.

(b) What changes in factors of educational disadvantage led to the change in category for Adelaide High School from category 6 to category 5 in the recent review?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education):

(a) Publishing the number of schools in the way requested would tend to allow the identification of the categories of many schools. The intention of the school improvement categories was not to provide a public performance measure and this information was provided to school principals in 2018 to help them commence school improvement planning.

(b) The changes in educational disadvantage factors that led to a change in category for Adelaide High School from category 6 to category 5 comprise the following:

- Mobility Ratio: Adelaide High School's mobility ratio is greater than the government schools average (in 2012 this was lower than the average)
- Economic Resource Score: Adelaide High School's economic resource score is lower than the government schools average (in 2012 this was higher than the average).

I note that the categories of disadvantage for South Australian schools had not been updated in many years, with the result that up until 2019 the system had still been relying on 2006 census data. I must admit I was surprised to learn that at no time in the last seven years did the former government update the index based on updated information in the 2011 census.

YORKTOWN ROAD-ADAMS ROAD INTERSECTION

193 Mr ODENWALDER (Elizabeth) (3 July 2020). Can the minister provide an annual breakdown of reported crashes, for each year from 2014 to 2019, at the intersection of Yorktown Road and Adams Road, Craigmore, including (separately):

(a) Property damage crashes?

(b) Minor injury crashes?

(c) Serious injury crashes?

(d) Fatal crashes?

(e) Total crashes?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Reported Crashes—Yorktown Road and Adams Road, Craigmore					
Year	Property damage crashes	Minor injury crashes	Serious injury crashes	Fatal crashes	Total crashes
2014	1	1	1	-	3
2015	-	-	-	-	-
2016	2	1	-	-	3
2017	1	1	-	-	2
2018	1	1	-	-	2
2019	1	-	-	-	1

YORKTOWN ROAD-CAMPBELL ROAD INTERSECTION

194 Mr ODENWALDER (Elizabeth) (3 July 2020). Can the minister provide an annual breakdown of reported crashes, for each year from 2014 to 2019, at the intersection of Yorktown Road and Campbell Road, Elizabeth Downs, including (separately):

(a) Property damage crashes?

(b) Minor injury crashes?

(c) Serious injury crashes?

(d) Fatal crashes?

(e) Total crashes?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Reported Crashes—Yorktown Road and Campbell Road, Elizabeth Downs					
Year	Property damage crashes	Minor injury crashes	Serious injury crashes	Fatal crashes	Total crashes
2014	-	1	-	-	1
2015	1	-	-	-	1
2016	-	1	-	-	1
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-

MAIN NORTH ROAD-SHANDON COURT INTERSECTION

195 Mr ODENWALDER (Elizabeth) (3 July 2020). Can the minister provide an annual breakdown of reported crashes, for each year from 2014 to 2019, at the intersection of Main North Road and Shandon Court, Elizabeth East/Hillbank, including (separately):

(a) Property damage crashes?

(b) Minor injury crashes?

(c) Serious injury crashes?

(d) Fatal crashes?

(e) Total crashes?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Reported Crashes—Main North Road and Shandon Court, Elizabeth East/Hillbank					
Year	Property damage crashes	Minor injury crashes	Serious injury crashes	Fatal crashes	Total crashes
2014	-	2	-	-	2
2015	2	1	-	-	3
2016	2	-	-	-	2
2017	2	-	-	-	2
2018	-	1	-	-	1
2019	-	-	-	-	-

MAIN NORTH ROAD-HOGARTH ROAD INTERSECTION

196 Mr ODENWALDER (Elizabeth) (3 July 2020). Can the minister provide an annual breakdown of reported crashes, for each year from 2014 to 2019, at the intersection of Main North Road and Hogarth Road Elizabeth Vale/Grove, including (separately):

(a) Property damage crashes?

(b) Minor injury crashes?

(c) Serious injury crashes?

(d) Fatal crashes?

(e) Total crashes

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Reported Crashes—Main North Road and Hogarth Road, Elizabeth Vale/Grove					
Year	Property damage crashes	Minor injury crashes	Serious injury crashes	Fatal crashes	Total crashes
2014	9	2	-	-	11
2015	3	1	-	-	4
2016	2	4	-	-	6
2017	1	1	-	-	2
2018	1	2	-	-	3
2019	3	1	1	-	5

CHILDCARE SECTOR

In reply to **Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition)** (4 June 2020).

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): I have been advised of the following:

On Thursday 4 June 2020 I responded to multiple questions from the member for Port Adelaide providing a significant amount of information regarding this matter.

Further to my response, I wish to clarify that the National Quality Framework has a national standard which is 1:11 for over 36 months up to and including preschool age. Tasmania, NSW and WA have chosen a different ratio of 1:10 for over 36 months up to and including preschool age.

RESIDENTIAL CARE WORKERS, PSYCHOLOGICAL TESTING

In reply to **Ms STINSON (Badcoe)** (18 June 2020).

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

As I stated in my response at the time, I am only in a position to respond to this question in terms of workers in the child protection portfolio.

Psychological Assessments are undertaken in accordance with the Children and Young People (Safety) Act 2017, for employees and volunteers to work with children and young people in a residential facility established by the Minister under section 36 of the Family and Community Services Act 1972, or a children's residential facility licensed by my department.

As required by the Children and Young People (Safety) Act 2017, no person who is assessed as being currently psychologically unsuitable is working in a children's residential facility operated or licensed by the Department for Child Protection.

RESIDENTIAL CARE WORKERS, PSYCHOLOGICAL TESTING

In reply to **Ms STINSON (Badcoe)** (18 June 2020).

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

All persons undergoing psychological assessment sign a consent form, which includes advice to the person that whilst psychological assessment information is confidential, relevant information may be disclosed if there is a requirement to share the information arising under the provisions of the Children and Young People (Safety) Act 2017; or otherwise if required by law.

For the purposes of the Children and Young People (Safety) Act 2017, the Department for Child Protection will share the outcome of a person's psychological assessment within the department or with relevant non-government organisations in connection with any current employment of the person, or application for employment, in a children's residential facility operated or licensed by the department.

The Child Safety (Prohibited Persons) Act 2016 requires that the employer of a person employed in a prescribed position must advise the Department of Human Services Screening Unit if the employer becomes aware of any assessable information in relation to the person. The Department for Child Protection has notified the DHS Screening Unit of any of its employees assessed as being currently psychologically unsuitable.

RESIDENTIAL CARE WORKERS, PSYCHOLOGICAL TESTING

In reply to **Ms STINSON (Badcoe)** (18 June 2020).

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection):

I refer the member for Badcoe to my previous answers provided to questions taken on notice on 18 June 2020.

BUS DRIVER CONTRACTS

In reply to **Ms BEDFORD (Florey)** (1 July 2020).

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised:

The routes, number of services and bus stops are unchanged from the services delivered by the previous operator. I am informed that Torrens Transit managed an employment process that allowed all drivers to apply to be employed as drivers in the new contract. Torrens Transit selected the number of drivers required to deliver the services. This process was consistent with the process committed to by Torrens Transit.

All drivers employed by Torrens Transit that transferred from Southlink are employed under the Southlink Enterprise Agreement and therefore are under the same pay rates and conditions as employed by Southlink.