HOUSE OF ASSEMBLY

Tuesday, 8 September 2020

Members

SPEAKER, ELECTION

The CLERK: Honourable members, I received the following letter from the Hon. Vincent Tarzia, dated 28 July 2020:

Dear Mr Clerk

The purpose of this letter is to inform of my resignation from my role as Speaker of the House of Assembly in the South Australian Parliament, effective immediately.

I thank the staff of the Parliament, and the Members of Parliament for their contribution during my term.

It has been a privilege and honour to serve in this role, and at all times I have worked to maintain the dignity, reputation and integrity of the Parliament.

I have tried to be a fair, diligent and approachable Speaker.

Special thanks to the staff of the Parliament for assisting with opening up the Parliament to the public, with the live streaming of Question Time on Facebook.

Best regards,

The Hon. Vincent Tarzia MP

The Hon. S.S. MARSHALL (Dunstan—Premier) (11:00): I remind the house that it will now be necessary to proceed to the election of the speaker. I move:

That the member for Heysen take the chair of this house as Speaker.

Mr TEAGUE: I accept the nomination.

The Hon. G.G. BROCK (Frome) (11:01): I move:

That the member for Florey take the chair of this house as Speaker.

Ms BEDFORD: I am more than deeply honoured to accept the nomination.

The CLERK: As there are two nominations, both members proposed may address the house, as may the movers and seconders and any other member.

Mr TEAGUE (Heysen) (11:02): I thank the mover and the seconder. I accept the nomination with humility. That is with the consciousness of the high honour bestowed by honourable members upon the Speaker of this house. I am also aware that I have served a relatively short period in this place, having been elected in March 2018.

It is vital that the Speaker is fair, impartial and acting in accord with our rules-based system in this house in the interests of all members. I will do that. I pay respect to all members and I recognise the member for Florey, who has also accepted nomination.

I brought to this role my experience in the legal profession, through which I have developed a deep respect for our system of justice. This parliament, its deliberations and leadership, is at the core of our state's institutional strength and integrity. I am particularly conscious of the value of our parliament at this time as we face a global pandemic. In that regard, I am glad that the parliament has been able to continue sitting throughout this year with only very minimal disruption. That should continue. As I said in my first speech:

It is a great honour to serve in this parliament. When we look about us in this chamber, we are reminded of the long and stable history of democracy in South Australia. It is a proud history, but we should never take it for granted. We live in a time when democratic systems are in retreat in many parts of the world and when public faith in democracy is in decline. The preservation of democracy and the preservation of public confidence in democracy is a profound responsibility for all of us who serve here. I hope that I may fulfil my responsibilities in this house to our democracy and to the communities of Heysen.

With the confidence of the house, I hope to fulfil my responsibilities to this house, to our democracy and to all South Australians as Speaker.

Ms BEDFORD (Florey) (11:04): Members, we gather here on Kaurna lands today to create what I hope will be an exciting new page in the history of this parliament. I am honoured to be nominated for the role of Speaker, and I thank my colleagues on the crossbench for their encouragement and support and the opposition for understanding the reasons I have accepted the nomination.

I know perhaps better than most how things work in politics and have endured a few exciting votes in my time, but I believe very strongly in the value of the vote. Whatever happens here today, democracy of a sort will take place because members will have had a chance to use their consciences, to truly press the reset button, with the important role of Speaker being decided by one of South Australia's best creations: the secret ballot.

Before that takes place, however, I enjoy the very liberating experience of having unlimited time to address you all, and that may be something I push to the full advantage. Lunch is at one, so who knows how we will go. I know there is other pressing business, and the leader of the business of the house told us about it this morning.

I have always owned my own vote, and this is an opportunity for us to show the people for whom we all come to this place to work that we put them first. After all, we are here to debate their futures and not our own. This house, the people's house, should be a place of great discussion and debate, a place where ideas and inspiration mix freely, a place where every member has a voice and where every issue is a matter of public importance.

Dissent is not something to be scorned or suppressed; rather, it is to be celebrated as a sign of a healthy democracy. Any repercussions or recriminations against anyone taking part in today's vote should be called out, and it would be a terrible indictment should I not continue to enjoy a good relationship with all of you here just for wanting to give you a choice.

So I come to what can only be described as the mother of all interviews. In the past, a panel of nine has probably been the biggest I have faced; today, I have 46 very discerning people to address. Even more daunting as a panel is the electorate that I have been able to represent—and which we all represent, a panel of some 20,000-plus members—every time we go to an election.

I am beholden to the electors of Florey for backing me on six occasions, most recently in the very difficult circumstances where my actions were again motivated by providing a choice to voters. So today's circumstance is not really new for me; it is something that I have believed in for a very long time. I could not have done this, of course, without my family and staff, who have been more than happy to work with me on each occasion I have put my name forward in this state.

In offering this chance to push the reset button, I am very aware of the fact that, during the past two days, we have had a couple of really important announcements, which I know will go a long way to reinforce to the people of this state that we are actually here for their futures and not our own. While I know you are all very busy people, and while I did detect some of my lines in the member for Heysen's recent address, I did forward to you all a letter. As only four of you have responded, I can only presume that you have not had time to read it.

The thing I think is most relevant to today's vote is at Westminster, the mother of all parliaments, it has been a long-held tradition that Speakers should be independent of party allegiances and above day-to-day multipartisan contests. I acknowledge, Premier, I have taken a variation of the norm in not supporting the government's nominee because I actually believe it is critically important that all members have a say in who the Speaker of the house is. The role of the Speaker must aim to bring out the best in our parliament and in each parliamentarian. I know all of us combined can put our efforts into making this state as great as we all know it is, and it can be even more so.

In the past, I have had the opportunity to be Deputy Speaker and look after the house under that most esteemed character, former Speaker Atkinson. I have obviously had the opportunity to sit under a number of Speakers, so I am aware that Speakers' personalities or traits do tend to lift the

house. I think the house does need to be—whoever is successful today—a place of much more harmony.

As Mother of the House, I am sure some of you will know my commitment to parliament and the promotion of what it does amongst the people, the role of democracy and the value of the vote, and I will always put parliament first. In my trips around the state, dressed rather quaintly as a person of the last century, I cannot explain to you how important it is: people do know what is going on in here. We may not think they understand the intricacies of what goes on, but they do understand and they want to be proud of us. It is our role to make sure they are proud of us and their parliament.

South Australia deserves a parliament focused on its needs, especially in the face, as the member for Heysen said, of the challenges we will have to address in the post-COVID environment. I would also anticipate putting significant effort into continuing my community outreach so that we have more people engaged in the process and not looking on it as a forced journey to have a sausage one day every four years, because democracy actually happens every day.

Early steps in what we might do here would be to upgrade our website and reach out further to the schools of the state, and regional visits. I know we are very keen to make sure the regions are included in everything we do. So I can assure you that not only will I give you my word on impartiality but I will always put parliament first and I will do everything that I can to lift our standing in the community.

Further, with the support of the house and in cooperation with Legislative Council, as your Speaker, if I am elected, I will also seek to work with all members to advance reform of the practices and operations of the house and the parliament. I think it is vitally important we prioritise making parliament a better workplace and example to the rest of the state.

So our choice of Speaker must be a new beginning, a real line, a chance to reshape the future of how our parliament will be seen and regarded by the communities of our electorates. I put myself forward as your candidate and leave myself in your hands in confidence that each of you will exercise your vote according to your conscience and with the best interests of the parliament and the public of South Australia foremost in your minds.

The CLERK: There being two members who have accepted nominations, there must be a ballot pursuant to standing order 8. Members are required to write the name of their chosen candidate on the ballot slip being distributed.

The house then proceeded to a ballot.

The CLERK: There being 23 votes for the member for Florey, 23 votes for the member for Heysen and one informal vote and there being two candidates with an equality of votes, pursuant to standing order 9 there is a requirement for a fresh ballot. Members are required to write the name of their chosen candidate on the ballot slip being distributed.

The house then proceeded to a ballot.

Ms BEDFORD: Mr Clerk, I am a little concerned that members have been showing their votes to other members in a secret ballot, which could be—

Members interjecting:

Ms BEDFORD: Order, stop!

Members interjecting:

Ms BEDFORD: No, stop—a contempt of the parliament and the process we are undertaking.

The CLERK: I acknowledge the member's comments. There being 25 votes for the member for Heysen and 22 votes for the member for Florey, the member for Heysen having received an absolute majority of votes, I declare the member for Heysen to be elected as Speaker of this house.

Mr TEAGUE: In compliance with the standing orders and in accordance with the traditions of the parliament, I humbly submit myself to the will of the house.

Mr Teague was escorted to the dais by the mover and seconder of the motion.

The SPEAKER (Hon. J.B. Teague) (11:26): Standing as I do at this top step, I am very conscious of the fine traditions of this house. I thank members for the confidence that they have placed in me. Fairness to all members is at the core of this role, and I will do my best faithfully to do fairness to all members in preserving the utmost reputation, strength and solidarity of this place.

Honourable members: Hear, hear!

The Hon. S.S. MARSHALL (Dunstan—Premier) (11:27): Mr Speaker, I offer my congratulations to you. I have known the member for Heysen for some years. He was, of course, elected to this parliament only 2½ years ago, but in that time he has very much impressed the party room, as well as his own electorate, the electorate of Heysen. I have no doubt whatsoever that you will do an outstanding job in this role.

Can I also, while I am on my feet, acknowledge the work of the previous Speaker, the member for Hartley, and congratulate him on his carriage of this very important office. I also acknowledge the member for Florey, who is the Mother of the House or, as somebody said recently, the Grandmother of the House.

Ms Bedford: My preferred title.

The Hon. S.S. MARSHALL: I thank you for your speech to the house. Many of the sentiments contained in it are sentiments we strongly support on this side of the house. We thank you for the contest. We do live in a democracy, and I think it is important that we have opportunities like this. We look forward to continuing to work very cooperatively with you. Sir, to you, we say congratulations and all the very best in this important office of the parliament.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:28): On behalf of the opposition, Mr Speaker, we too would like to congratulate you on being elected and elevated to this incredibly esteemed office and a fundamentally important role in the functioning of a robust democracy. You are elected to this position at an incredibly important time for our state. Naturally, it is well documented that the role of this parliament during the course of this global pandemic is important. The deliberations that are undertaken in this place are critical to the standard of living and the livelihoods of so many South Australians.

It is a democracy, and in that context I, too, would like to thank the member for Florey for her nomination in this role. Albeit that we would have liked to see the member for Florey's elevation to this esteemed position, we do, indeed, sir, wish you all the very best in your newly elevated position and hope that you conduct the function of the Speakership with independence and impartiality.

It is unfortunate, Mr Speaker, that you have come to the role at a time when the house is not necessarily standing in the greatest of stead. The vacancy of the Speakership comes in acrimonious circumstances at a time that has called into question the repute of this parliament. I sincerely hope, sir, that your leadership in this position does the parliament great justice and the people great justice and indeed restores confidence and faith to what should be an institution that sets an example to the South Australian people, rather than the opposite.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:30): Let me give you my congratulations, Mr Speaker, as well—and I will embellish that or go more deeply into that in person. Thank you to the member for Florey for standing, and I am pleased that we had a very clear majority in the vote in the end. So congratulations, Speaker.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:31): I inform the house that His Excellency the Governor will be pleased to have the Speaker presented at 1pm today. Also I move, without notice:

That standing orders be and remain so far suspended as to allow the sitting of the house to continue until the time for presenting the Speaker to His Excellency the Governor.

Motion carried.

The Speaker read prayers.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION, SPEAKER'S STATEMENT

The SPEAKER (11:33): Before I proceed further, there is a statement I will make to the house concerning an investigation and public statements of the former independent commissioner against corruption and with respect to parliamentary privilege.

On 30 June 2020, the Speaker asked the Auditor-General to undertake an audit considering matters including means by which to make claiming and reporting in respect of the country members' accommodation allowance more transparent. On 23 July 2020, the former commissioner, the Hon. Bruce Lander QC, stated that earlier that month he had commence an investigation into the conduct of a number of members of parliament in respect of claims made by them for payment of the country members' accommodation allowance and that he had discussed with the Auditor-General, who advised him that in those circumstances the Auditor-General would not for the time being investigate the matter. The former commissioner further stated that the investigation would be conducted in private, as required by legislation, and for that reason he did not intend to make further comment.

On 21 August 2020, the former commissioner published a public statement in relation to the investigation, stating that during the course of the investigation he had sought from members of parliament and their staff information relating to claims made for the allowance and that some members had asked him to delay his request until parliament determined whether or not a claim for parliamentary privilege was to be made. He expressed his opinion that he did not think the information sought would be protected by parliamentary privilege but that the privilege is that of the parliament.

Prior to his retirement on 1 September 2020, the former commissioner in media interviews made a number of further public statements including in respect of the investigation and including more particularly in relation to parliamentary privilege.

In at least one of a number of media interviews on 1 September 2020, the former commissioner identified that the notices the subject of his 21 August 2020 public statement concerned three members of parliament and that he had assessed the matter the subject of the investigation as raising a potential issue of corruption in public administration that could be the subject of a prosecution.

The former commissioner's public statement on 21 August 2020 advised that, after 1 September 2020, it was a matter for his successor, commissioner the Hon. Ann Vanstone QC, to decide whether the investigation should continue and, if so, the course of the investigation.

On 4 September 2020, the commissioner withdrew the notices and instead asked that each of the three members voluntarily provide a narrow group of documents. All three members will provide the documents as soon as practicable.

In the course of the investigation, the Leader of the Opposition directed members of the Labor Party in respect of the investigation. That direction is accompanied by his threat that he would issue a sanction from that party upon any member who would not comply with his direction and recommended that such a member ought to be expelled from their party.

A direction to any member the subject of an ICAC investigation is problematic and usually unlawful.

A direction to do other than to act in accord with the law, let alone when accompanied by any form of coercion, risks constituting among other things: first, a contempt of the parliament; secondly—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I am on my feet. I warn the member for West Torrens—unlawful interference with an ICAC investigation; and, thirdly, conduct abetting a breach of the ICAC Act.

The former commissioner, by statements in the media—

Members interjecting:

The SPEAKER: Order! I warn the leader. The former commissioner, by statements in the media, adverted to having advised the Leader of the Opposition in respect of the investigation. The Leader of the Opposition is not a country member and is not a subject of the investigation.

It is an important and often repeated statement of principle—indeed, it might be said to be dull on account of overuse—that the ICAC must be both independent of political interference and must be seen to be so. That is particularly apparent in circumstances where its work usually is conducted in private and under strict rules with respect to confidentiality.

For this reason, it is unusual for any member to engage with, let alone publicly, the ICAC with respect to an investigation and especially an investigation that is ongoing. I make this statement in the interests of all members in the context of an investigation that is ongoing.

For the avoidance of doubt, I note that it is never appropriate for, in particular, a matter affecting an election in relation to this role to be the subject of any undertaking or assurance in relation to how the parliament might deal with parliamentary privilege. The Speaker—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will leave for 20 minutes in accordance with standing order 137A.

Members interjecting:

The honourable member for West Torrens having withdrawn from the chamber:

The SPEAKER: The Speaker serves the house without fear or favour.

STANDING ORDERS SUSPENSION

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:39): I move:

That standing orders be so far suspended as to enable the moving of a motion regarding parliamentary privilege without notice forthwith and that the motion be debated over the course of one hour, with time divided evenly between the government and the opposition.

The SPEAKER: There is a motion to suspend standing orders. I have counted the house and there being present an absolute majority of the whole number of members of the house, I accept the motion.

The house divided on the motion:

Ayes 23
Noes..... 21
Majority..... 2

AYES

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.	Pisoni, D.G.
Power, C.	Sanderson, R.	Speirs, D.J.
Tarzia, V.A.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

NOES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	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.

The SPEAKER: There being 23 ayes and 21 noes, there is no absolute majority; the motion lapses.

The Hon. S.C. MULLIGHAN: I rise on a point of order. Could you explain on what basis and subject to what standing order you made your impromptu speech earlier?

The SPEAKER: The member for Lee has asked a question of the Chair in relation to the statement that I have just given. I have given that statement to the house in circumstances of public debate relating to a matter of importance for members and I do not propose to add to that statement.

The Hon. S.C. MULLIGHAN: Just a point of clarification, sir: is there no standing order which gave you—

The SPEAKER: The member for Lee rises on a point of order. The member for Lee might identify the standing order upon which he rises.

The Hon. S.C. MULLIGHAN: Thank you, sir. That is the problem I am seeking to address: there is no standing order which provided for your impromptu speech earlier.

Members interjecting:

The SPEAKER: Order! There is no point of order.

Bills

COVID-19 EMERGENCY RESPONSE (EXPIRY AND RENT) AMENDMENT BILL

Standing Orders Suspension

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:48): I move:

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

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is present, I accept the motion.

Motion carried.

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:49): Obtained leave and introduced a bill for an act to amend the COVID-19 Emergency Response Act 2020. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (11:49): I move:

That this bill be now read a second time.

On behalf of the Marshall Liberal government, I am pleased to introduce the COVID-19 Emergency Response (Expiry and Rent) Amendment Bill 2020. As the COVID-19 public health emergency unfolded, it quickly became clear that many everyday practices needed to be adapted so that we could continue doing business while maintaining physical distancing and reduced movement.

Measures to reduce the spread of COVID-19, such as conducting more of our business online, are fundamental to our ongoing response and keeping the community safe. We must also manage the effects on our economy and, wherever reasonable, we should remove the barriers to commercial activities and processes citizens need to engage in, and help South Australians who have suffered loss of income at this time.

The declaration of major emergency, in place since 22 March this year, provides the authorising context for the important physical distancing and public health measures issued by the State Coordinator through directions. I must thank all South Australians for their ongoing cooperation with these directions which have helped keep South Australia safe and strong.

Given the course of COVID-19 in Australia so far, including the recent resurgence interstate, we need to be prepared and able to continue managing the health, social and economic risks and impacts of the pandemic in South Australia for some time. A crucial part of this preparedness is the extension of the COVID-19 Emergency Response Act 2020. The COVID act amends other South Australian legislation to temporarily adjust such legislative requirements that are difficult to satisfy during a pandemic. The act came into effect in April this year and will expire in October, noting that section 7, relating to commercial leasing provisions, expires on 30 September 2020.

This bill proposes to extend the operation of the act to 28 days after the day on which all relevant declarations relating to the outbreak of COVID-19 within South Australia have ceased or 31 March 2021, whichever is the earlier. This 28-day transition period will allow ministers and agencies to make necessary arrangements. Extending the COVID act is crucial to continuing our business while maintaining physical distancing. It contains provisions that are necessary for the ongoing management of the risk of COVID-19 in South Australia. Those provisions that are no longer necessary for the purposes of the COVID-19 pandemic have already been expired by me under section 6(1) of the COVID act.

I will now deal with each of the provisions of the act that are to be extended. Section 7 is the head power for the COVID-19 Emergency Response (Commercial Leases No 2) Regulations 2020 that contain principles for providing rent relief to tenants suffering financial hardship, and encourage landlords and tenants to negotiate agreements relating to rent relief.

The regulations are South Australia's response to the Mandatory Code of Conduct: SME Commercial Leasing Principles During COVID-19 published by national cabinet on 7 April 2020. The operation of section 7 is to be extended to 28 March 2021 to align with the commonwealth JobKeeper scheme which has been extended over two periods, from 28 September to 3 January 2021 and 4 January 2021 to 28 March 2021.

Members of parliament have been provided with a copy of the draft COVID-19 Emergency Response (Commercial Leases No 2) (Prescribed Period) Variation Regulations 2020 which will be made upon the passing of this bill through the parliament. It is intended that the variation regulations will commence on 1 October 2020 and expire on 3 January 2021, which aligns with the next period of JobKeeper.

The variation regulations will continue the protections for affected lessees and will enable lessees who are suffering financial hardship as a result of the COVID-19 pandemic on 1 October to renegotiate certain agreements made under the previous regulations or negotiate new agreements or seek court determinations as necessary.

I move now to other provisions in the COVID act that will be extended. Sections 8 and 9 that deal with residential tenancies, residential parks and rooming house agreements will be extended. These provisions inter alia provide a temporary moratorium on eviction for non-payment of rent applied across tenancies impacted by severe rental distress due to the COVID-19 pandemic. Clause 5 of the bill also amends these provisions to provide that there can be no rental increase if the tenant is suffering financial hardship as a result of the COVID-19 pandemic. There was previously a general prohibition on any rental increase.

The following other provisions will also be extended: section 10, which contains protections for residents of supported residential facilities; section 10A, which allows certain community visitors to visit by audiovisual or other electronic means; section 14, which allows the Governor, by regulation, to extend any time limit or term of appointment by up to six months; section 16, which allows the

Governor, by regulation, to suspend or modify requirements relating to the preparation, signing, witnessing and other treatment of documents; and section 17, which allows meetings to take place by audiovisual or other means.

Also to be extended are sections 18, 19 and 21, which provide for service of documents, regulations and transitional provisions; section 22, which deals with Crown immunity from civil or criminal liability; and schedule 1, which contains special provisions relating to the detention of certain protected persons during the COVID-19 pandemic. Schedule 2 of the COVID act, which modifies the operation of a number of acts, will also be extended.

The Aboriginal Lands Parliamentary Standing Committee Act 2003 and the Parliamentary Committees Act 1991 are amended to allow standing committees to meet via audiovisual or audio means. The Bail Act 1985 is amended to reverse the presumption of bail for certain offences related to the COVID-19 pandemic. The Criminal Law Consolidation Act 1935 is amended to expand the offences against prescribed emergency workers to include people working in pharmacies and providing pharmacy services.

The Development Act 1993 and the Planning, Development and Infrastructure Act 2016 are amended by reducing to 15 business days the time for councils to respond to applications for Crown development and, in the case of the Development Act 1993, Crown development and public infrastructure. The act also amends the Development Act to increase the threshold from $4 million to $10 million for referral of Crown development and public infrastructure to public consultation.

The Emergency Management Act 2004 is amended to clarify the scope of directions given under section 25 and provides that expiations can be issued for failing to comply with these directions. The power to remove children to ensure compliance with any direction is clarified, and compliance with the direction is required despite any obligation to maintain secrecy or other restriction on disclosure. The Emergency Management Act 2004 is also amended to allow for directions in relation to the transmission or distribution of electricity when an electricity supply emergency has been declared. It also clarifies the directions that can be given to market participants.

The Environment Protection Act 1993 is amended to allow container deposit refunds to be refunded electronically. The Health Practitioner Regulation National Law (South Australia) Act 2010 is amended to allow pharmacists to attend by the internet or other electronic communication in certain circumstances.

The Governor is empowered to make regulations to modify the National Electricity Law to protect the reliability and security of the South Australian power system. The Public Works Committee processes under the Parliamentary Committees Act 1991 are modified. The Public Finance and Audit Act 2016 is amended to increase from 3 per cent to 10 per cent, the maximum amount that can be appropriated under the Consolidated Account.

The South Australian Public Health Act 2011 is amended to clarify how an order made by the Chief Public Health Officer is to be given effect to provide how orders requiring detention are made and enforced to allow the Chief Public Health Officer to authorise the disclosure of personal information.

By extending the operation of the COVID act the regulations that have been made under it will also be extended. There is also a new provision to be inserted into the COVID act to amend section 3 to provide that a relevant declaration includes a direction under part 4, division 3 of the Emergency Management Act 2004, as well as a direction under section 87 of the South Australian Public Health Act 2011. This ensures that the provisions of the COVID act transition seamlessly from an emergency under the Emergency Management Act to the public health emergency should that be needed.

The Marshall Liberal government's emergency response to date has kept South Australia strong and safe. I wish to place on the record my appreciation to the opposition to date in their facilitating the prompt passage of legislation to deal with COVID-19 generally, both the principal act and subsequent matters associated thereto, and, as I understand it, their indication that they will support the extension of these important measures for the protection of the public.

I have an explanation of clauses that is even briefer than what I have just read out. If it assists the opposition or anyone following this debate as to the specific particulars of the explanation of clauses, then I seek to table the same without reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. The measure will commence on assent.

Part 2—Amendment of *COVID-19 Emergency Response Act 2020*

3—Amendment of section 3—Interpretation

This clause includes public health emergency declarations in the definition of 'relevant declaration' for the purposes of section 6.

4—Amendment of section 6—Expiry of Act

This clause extends the expiry provision in the Act to provide for expiry of most of the provisions of the Act either 28 days after the cessation of all relevant declarations relating to COVID-19 or on 28 March 2021, whichever occurs first. The expiry of section 7 is separately extended to a fixed date of 28 March 2021.

5—Amendment of section 8—Provisions applying to residential tenancies

This clause amends section 8 so that the provision barring rent increases for residential tenancies will only apply if the tenant is suffering financial hardship as a result of the COVID-19 pandemic.

Mr PICTON (Kaurna) (12:01): I indicate that I am the lead speaker for the opposition and rise to speak on the COVID-19 Emergency Response (Expiry and Rent) Amendment Bill 2020. As members would know, and as the Attorney-General indicated in her speech, in relation to the legislative framework to deal with this pandemic the opposition has been offering bipartisan support to ensure that our state is as best prepared as possible to deal with the health and economic effects of the COVID-19 pandemic.

We have done that through our votes in this parliament to make sure that a very significant amount of legislation has been passed that involves what some would perhaps regard as quite extraordinary powers put in place through the Public Health Act, through the Coroners Act and through this COVID-19 act, which is essentially a miscellaneous piece of legislation that covers a whole range of different fields of law in a number of areas.

Quite simply, it means that things can be done electronically that previously required face-to-face contact, which is obviously not preferable in the face of a pandemic. Obviously, this involves a very significant area of reform in relation to commercial rents and tenancies and some other areas we have had questions about, including issues where the Auditor-General would delay things and where appointments to government boards, etc., could be made without the necessary usual processes.

We were provided a copy of this piece of legislation on Friday. Neither the shadow attorney-general nor I have had the opportunity yet to be briefed by the government on this legislation. We will obviously be seeking to do that before it reaches its final stage in the Legislative Council. Of course, it is our general intention to support these matters; however, we believe it is important that we get a full briefing and hear from people before this is put in place.

Obviously, in relation to many of the COVID matters we have dealt with as a parliament, we have put them in place very rapidly—within hours sometimes or at least within a day or two. This is a matter of extension, where we do have a little bit more time to consider this measure. We will be doing that this week and during the next sitting week before the Legislative Council.

Essentially, there are two elements to how the legislative and legal structure has been responded to in South Australia: we have this COVID act and other amendments to acts that have been provided and then we also have the Emergency Management Act, which has been used during the course of this pandemic, except for a brief period at the beginning.

As members will recall, when we first faced this pandemic—the first cases starting in January and February—there was no declaration made and there were no particular powers that were enforced. We did strengthen the legislation in relation to the Public Health Act, but it was later that a declaration was made—I believe under section 87 of the Public Health Act—that enabled certain powers to come into force under that act. Those powers are exercisable by the chief executive of the Department for Health and Wellbeing, Chris McGowan.

That lasted, I believe, for a couple of weeks and then the State Coordinator—who is the police commissioner, Grant Stevens—essentially took over with a declaration under the Emergency Management Act that escalated it in relation to our emergency management framework. This meant that the State Coordinator was effectively in control and had in his power a huge number of abilities to make declarations and to make, essentially, laws that he would decide had the weight of law.

That has been the power used throughout the course of this pandemic to set requirements and restrictions in relation to businesses, in relation to households, in relation to personal conduct and movement and, of course, in relation to borders as well. So the Emergency Management Act has been the general framework under which those decisions have been made.

In South Australia, under the Emergency Management Act that was passed through parliament under the previous Labor government, it is not the Premier who signs off on those declarations, it is not the cabinet that does it, or the minister for health or the minister for emergency management; it is the State Coordinator. The State Coordinator, Grant Stevens, has that responsibility and that power under the legislation to make what can be quite extraordinary decisions.

I have to say that if you look at our performance as a state that has worked remarkably well, and full credit to Grant Stevens for the way he has exercised what are quite significant powers. I have talked to colleagues of mine interstate who were shocked that, essentially, a police officer has such power under our legislative framework. Perhaps in other states the police have a different reputation for exercising their powers, but in South Australia I think all of us on both sides of parliament, and across the community generally, have a lot of faith in the police commissioner and the way he has gone about exercising the significant powers delegated to him by this parliament in the event of an emergency.

I have to note that I suspect when the Emergency Management Act was being debated and passed through the parliament that people probably did not expect those powers would be used for such a significant amount of time, even though we did have in place in the legislation the ability for it to be continued on for some time. In our legislation there is no time limit for when those powers expire, there is no time limit for when an emergency declaration or what you might call a 'state of emergency' expires.

People may have seen that in Victoria recently there has been significant debate in their parliament—putting aside the other issues, which I will get to in a moment—that in their legislative framework a state of emergency had a deadline of a six months' expiry. We do not have that in South Australia so this state of emergency, or major emergency declaration under the Emergency Management Act, could continue on for some time; it could continue on well past the six months we are currently at and continue into next year.

I note that in the legislation before us the Attorney-General is seeking to change the COVID act to allow the powers under that act to be connected to a declaration under the Public Health Act and not under the Emergency Management Act. These powers under the COVID act relate to other areas that are not being dealt with by the State Coordinator or are not being decided by the State Coordinator in relation to rents, etc., as I said before. Perhaps this signals an intention by the government to switch from a declaration of the Emergency Management Act to a declaration under the Public Health Act.

If that were to be put in place, we would not have the State Coordinator, Grant Stevens, being in charge of emergency management anymore, and I think many people would be surprised to know that that would not mean that Professor Nicola Spurrier would necessarily be in charge, from a legal perspective, in making those decisions under the Public Health Act. For whatever reason, back in the day it was decided that it would be the Chief Executive of the Department for Health who would exercise those powers under the Public Health Act. I would like to hope, and I would expect,

that the Chief Executive of the Department for Health would listen to the Chief Public Health Officer, Professor Spurrier. Obviously, that decision from a legal perspective would be made by the Chief Executive of the Department for Health and Wellbeing, Chris McGowan.

I should note at this point that I think all South Australians have profound respect and admiration and gratitude for the role that Professor Spurrier has played during the course of this pandemic in keeping our state safe and providing expert public health advice to the State Coordinator, the government and, broadly, to the community. We are not out of the woods. We cannot be complacent. To date, that advice has served South Australia very well, and I hope that that advice would continue to be listened to in the future. That point does bear attention in debating this piece of legislation.

It seems that the government is thinking through how its transition is going to work out of that state of emergency, or what is legally defined as a major emergency declaration, and is now looking at a declaration under the Public Health Act. Essentially, a lot of the same powers apply. In fact, under the Public Health Act there is a direct reference to the Emergency Management Act, so the chief executive would have the ability to put in place a lot of those very significant frameworks that none of us probably would have contemplated before 2020. I would presume, and obviously I would seek the advice of the Attorney-General in her view, if that were to be put in place then Chris McGowan would then be able to decide to put border restrictions in place.

Chris McGowan would be able to decide to limit businesses opening or the number of people, or the square metreage or any other restrictions. Chris McGowan would be able to decide how many people could come into your home and other restrictions that would be put in place because, as I understand it, those powers under the Emergency Management Act would transfer to the Chief Executive of the Department for Health to manage during the course of a declaration under that act.

Obviously, if that were to happen, and the Attorney's bill were to pass, that would mean that the COVID act would continue on through that period that Chris McGowan was managing that emergency from a public health perspective. I would also seek the advice of the Attorney-General on why that is being considered when we have done so well under the Emergency Management Act, and the State Coordinator has done such a good job of managing what I think all South Australians would regard as a major emergency, and why a decision would be taken to change that arrangement to the Public Health Act.

I do note that there were some comments a few months ago by the State Coordinator, police commissioner Grant Stevens. He was asked, 'How long do you want to be in this role where you are deciding all these very significant things?' and I think he expressed some reluctance to be in this position forever. Obviously, it is quite a personally taxing job to be involved in for a long period of time. Most of these emergency declarations in the past have lasted for a day or so—

The Hon. V.A. Chapman: Four hours.

Mr PICTON: —four hours, as the Attorney says—and here we have a situation where we are past six months now or we are about to be. I know from having been the police minister that it is a massive job being the police commissioner, let alone managing and making these decisions on behalf of the state. My recollection of this interview is that he suggested that this is a bit taxing, but the decision to continue with the major emergency declaration is somehow connected to the powers in the COVID act that has been passed, which connects it to that major emergency.

I think many of us were expecting perhaps a more detailed piece of legislation to be brought by the Attorney to this sitting week that would create a framework for how this would be managed if this were going to be the case for the next three months, six months or 12 months in relation to managing a pandemic before a vaccine is available and the population has herd immunity from that vaccine that would enable life to really return to normal without worrying about the effects of COVID-19.

However, we do not have a detailed framework. There has not been a decision to change the establishment of how the COVID act works but just to continue it on for another six months. I would be interested in what the decision-making was around that. There does seem to be this decision that opens up the door for it to be moved to the Public Health Act and managed under that process, relieving the police commissioner of his role and moving the police commissioner's role to

the chief executive, Chris McGowan. I would be interested in what the rationale for that is and the decision-making behind that.

I think it is clear that, even though we obviously have had great success in South Australia from a health perspective, there is still the significant risk to our state of a further outbreak. I think we all have to be absolutely alive to that possibility. It was only a few weeks ago that we had a cluster emerge in South Australia. It had been our first cluster for some time. There was concern that part of that was some community transmission, which would obviously be of great concern if that were to take hold.

That is why there are going to have to be powers in place for some period of time. Even if we continue these great results, even if we continue the great rates of testing and contact tracing that Professor Spurrier and the public health team have been able to manage, there is going to need to be a framework by which, if something were to happen, decisions could be made rapidly.

More than that, there also needs to be a framework in relation to the borders. I would like to speak a bit about borders. Obviously, none of us could have countenanced that this year we would have a situation where we could not move freely between states, but I think that the closure of borders is absolutely a bedrock situation that has kept South Australia safe. There is no doubt, certainly in my mind, that if we had had an open border with Victoria as they suffered their outbreak then that would have spilled across the border to South Australia.

The decision by Grant Stevens to keep the borders closed, and the decision to enhance the border closure into a hard border, has been very essential to keeping that outbreak in Victoria and not here in South Australia. This is obviously something that we have been supportive of for a long period of time. It is consistent with the approach that we have had from the beginning, which is to offer our support for public health measures that are taken but to make sure we provide a role as a constructive opposition to put forward suggestions to the government to improve our response.

The member for Croydon, as the Leader of the Opposition, put forward to the Premier in I believe late March or early April that we should close the borders of South Australia. This was at the same time that other states and territories were doing the same. This was then followed up by the government and police commissioner Grant Stevens, the State Coordinator, putting in place border restrictions.

We then called for a hard border to be put in place to make sure, effectively, that you needed to have a permit to come to South Australia. Obviously, this has been put in place now with Victoria, which has done us very well in terms of keeping South Australia safe. The outbreak that happened a few weeks ago was caused by somebody coming from Victoria. I think that if that had continued to happen with other people, if we continued to have significant movement of people across the border, no doubt there would have been other cases. When you have a state that is largely opened up and is largely COVID-normal, even if it is just a small number of people doing the wrong thing it means that the virus can reproduce at a much higher rate and obviously that is a significant risk.

We strongly urge caution in relation to borders. We strongly urge the government—the decision-maker is the State Coordinator, Grant Stevens, but obviously the broader government as well—to be cautious about the situation and make sure that we keep those who are essentially our first line of defence for our state in place as long as we need to to make sure that we are in a very safe position. When you look around the country, obviously Victoria is in a very significant state. They have had a massive outbreak. There have been multiple outbreaks—perhaps hundreds—and they have had mass community transmission.

New South Wales has had a continual load of cases at a lower level. There has been community transmission in New South Wales for a period of time, but largely all the other states have had border restrictions in place and have been able to keep that transmission at bay. Obviously, Queensland opened up a lot of its borders, particularly to New South Wales, and now they have closed them again. They are dealing with some hotspots and outbreaks that they are managing now as well that have largely come, as I understand, from people from Victoria who have seeded it within Queensland.

That is why those powers are so important and that is why, whatever we do, we must make sure there is a legislative ability for the government to have those in place. Obviously, it is the government's desire to keep that as emergency declarations that would be made. They could well have considered another legislative path to have those restrictions in place and a decision-making framework around that. It is their prerogative, and this is what they have brought to the parliament.

It is important that South Australians have communication from the government in terms of the strategy. We have obviously done very well to date, but I think there is confusion around suppression and elimination. There is confusion around what that means. We hear this a lot from businesses, so I would encourage the government to be open in terms of their decision-making.

They have created this bureaucratic committee called the Transition Committee, which does not have any legal standing. It is not a legislative committee. Essentially, this is a committee that advises the State Coordinator, who makes the decisions in relation to restrictions. I would encourage that committee to make sure there is communication with the public around what the strategy is, where we see this going in the future, what the trigger points would be for restrictions to be increased, and what the likelihood would be of various types of restrictions being put in place.

Something we do hear from business is that they would like some more information in terms of what the government is thinking if there were to be further cases, what they would likely see and, correspondingly, what the steps would be as things reduce as well. Obviously, people hang on the word of press conferences at the moment to hear what those decisions are, but if there were an ability, six months into this or even more, to more communicate where we believe some of those trigger points are, I think that would be hugely welcomed by the business community and also the community at large in South Australia.

This is a piece of legislation that does not necessarily deal with all the key matters of managing the pandemic because of the fact that the Emergency Management Act is in place and does not have a deadline and can continue on, but it is obviously connected to it. It was connected by way of the expiry date. The government has now set an expiry date of six months for that legislation, or the expiry of the emergency itself, which is perhaps largely consistent with what the Parliament of Victoria recently decided in relation to its new expiry date for its state of emergency: a six-month extension of that, which I note was vigorously opposed by the Liberal Party in Victoria, who wanted a month-by-month extension of that in Victoria.

This is a six-month extension. I understand that there is an amendment being moved for a three-month extension. We will not be supporting that at this stage; we will obviously continue to talk to people across the week and form our final position. However, our inclination is to take the position that we have taken from the beginning, which is to give the government the power that it needs to make the decisions to put in place measures to keep our state safe.

Having said that, and having said all those very welcoming things about the response being made, I think that there is another key side of this, which is the economic response. Even though we are in a good position and businesses largely have opened up, there is still significant economic pain in this state. The economic response is not being led by Commissioner Grant Stevens or Chief Public Health Officer Professor Spurrier; the economic response is being led by the cabinet, and I think that we can see that the economic response has been failing dismally in comparison to the health response. The economic response has in fact been lagging behind the nation.

We have had the federal Treasurer come out and release the figures, comparing the per capita rate of stimulus across all states and territories. The per capita spending on stimulus in South Australia is the lowest of any state, yet we have a very significant economic problem ahead of us, one which is here right now. We have 170,000 people in South Australia who are unemployed or underemployed. We have businesses that are calling out for more support, and we have some significant cliffs coming in terms of federal support.

There have been a number of pillars of federal support that have been available for the economy: the JobSeeker and JobKeeper schemes; the rent deadlines, which are obviously part of dealing with that; mortgage deferrals; utilities deferrals; and a whole range of ways in which the federal government have made decisions and put in place measures that will defer a lot of the pain coming towards businesses.

However, there is the potential that these are going to ease off very soon and that this would cause significant damage to South Australian businesses at the same time that they are already telling us that they are struggling. In particular, there are many businesses that are staying open at the moment because of the support of JobKeeper. Those JobKeeper payments are set to reduce very soon and to continue to reduce over the next few months before they are eliminated entirely.

Similarly, there is a lot of extra demand in the economy because of additional payments that people will be receiving through JobSeeker. That is also obviously supporting a lot of people to live above the poverty line in South Australia. However, there is, similarly, a staggered path to removing those supports for people on JobSeeker payments, and that will leave a lot of people in an even more difficult situation than they are in at the moment. If we do not have the state government coming in with a range of stimulus measures, it will cause significant concern and even more economic pain.

What we see is that our economic response has lagged behind every single other state. The figures released by the federal Treasurer do not even factor in the fact that—and I believe it was yesterday—the Queensland government announced an $11 billion package of support in Queensland, so even more support than the package of measures already in place in that state, which was already well ahead of our spending on stimulus in South Australia.

Even if you look at the stimulus in South Australia, which is of course at the lowest rate of all the states in Australia, you can see that a lot of that stimulus is not going to happen for some time. A lot of it sounds good in a press release, but the reality is quite different. For instance, in my general area of responsibility, in shadow health, we hear what they have said about stimulus for hospitals.

One stimulus is to bring forward country hospital maintenance. On the face of it, you might think that it could be good to get a whole lot of people in to do painting, plumbing and electrical work, but a lot of what is being spent is on things such as generators or sterilising machines, which are very important, but they are not manufactured in South Australia and would be bought from other states or overseas and installed. There is no economic stimulus associated with their purchase.

Even with that, the government has not yet released the tenders for these. It is five or six months down the track since these projects were announced and they have not yet even asked anyone to do the work. If that is the definition of bringing things forward, if that is their definition of emergency stimulus for the economy, then I think it is very lacking and I would hate to think how that is being applied across the whole government and their whole economic response.

Essentially, these things were in the books; they were planned to happen anyway. They were, as I understand it, part of the measures that came from the 10-year funding commitment made by the member for Croydon when he was the health minister that this government has continued with and rebadged as their own, as they like to do, but there is no additional expenditure, there is no significant stimulus that those communities will face. That is typical of what we are seeing across the stimulus program, which is lacking compared with every other state.

We have had a great health response managed under the Emergency Management Act and led by Commissioner Grant Stevens, making those decisions under that act. Obviously, the Premier has played his role in communicating those decisions. Very ably and very expertly—full credit—advice has been provided by the Chief Public Health Officer in the lead-up to those decisions. On the other hand, the economic decisions being led by Steven Marshall and Rob Lucas are very lacking. If you are a South Australian business at the moment, you would be desperate to see more from this government and a stronger and better response than we have had.

When this bill came to the parliament, you might have expected further measures included in this; however, there are not. There are no further economic measures at the moment. Presumably, things are being left to the budget, which is still some months away, but that could be too late for many people who need that assistance urgently, particularly as we are see those payments start to reduce over the coming weeks and months.

In relation to the exact clauses of this bill, clause 3 of the bill expands the definition of 'relevant declaration' to include declarations under the South Australian Public Health Act 2011 in addition to the current definition that covers those under the Emergency Management Act 2004. As I said, this is the clause that is going to enable Chris McGowan, potentially, to be in charge of our

COVID response—not the Premier, not the State Coordinator, police commissioner Grant Stevens, not the Chief Public Health Officer, Nicola Spurrier, but the Chief Executive of SA Health, Chris McGowan. Clause 4 amends section 6, and details expiry provisions, so that emergency measures will continue until 28 days after the day on which all declarations cease or on 28 March next year.

In regard to regulations that deal with commercial tenancies that are currently due to expire on 30 September 2020, under section 7 of the act, these are proposed to be extended up until 28 March 2021. Clause 5 adds a qualifying statement to section 8(1)(b) of the act that prevents rent increases for residential tenancies only to those who are suffering financial hardship as a result of the COVID-19 pandemic. The current act provided a blanket ban on any increase during the declaration.

Labor has supported all the government's legislative responses to the COVID-19 emergency, and we stand ready to do so again. We supported the government on changes to the Coroners Act, the South Australian Public Health Act, the Emergency Management Act, bail provisions, a supply bill and others. In offering its ongoing support, the opposition has asked the government for additional information about measures that we passed in April. Despite knowing that these provisions were due to expire after six months, the government only provided a copy of the bill last Friday and no briefing has been provided.

I think this is an important point. What we have is a letter sent last week from the shadow attorney-general, the Hon. Kyam Maher, to the Attorney-General regarding the legislation, knowing that this deadline was looming and that presumably there was going to be legislation put in place, and asking that we have some reporting in place.

This is an important, extreme and extraordinary set of scenarios and situations in which it is important that the government provides the parliament with information on what it has actually done, what powers it has used and how those powers are being used. None of that has been provided to date. The letter of 3 September from the shadow attorney-general to the Attorney-General states:

> Dear [Attorney], I am writing to you regarding the extension or variation of legislation related to the Covid-19 emergency.
>
> I understand that a number of emergency measures have been expired by you via Gazette notices whilst others are due to expire in coming weeks unless new legislation is passed. My office has previously sought advice about, and copies of, Covid-19 legislation from your office prior to the legislation being debated in Parliament. These requests have usually been responded to by the provision of information less than a day before it comes before the Parliament.
>
> At a meeting with members of your office and department yesterday, we were provided [with] a list of six measures that have been expired by you and 28 others that remain in force.
>
> The expiration date for these measures has been known for nearly six months and I am concerned that no one has yet spoken to the Opposition. Notwithstanding this, the Opposition remains willing to support the government, as we have in the past, in its legislative response to Covid-19. To assist the Opposition in considering any proposals to extend or vary emergency measures, I ask that any draft legislation be immediately forwarded to the Opposition. I also ask that you provide a report to the Opposition and crossbench that details the use of each individual emergency measure that was passed by the Parliament in early 2020, including measures that have already [been] expired.

I would think that most South Australians of all persuasions would regard that as a perfectly reasonable request, that parliament would want to see some evidence of how those measures that parliament granted in a very emergency-expedited fashion have actually been used, how they have been exercised by the government and if they have been exercised at all.

Everybody was obviously working from the best information at the time, and I suspect there are provisions that were countenanced and suggested that have not actually been required. There were others that may have been used quite often. I recall the Attorney, during our last sitting of parliament, talking about how we might actually want to make some of these provisions permanent. We do not have that here.

We would certainly welcome a discussion about whether any of these provisions—I believe there was some discussion around some of the electronic court processes that have made court matters easier. We would certainly welcome a discussion about whether any of those should become permanent, but that has not happened. We have not seen any of those being put into longer term

reforms., and we have not seen any information in relation to how these measures have been used, despite asking for them.

As I said, no briefing has been provided in relation to this bill. We are hoping that, over the coming days, we will receive a briefing before it is debated in the Legislative Council, which is likely to occur next week. I guess the benefit of this situation is that we do have more time to debate this and more time to get into the detail of it than we did when the original provisions were being put in place.

A draft copy of regulations for commercial tenancies was only provided on Monday of this week. As I said, last week the shadow attorney-general asked for a report on the use of measures. It is important to know how they have been used, when they have been used, how often they have been used and whether each of those provisions are needed. This has not been provided. Unfortunately, *The Advertiser* this morning had more detail about the use of measures than we have received.

It has been reported that provisions relating to commercial tenancies have been used more than 1,500 times. That still leaves dozens of measures about which we know almost nothing. I understand that the crossbench has also sought additional information to assist in their consideration of the bill. We trust that this information will also be provided in the near future.

As I said, given that we have another sitting week before these measures expire, we have time to properly consider this legislation. The Labor Party will not be moving amendments in this house but will carefully consider proposals; however, as I said, it is our inclination at this stage not to support reducing that provision from six months to three months. We will support the bill in this place and we will reserve our final position in the other place, subject to the government's response to our request for additional information.

We will be absolutely consistent in our approach: we are supporting measures that the government is putting in place, but we will fulfil the opposition's role in asking questions, receiving information and putting forward constructive recommendations to improve our response. There have been countless examples of that over the course of the pandemic, where we have put forward suggestions that have later been adopted by the government, and we welcome that.

I do not think, on any one of those occasions, that they have ever welcomed the suggestions from the opposition; however, we do welcome the fact that many of our suggestions have been put in place by the government over the course of the pandemic. With those words, we will be supporting the bill through this house but reserving our final position in the other place, subject to the provision of information that we have requested from the Attorney-General.

The SPEAKER: I note the member for Waite.

Mr DULUK (Waite) (12:43): Thank you, sir. And, sir, can I congratulate you on your election this position of Speaker of the house, and I look forward to your deliberations in a fair and even-handed manner. So congratulations.

As indicated, I also rise to make a few remarks in relation to this bill and to provide an update to the house about some of the concerns that have been expressed to me via my community. And of course we all know that COVID has had a profound impact on our lives, from the most basic gesture of the shaking of a hand to the bridal waltz, to the more complicated social and economic ramifications that have been imposed upon us by this virus.

I think we can all agree that the people of South Australia have been model citizens in the way that they have gone about dealing with this crisis. As with both the Attorney and the lead speaker for the opposition, I indicate my thanks to those frontline workers and to the people in SA Health who are going above and beyond what they expect in their normal roles in the way they are doing so well in community contact tracing—which I think is why we are doing so well here in South Australia—and of course in the way they are doing their community testing as well.

My thanks go to SAPOL, which has had considerable resources diverted from their day-to-day role in policing in South Australia to spending time on borders and ensuring that South Australians comply with many of the measures and directions that are given to them, which are quite

often changing across a matter of days or weeks. We saw that around the hard border lockdown between South Australia and Victoria a couple of weeks ago and the way that affected many of those border communities.

Of course, businesses as well have had to comply with ever-changing regulations. I thank them for doing their very best, especially our small businesses in suburban communities, in our cafes and restaurants and retail shops. It is very hard to keep abreast of the changing regulations and rules and they are doing their very best to comply. Obviously, we saw reports from the weekend, when the Glenelg Footy Club received a fine for failing to comply with some of the COVID restrictions. That is a real shame, because I have no doubt they had best endeavours to do the right thing, but it is the nature of the beast that we are dealing with.

I think for us as lawmakers we have a difficult challenge in ensuring that the legislation that we debate and ultimately that we pass, to give powers—or extraordinary powers, as we have under the Emergency Management Act—protects both our citizens' health and, of equal importance, civil liberties. Of course, the state also plays a role in underpinning our economy at this time. I think significant thanks have to go to the federal Morrison government for JobKeeper and JobSeeker, for ensuring that there is continuity and calmness, especially in the jobs market.

This virus has no foreseeable end in sight, which means our laws must marry up, I believe, with unforeseen implications. In recent days, we have seen and heard much commentary in relation to the Victorian hard lockdown and the Andrews government's desire to eliminate COVID, and what many would regard as the erosion of civil liberties in the state of Victoria. I think that is a concern to many people across the country.

For me, of most concern recently was the arrest of a pregnant lady in Ballarat for allegedly planning a protest. The right to assemble and freedom of expression are core human rights and essential freedoms that all sides of politics rely on to ensure we can work on improving the quality of life for all. Indeed, in *The Australian* today there was a very good opinion piece by a Melburnian who fled to Australia in 1981 from Poland, which of course at the time was going through martial law. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Dr HARVEY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Sitting extended beyond 13:00 on motion of Hon. D.C. van Holst Pellekaan.

Members

SPEAKER, PRESENTATION TO GOVERNOR

The SPEAKER (12:50): It is now my intention to proceed to Government House to present myself as Speaker to the Governor, and I invite all members to accompany me.

At 12:51, accompanied by a deputation of members, the Speaker proceeded to Government House.

On the house reassembling at 13:06:

The SPEAKER: Accompanied by a deputation of members, I proceeded to Government House for the purpose of presenting myself to His Excellency the Governor and informed His Excellency that, in pursuance of the powers conferred on the assembly by section 34 of the Constitution Act, the House of Assembly had proceeded to the election of Speaker and had done me the honour of election to that high office. His Excellency has been pleased to reply as follows:

The Honourable The Speaker and The Honourable Members of the House of Assembly.

I congratulate the members of the House of Assembly on their choice of the Speaker.

His Excellency The Honourable Hieu Van Le, Governor

Sitting suspended from 13:07 to 14:00.

Bills

EMERGENCY MANAGEMENT (QUARANTINE FEES AND PENALTY) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

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

Assent

His Excellency the Governor assented to the bill.

WAITE TRUST (VESTING OF LAND) BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ELECTRICITY AND GAS) (ENERGY PRODUCTIVITY) BILL

Assent

His Excellency the Governor assented to the bill.

FAIR TRADING (FUEL PRICING INFORMATION) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Petitions

BRIGHTON TRAFFIC LIGHTS

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing): Presented a petition signed by 3,692 residents of South Australia requesting the house to urge the government to commit to installing traffic lights at the T-junction of Edward Street and Brighton Road at Brighton.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

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Annual Report—Peterborough, District Council of, 2018-19
Auditor-General—
- Adelaide Oval redevelopment for the designated period 1 January 2020—30 June 2020, Report 11 of 2020 [Ordered to be published]
- Education capital works: Planning and governance, Report 9 of 2020 [Ordered to be published]
- Information and communications technology reviews, Report 12 of 2020 [Ordered to be published]
- Passenger transport service contracts—Bus and light rail, Report 10 of 2020 [Ordered to be published]

Classification Council, South Australian—Annual Report 2019-20
Independent Commissioner Against Corruption and Office for Public Integrity—Annual Report 2019-20
Industry Board of South Australia—Phylloxera and Grape, Annual Report 2019-20
Judicial Conduct Commissioner—Annual Report 2019-20

Police Act 1998—Review under section 74A, conducted by Hon Michael David QC, 2019-20
Serious and Organised Crime (Unexplained Wealth) Act 2009—Review under section 34 (1), conducted by Hon Michael David QC, 2019-2020
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Ministerial Statement

SACHSE, MR N.

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. C.L. WINGARD: It is with great sadness that I rise today to note the passing of former Australian Rules footballer and disability advocate Neil Sachse. Neil Sachse was undoubtedly a champion footballer. He played 94 games for the legendary North Adelaide team in the early 1970s that won back-to-back premierships and in 1972 defeated Carlton to claim the title of Champions of Australia. He played five times for South Australia, including a best-on-ground performance against Western Australia at Football Park in 1974.

Fearless, brave and ambitious, Neil always wanted to push himself, wanting to go above and beyond, so he made the move to the VFL. In 1975, Mr Sachse was the Footscray Bulldogs' key recruit, but his VFL career lasted only two matches. After colliding with an opponent, Sachse was left a quadriplegic, something that shocked his teammates and the code. The collision broke Sachse's spine. Injuries of this severity do not happen often, but they did that fateful day. That was 45 years ago.

A husband, a father to two young children, Neil had a long life ahead him. The injury never slowed him down. These injuries are often devastating and overwhelming for those directly affected, as well as their family and friends. At the time of this injury, doctors told Neil there would never be a cure for spinal injury in his lifetime. Neil committed his life to raising awareness of disability and spinal injury. His foundation raised millions of dollars for research and education, and he was tireless in his efforts.

In 1994, Neil established what is known as the Neil Sachse Foundation to find a cure for spinal cord injury. Serving as its CEO, Neil was its driving force, fundraising over many years millions of dollars that gave great comfort and hope to the over 10,000 spinal cord injury sufferers in Australia. Many of us often applaud the bravery of our Australian Rules football heroes for how they play the game. However, that bravery comes with risks every time these men and women cross the white line. This was the case with Neil where a seemingly innocuous clash in an Australian Rules match in Victoria changed his life forever.

Neil was larger than life, with a strong personality that impressed everyone he came into contact with. Neil never stopped working, and his determination to improve the lives of those living with spinal cord injury was truly inspirational. The greatness of Neil Sachse was not what a great footballer he was—which he undeniably was—his greatness came in the way in which Neil refused to let his spinal cord injury define him, and the way he dealt with his situation continues to impact on the lives of others to this day.

We have lost a great man, and we are also worse off for his passing. Neil has created a lasting legacy, and he and his family should be very proud. His tireless work for spinal cord research will ensure he will be remembered for more than just being a champion footballer. I would like to express my deepest sympathy to Neil's wife, Janyne, his sons Ben and Sam and their families.

Vale, Neil Sachse.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:15): I move:

That standing orders be so far suspended so as to allow the house to debate for one hour the question of a lack of confidence in the Speaker in lieu of question time.

The SPEAKER: I have counted the house and there being present an absolute majority of the whole number of members of the house, I accept the motion. Is the motion seconded?

Honourable members: Yes, sir.

The SPEAKER: The question is that the motion be agreed to. Does the leader wish to speak to the motion?

Mr MALINAUSKAS: Yes, thank you, Mr Speaker. Put simply, we think that the standing orders should be suspended so as to deal with a lack of confidence in you, sir. I note the fact that this is a somewhat unprecedented situation that the parliament is left to deal with, given your

hyperpartisan act within minutes of being elected to the Speakership, and we think that the parliament should deal with it swiftly.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:16): The opposition will not object to the suspension of—

Members interjecting:

The Hon. D.C. VAN HOLST PELLEKAAN: Sorry, the government will not oppose the suspension of standing orders in lieu of question time. We consider it to be a stunt and a cheap stunt, but we will let the opposition get on with it.

Motion carried.

No-confidence Motion

SPEAKER

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:17): I move:

That this house no longer has confidence in the Speaker of the House of Assembly.

The SPEAKER: Do you wish to speak to the motion, leader?

Mr MALINAUSKAS: Yes, sir. Mr Speaker, only moments earlier today, immediately upon your election to this important role as the Speaker of the House of Assembly in the state of South Australia, I immediately congratulated you on your election and elevation to this esteemed role and welcomed your public commitment to be impartial and independent in the role.

Seconds later, you then embarked on an unprecedented hyperpartisan statement to this chamber, ridiculing the opposition and my leadership without any consideration of the basic facts that have brought us here today. That statement and the timing of that statement have immediately called into question your impartiality within the opposition and, indeed, have called into question your judgement and ability to perform the role.

It is worthwhile this chamber considering exactly what it is that has led to us being in the circumstance that we now find ourselves. It is worthwhile contemplating how we got here, so let's cast our minds back to late July when the Premier of the state called a press conference where he outlined for the people of South Australia that the parliament would be availed with claims that had been made available by the former Speaker, the member for Hartley, regarding the country members' allowance and the claims subject to it.

The Premier, in that press conference, said to the people of South Australia that there were a few administrative errors—a few administrative errors—and that they were being reconciled and there was nothing to see here, and everyone should simply move on and go back to their ordinary lives. Under further examination, Mr Speaker—

An honourable member interjecting:

The SPEAKER: Order! The leader will resume his seat. I may have misheard but, to my hearing, the member for Mawson has now uttered the word 'crooks' on two occasions. Those words being uttered in the chamber is unparliamentary, and I invite the member for Mawson to withdraw.

The Hon. L.W.K. BIGNELL: I withdraw, sir.

The SPEAKER: The Leader of the Opposition.

Mr MALINAUSKAS: Mr Speaker, I remind you that there is currently a criminal investigation into the corruption of Liberal members of parliament. The Premier said to South Australians that there were administrative errors. Indeed, he was partly right: there were a number of claims for the country members' allowance that were wrong and that may well be characterised as administrative errors. However, it is also true that there were a number of claims for the parliamentary country members' allowance that could not be categorised as administrative errors: indeed, they could only be characterised as fundamental wrongdoings on the part of those Liberal country members.

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: The Minister for Energy and Mining rises on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, I ask you to bring the leader back to the substance of the motion, which is actually about you, Mr Speaker. The substance of their motion is about you.

The SPEAKER: With respect to the Minister for Energy and Mining, I think the Leader of the Opposition is placing in context the circumstances within which he seeks to advocate for the motion. I will keep that in mind. I understand the Leader of the Opposition will be addressing the question in due course, and I am listening with interest.

Mr MALINAUSKAS: Thank you, Mr Speaker. As I said, the member for Hammond, for instance, would have the people of South Australia believe he was in Adelaide on parliamentary business on none other than 25 December—Christmas Day—not once but twice. It seems like an extraordinary administrative error. Then, of course—

The SPEAKER: The Minister for Education rises on a point of order.

The Hon. J.A.W. GARDNER: Point of order: without disrespecting your earlier ruling, sir, the leader now seems to be directly imputing improper motive to another member.

The SPEAKER: I accept the point of order. The Leader of the Opposition will need to be careful not to impute improper motives which, as he well knows, is unparliamentary. He should stick to the facts.

Mr MALINAUSKAS: Very well, Mr Speaker. I draw the house's attention to the fact that the member for Hammond claims to have been in Adelaide on parliamentary business on Christmas Day not once but twice. The member for Chaffey, upon his return from the United States of America, only days later, claimed to be in Adelaide at the same time as he was in the United States of America.

Then, of course, the member for Schubert would have South Australians believe it is an appropriate use of the country members' allowance to claim $234 a night to spend it with mum and dad, and then refused to tell South Australians what constituted the range of expenses he claims have arisen as a result of that stay with his parents.

These examples, amongst others, led to an extraordinary sequence of events where, only a few days after the Premier told South Australians these were administrative errors, all those individuals resigned after handing back thousands of dollars—in some cases tens of thousands of dollars. That in turn, on 23 July from memory, resulted in the ICAC commissioner issuing a public statement declaring that he was conducting an investigation into the country members' allowance—and, indeed, specifically looking at a number of MPs.

Fast-forward approximately one month—indeed, I understand that the next ICAC statement came out in August, as you noted in your earlier remark—the ICAC commissioner put on the public record that a number of MPs who were under his investigation were claiming or were seeking to claim parliamentary privilege. That in turn raised a live question about whether or not it was appropriate for the parliament to bestow parliamentary privilege over documents or information that the ICAC wanted in their pursuit or in their investigation of those members of parliament.

The moment that the ICAC commissioner referenced 'parliamentary privilege' made it a judgement of this parliament about whether or not that was appropriate—this parliament; not you, sir, not any other individual, but we collectively had to make a determination about whether or not that was a legitimate claim or use of parliamentary privilege. That was a moment that we took seriously on this side of the house and I certainly took seriously as leader of the parliamentary Labor Party.

That is why, immediately upon that statement being issued by the former ICAC commissioner, I called a press conference where I set a standard, where I decided to show leadership to the parliamentary Labor Party to make it clear to them that my expectation was that all members of the parliamentary Labor Party would comply with all reasonable requests of the ICAC for information, and if any of them decided to hide behind the cloud of parliamentary privilege so as to subvert or impede that ICAC investigation I would seek to kick them out of the parliamentary Labor

Party, as is my right, as is my solemn obligation, not just to protect the good name of the parliamentary Labor Party but, indeed, to represent the best interests of the South Australian people.

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: I would have the Premier know as he interjects that I am in charge of the parliamentary Labor Party, unlike you being in charge of the parliamentary Liberal Party. I understand—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition will take his seat. The subject matter of the motion is an important subject matter. The Leader of the Opposition is entirely entitled to be heard in silence. There is noise on both sides, and I direct members on my right and my left to maintain order and to listen to the Leader of the Opposition's contribution to the debate.

Mr MALINAUSKAS: Mr Speaker, I set standards for my party. I show leadership for my party in a way that the South Australian public would reasonably expect of a senior office holder within this parliament. I do that in the full confidence that my team is united, that they will not be ratting on any votes within the parliamentary Labor Party and that we stand united very conscious of our solemn commitment to the people of South Australia and South Australian taxpayers that we have an obligation to uphold their interests.

It is astonishing, given that a claim of parliamentary privilege was made, given that I decided to exercise the function of leadership about what I believed to be appropriate in regard to parliamentary privilege, that you would see it your role, sir, to call into question my job and my exercise of leadership over the parliamentary Labor Party. You have been elected to be the Presiding Officer of this chamber. You are here to uphold the standing orders of this chamber. You are not a judge, you are not a jury and you are certainly not an investigating officer. You are not here to cast judgement over an interpretation of the ICAC Act. That is the solemn obligation of the ICAC commissioner, which leads me to a second point.

Your statement, Mr Speaker, calls into question the very independence and impartiality of the Hon. Bruce Lander, the former ICAC commissioner. I arranged a meeting with the ICAC commissioner because I wanted to ensure that when I was passing judgement on the use of parliamentary privilege I was doing so from the most knowledgeable position possible. I would have thought that is something that every member within this place, particularly the Premier of the state, would feel an obligation to do.

I met with the ICAC commissioner specifically for the purpose of trying to ascertain his interpretation of parliamentary privilege so as to inform our judgement on parliamentary privilege, which is an entirely public matter, being a matter for the parliament. So how, sir, you can come to the conclusion, from your relatively uninformed position, that somehow that was inappropriate on our behalf is completely absurd—completely absurd.

The only thing crazier, Mr Speaker, was the fact that you elected to give a statement from that chair only moments upon your election, as somehow an act of pouring petrol on the fire at the very time that this chamber is looking for a degree of confidence in your ability to uphold the interests of the people of this state.

Parliamentary privilege is not there to run a protection racket. Parliamentary privilege is not there to impede a criminal investigation. Parliamentary privilege is there as an extraordinary privilege bestowed upon members of parliament to ensure that we can speak fearlessly on behalf of our constituents' interests. It is not there to run contrary to the interests of taxpayers or people who look to us for leadership.

Mr Speaker, it is impossible for this opposition to continue to have confidence in your ability to be impartial when you have already decided to weigh in on a range of issues that are not within your purview, that are not within your ability to cast judgement on. What we look for on this side of the house is impartiality, independence and a calming force within the parliament so that this body can get on with the job of representing the best interests of this state, rather than the opposite.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:31): I woke up early this morning; I usually get up pretty early. I got up at about four o'clock this morning and I knew that one thing was going to happen today: the sun was going to rise, and as predictable as the sun rising was the predictability of this motion today. We know that there is only one motivation from those opposite—only one motivation from those opposite—and that is to spoil: to spoil the good proceedings of this house at every single opportunity, to put politics at every opportunity above good parliamentary procedure. Today, not one person can be in any doubt about the motivations of the Leader of the Opposition and those opposite. They are absolutely outrageous.

The SPEAKER: The Premier will take his seat. The member for West Torrens is on his feet with a point of order.

The Hon. A. KOUTSANTONIS: Thank you, sir. The Premier is imputing improper motives to the opposition, rather than defending you.

The SPEAKER: Can the member for West Torrens refer to a particular standing order?

The Hon. A. KOUTSANTONIS: Imputing improper motives to the Leader of the Opposition, sir.

The SPEAKER: The member for West Torrens will need to be more particular in relation—

The Hon. A. KOUTSANTONIS: I wasn't sure you weren't familiar with the standing orders, sir: imputing improper motives.

The SPEAKER: —to a member.

The Hon. A. KOUTSANTONIS: I can provide you with a copy of it, sir. The Clerk will give you the number; you will be after the number, sir.

The SPEAKER: And the member—

The Hon. A. KOUTSANTONIS: Imputing improper motive to another member, sir. I am quoting it directly.

Members interjecting:

The SPEAKER: Order! There is no point of order. I will listen to a point of order if it is appropriately raised. The Premier.

The Hon. S.S. MARSHALL: Thank you very much, sir. The Labor opposition has wasted no time in coming into this chamber today to mess up the good order and proceedings of this parliament, and it is absolutely shameful.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: But it was so predictable. It was so predictable. The only problem was, of course, that the Leader of the Opposition's entire speech was on a different motion, which he could have had the opportunity to debate, but they actually voted against that one proceeding only an hour or so ago. He did not address the fundamental points of his motion, where he is asserting that you, sir, have been partisan in your first minutes in the chair. Nothing—nothing—could be further from the truth.

Sir, you have come into this chamber and you have provided advice and clarity to the government and to the opposition from the moment that you have taken the chair. You have made it clear that you will not stand for the bullying and intimidation that we have become used to here in South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: And you have stood up for the rights of every member of this parliament that they should be free from bullying and intimidation, which the Leader of the Opposition

may have become very familiar with when he was a member of the union movement, and now he seeks to bring it into the South Australian parliament.

Let me say, I have now been in this parliament on three separate occasions when a new Speaker has been elected and installed: first of all with the Hon. Michael Atkinson, the second elevation was the current member for Hartley, and then of course, earlier today, yourself. This is usually a day of great dignity and celebration. What did those opposite seek to do?

I want to make it very clear to this parliament that I am not complaining for one second about a legitimate election for the role of Speaker. This is a coveted position and it is a very important position, presiding over this house, especially at this particularly crucial time in terms of where we are as a state. We do not in any way condemn anybody for putting their hand up. In fact, on this side of the house we love democracy, we love having a vote, and I made it very clear in my remarks earlier to this house—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —that the member for Florey has had very longstanding service to this house. I must say, it is curious that those opposite are so aggrieved by their candidate not being selected today. That is what this is all about. That is exactly and precisely what this is all about. Did they support the current member for Florey to be their candidate for Florey? No. In fact, the new director of strategic directions, Rik Morris, was their candidate. He was the one the Labor Party actually anointed to run against the member for Florey.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Today, they are coming in here with all the faux outrage that their candidate was not selected.

Mr Malinauskas interjecting:

The SPEAKER: Deputy leader!

The Hon. S.S. MARSHALL: Can I just say that it is very important, and today's election was very important, because we have incredibly important work before this house this year and, in fact, this afternoon. We are currently looking at the *Notice Paper* and we are going to be continuing the debate on the COVID-19 Emergency Response (Expiry Amendment) Bill and other important pieces of legislation. That, sir, is why it is so important that you were elected today: a firm hand on the tiller of this parliament through these very tumultuous waters that are engulfing the world at the moment.

We need to make sure that we are here every single day—every single day—to represent the people we come here to serve and to act as good government during this very, very difficult time. You come to this role, sir, with outstanding pedigree, outstanding academic qualifications and a great history in practice before you came to this place. You were elected by the voters in Heysen to represent them for four years and, may I say, for many years thereafter I hope, but certainly for this four years. I know that you will do an outstanding job in this parliament at this time.

What you provided to this house from the very first minutes was clarification about a very important issue. It is a very important issue. It is a crucially important issue—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and that is the issue of parliamentary privilege. Let me tell you, sir, I thought it was very interesting when I was reflecting on parliamentary privilege. I have to say I did not always agree with the former attorney-general and the former Speaker of the house the Hon. Michael Atkinson, but he did say in this house on 4 April 2005, and I quote:

There is no doubt that parliamentary privilege is fundamentally important to the proper functioning of parliament. The principle has been well established since it was promulgated as Article 9 of the Bill of Rights 1688.

This has been around for some time.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: This is why we have made it very clear—

Mr Malinauskas interjecting:

The SPEAKER: Order! The leader is warned.

The Hon. S.S. MARSHALL: —that we respect this important convention in this parliament. There are plenty of circumstances where we have information that comes to us, conversations that occur with us as part of our parliamentary role, that should not be disclosed to any others. The parliament is absolutely crucial in this circumstance. In fact, the former ICAC commissioner made this point himself in the statement that he issued on 21 August when he said 'the privilege is that of parliament', and he went on—

Mr Malinauskas interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: We are in parliament at the moment. This is the crucial point of clarification that you have—

Members interjecting:

The SPEAKER: Order! The Premier will take his seat for a moment. I have called the house to order in the course of the debate and particularly in the course of the Leader of the Opposition's contribution to the debate. I thank honourable members for returning to a quieter state. The Premier is entitled to be heard. Premier.

The Hon. S.S. MARSHALL: Thank you very much, sir. The former ICAC commissioner went on and said, on radio on 1 September, it is for parliament to decide, not individual parliamentarians, whether parliamentary privilege would apply. This is the point of your statement to this parliament earlier today.

It is actually the parliament's decision, and no member, whether they be the Leader of the Opposition—the big man saying, 'This is what's going to happen'—it is not up to individuals to bully and intimidate individual members of this parliament: it is actually up to the parliament. It is up to the parliament. This is a guy—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: This guy thinks he is above the ICAC Act. He thinks he is above the parliament. He thinks that he is the man—

Members interjecting:

The SPEAKER: Order, member for Playford!

The Hon. S.S. MARSHALL: —in charge. But in doing so he diminishes parliament with that stance that he took. Only the parliament can take this position. I thank you, sir, for making it clear from day one—from minute one—and the faux outrage from those opposite will not move me one single iota. They have already consumed 11 minutes of the time in this debate. I am yet to hear one single, solitary cogent opinion or offering from the Leader of the Opposition and I doubt we are going to hear it from any of the speakers who may or may not follow.

The Hon. A. KOUTSANTONIS (West Torrens) (14:41): On a day when the Treasurer threatened the Hon. John Dawkins with expulsion from the Liberal Party if he stood for President—and I can inform the house he has now been successful. Anyone sitting on this side of the house who saw the look on the Premier's face when the first round of voting was announced and it was a draw, to know what he was thinking about one of his members exercising the democracy he loves so much, would have thought perhaps the Premier was not being entirely accurate.

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order, sir: the member's comments have nothing to do with the motion and he is—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —personally attacking the Premier.

The SPEAKER: It is a point of order that has been raised in the course of the debate. The member for West Torrens has just started and, as I understand him, he is providing some context. I will listen carefully, but I remind the member for West Torrens to stay with the matter that is before the house.

The Hon. A. KOUTSANTONIS: Yes, sir, I will. Mr Speaker, we do not believe that you have the impartiality required to remain as Speaker. We believe, sir, that you should resign immediately. If you do not, the house should take your future into our hands. Of course, unfortunately, we will not succeed. We will lose this vote because the Premier has been humiliated twice today and he cannot be humiliated three times. The cock can only crow twice, not three times, because we know how that ends.

Mr Speaker, when you were elected as Speaker on the second ballot, because you failed in the first attempt, you had an opportunity to bring this house together. You had an opportunity to overcome the partisan differences to your election as Speaker and to bring everyone together to try to get on with the people's business. Instead, you chose, in pre-prepared remarks, to attack the Leader of the Opposition for exercising his function as Labor leader.

I have news for you, Mr Speaker: we are a caucus. We are a caucus of members elected under the banner of the Australian Labor Party. We caucus together in solidarity. We vote as one. We speak as one. When one of ours decides to leave that solidarity—to leave our caucus—we do not expel them from the parliament: we expel them from our party, and that is our right.

We are the oldest political party in Australia, and we will not be lectured by you about how we conduct ourselves. We will not be lectured by a Liberal, trying to tell us that we cannot enforce solidarity after you threatened John Dawkins with resignation if he stood—on the same day. I wonder whether the brave member opposite who abstained in the first election for Speaker will face any consequence, whether he or she will face the fury of the Premier that has become so apparent to those members who have been at the receiving end of phone calls from the Premier over the last couple of weeks.

They have all contacted us and told us exactly what it is the Premier says and how he behaves. We know he has a temper. We know how he behaves, but to have you, sir, come in here and tell us that the Leader of the Opposition somehow should not have in any way instructed—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Order, Minister for Education! The member for West Torrens.

The Hon. A. KOUTSANTONIS: The idea that we can be told, if we are told by our leader to cooperate with a police investigation or to cooperate with an ICAC investigation into corruption, that somehow that is controversial, speaks volumes about what the Premier thinks about accountability to the parliament and, sir, more importantly, what you think accountability stands for in this parliament.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Quite frankly, how dare you raise that, sir. You should be ashamed to have uttered these words. Sir, if you had any dignity, you would stop defiling that chair and you would resign immediately so we can elect a new Speaker who will uphold the office of Speaker and not turn it into a partisan attack moments after you took office. Sir, you should be ashamed of yourself and you should resign.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:46): We all know the Leader of the Opposition likes to get what he wants. He likes to boss people around. He is the one who told former premier Rann, 'On your bike.' If former premier Weatherill had been successful at the last election, God forbid, he would have told him, 'On your bike.'

This man likes to get what he wants. He is used to getting what he wants. He wanted his own Speaker, a different candidate. He did not get what he wanted. He says that he wants to have the solemn right to sack members of the Labor Party, yet the member standing right behind him says, 'We're a solid caucus. We make all these decisions together.' The Leader of the Opposition likes to get what he likes to get, to the point where the Leader of the Opposition thinks that he can tell his members whether they are entitled to parliamentary privilege or not. We have heard him say that he is going to tell his members whether they will use parliamentary privilege or not, and simultaneously he has said—

Members interjecting:

The SPEAKER: Order! Leader of the Opposition!

The Hon. D.C. VAN HOLST PELLEKAAN: We have heard the Leader of the Opposition say that he is going to tell his members when they use parliamentary privilege or not and simultaneously say that he believes parliamentary privilege in that decision actually belongs to the parliament. He likes to get what he wants, and it is not happening. He likes to have it both ways, and it is not happening. Let's have a look at—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order, member for West Torrens!

The Hon. D.C. VAN HOLST PELLEKAAN: —what members opposite say they are so aggrieved about. I have here the early copy of the *Hansard* of your statement.

Mr Odenwalder interjecting:

The SPEAKER: Member for Elizabeth!

The Hon. D.C. VAN HOLST PELLEKAAN: Without actually reading the words, you can read down and there is text, text, text, and then you can see 'Order!' and interjections. Let's just see what happens right before. This is the bit that they object to. I quote your words, Mr Speaker:

> …the Leader of the Opposition directed members of the Labor Party in respect of the investigation. That direction is accompanied by his threat that he would issue a sanction from that party upon any member who would not comply with his direction and recommended that such a member ought to be expelled from their party.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: What I have just read out is exactly the truth. I am not sure why they are so upset about it. It is the truth. The Leader of the Opposition does not dispute it, but that is when they started to get a bit twitchy because that is when they knew they were skating on very thin ice.

Mr Picton: Keep reading.

The SPEAKER: Member for Kaurna!

The Hon. D.C. VAN HOLST PELLEKAAN: So it follows in *Hansard* immediately after that statement:

> A direction to any member the subject of an ICAC investigation is problematic and usually unlawful.

I think that is true too. That is the next line. It seems to be self-evident that what you said is accurate, Mr Speaker. Then it follows, immediately after that:

> A direction to do other than to act in accord with the law, let alone when accompanied by any form of coercion, risks constituting among other things: first, a contempt of the parliament…

Members interjecting:

The SPEAKER: Order, leader!

The Hon. D.C. VAN HOLST PELLEKAAN: What we have here, having just read that word for word from *Hansard*, is the bit that the opposition said they were so aggrieved about. When I read it out, they say, 'Yes, that's all true.' They cannot have it both ways. The reality is that they have absolutely nothing to be aggrieved about. Everything you said in your statement, which they say was so egregious to them, is absolutely accurate, absolutely fair, and everything that they are attempting to say in this motion is, to quote former Speaker Atkinson, completely bogus.

This is a waste of the parliament's time. It is a waste of the opposition's question time to suggest that after minutes in the job you had participated in 'unprecedented political partisanship'. It is absolutely absurd to suggest that that is the case. Members opposite know it. This was written. There would have been a version for the opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: There would have been a version written for your election; there would have been a version written for another member's election. These people are just working on their own scheme, off their own bat. They are wasting everybody's time and they actually have no argument whatsoever, even by their own account because, when your statement is read back to them, they actually say, 'Yes, it's true, it's fair, it's reasonable.'

The Hon. S.C. MULLIGHAN (Lee) (14:53): I cannot really thank the member for Schubert for warming up the crowd, can I. Mr Speaker, when you accepted the nomination for your position, you said:

> It is vital that the Speaker is fair, impartial and acting in accord with our rules-based system in this house in the interests of all members. I will do that.

And then upon being elected, Mr Speaker, you stood up there and you told us:

> Fairness to all members is at the core of this role, and I will do my best faithfully to do fairness to all members…

Mr Speaker, not only have you failed at the first hurdle—not just that—but you have failed to get out of the blocks. Your first act was to indulge in a contribution designed solely as a partisan attack on the Leader of the Opposition, and, as we have already heard, an attack without basis and without merit, and also an attack on those parliamentary standards you told us you would uphold. The fact that your attack was scripted and carefully read also demonstrates the premeditated nature of your contribution.

You stood there first and you stood there second telling us that you would be fair to all members and act in the interests of all members while you clutched to your bosom a contribution which could completely undermine your commitment to us, sir. Sir, you deceived us when you told us that you would act fairly. You deceived us, sir, and now we are left with no option but to take the only course of action that is available to us and remove you from your position.

Mr Speaker, do you not think this parliament and its reputation have been through enough in the last nine months? In the public's mind we have gone from arse grabbing to cash grabbing to power grabbing, Mr Speaker. It is simply not good enough, and you, given the unique opportunity, the sole responsibility, of re-elevating the standards of this place, at least in the minds of the public, have taken that opportunity and you have screwed it up and you have thrown it into the gutter.

Members interjecting:

The SPEAKER: Order!

Dr Close interjecting:

The SPEAKER: Order, deputy leader!

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order, Premier!

Dr Close: I wasn't even looking at you. You just cannot bear it, can you?

The SPEAKER: Order! The member for Lee will take his seat for a moment.

Members interjecting:

The SPEAKER: Order! When there is silence, I will ask the member for Lee to continue. The member for Lee.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. It is remarkable to think, sir, what must have motivated you to make that contribution. There was no basis for it in the standing orders. There was no merit to the argument. Your contribution was so contrary to parliamentary standards and parliamentary procedures, and so patently wrong in its assertions, that we have all come to the conclusion that it could only have been drafted by the Deputy Premier, Mr Speaker.

We wonder what you hope to achieve by your remarks—yet another moderate faction member who seems to have put down the ceremonial moderate faction shiv that gets wielded in the Liberal party room, and instead brought it in here in an attempt to try to intimidate the opposition and the Leader of the Opposition. Well, we will not stand for it.

We have had a proud history in this place of appointing people to that role who have been willing not only to commit to being impartial, not only willing to commit to being fair, but actually demonstrating that. The Premier looks back fondly—

Members interjecting:

The SPEAKER: Order, Minister for Education!

The Hon. S.C. MULLIGHAN: —on the election to the Speakership of the former member for Croydon, and they were much better days, I can say, when it came to parliamentary standards. Of course, we all remember those times when the opposition of the day was—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —afforded the first 30 minutes of question time in order to try to put a minister under pressure, to try to extract some answers for the benefit of the community. There were never any acts of partisanship or—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Order! The Minister for Education is called to order.

The Hon. S.C. MULLIGHAN: They all take umbrage, don't they? They all take umbrage after telling us for the last 20 minutes of their contribution how terrific a Speaker he was. Well, if you thought that he was a good Speaker then why did we not—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —appoint the Speaker this place should have had, the honourable member for Florey, someone who would act with impartiality, someone who would not have walked up there—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order! The Premier—

The Hon. S.C. MULLIGHAN: —telling us one thing with a contribution that said the exact opposite.

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order! The Premier will cease interjecting.

The Hon. S.C. MULLIGHAN: I know the Premier loves yelling at me, small bar owners, industry representatives—

The SPEAKER: Member for Lee, the Minister for Education rises on a point of order.

The Hon. S.C. MULLIGHAN: —but it will not cut it anymore.

The SPEAKER: The member for Lee will take his seat.

The Hon. S.C. MULLIGHAN: At least we can be thankful there is no profanity in this yelling.

The SPEAKER: The member for Lee will take his seat. The Minister for Education on a point order.

The Hon. J.A.W. GARDNER: If you cast your mind back 20 seconds ago to the member for Lee's comment on the election of yourself, the reflection on the vote of the house—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —is standing order 119.

The Hon. L.W.K. Bignell: It's one set of rules for us and one for them.

The SPEAKER: Order! The member for Mawson is warned.

The Hon. J.A.W. GARDNER: I repeat myself: standing order 119. It is a reflection upon the vote of the house when the member for Lee says that the house should have voted for a person in a ballot taken in this house. That is a reflection on the vote of the house and against standing order 119.

The SPEAKER: I uphold the point of order to the extent that the member for Lee reflects on the vote itself. The motion is directed towards what has occurred since, and the member for Lee will direct his remarks to the substance of the motion.

The Hon. S.C. MULLIGHAN: Thank you for your guidance, sir. Indeed, we should not be reflecting on your election and the vote which caused it. We should be reflecting on your poor performance since your election.

The SPEAKER: Indeed.

The Hon. S.C. MULLIGHAN: Thank you for bringing me back to the task at hand. Mr Speaker, if this is how you start, if this is how you have commenced your tenure, sir, how can we possibly have any confidence in what you are going to bring to that role from hereon in? How can we have any possible confidence that you will conduct yourself fairly and impartially, particularly when it comes to question time?

How can we have any confidence, sir, when a matter of privilege is raised in this place on yet another occasion when a minister of the Crown is misleading the house deliberately, that you will rule fairly and impartially? The fact is, sir, we cannot have that confidence because of your own actions.

Sir, you are not fit to be in that chair, and if you do not resign the only option left to us is to remove you by a vote of the house. I would encourage all members to take advantage of that opportunity so that we can have a decent Chair, a decent adjudicator of this parliament's proceedings, and we can have fairness and impartiality for all members.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (15:00): I rise to note in the first instance that I think you have had six rulings so far on objections and that five have gone in favour of the opposition; if that is not impartiality, I do not know what it is. Can I commence by saying that I utterly reject this motion and state in the presence of all the members here the pride I have in working with you as a colleague. Your experience, both at the bar and in the profession generally, is of a depth we are grateful for.

The parliament's determination today that you be the Speaker of this house is something which I welcomed. I think you have already demonstrated today your capacity to exercise this responsibility in a calm demeanour, to ensure that there is consideration in the counsel that you have given and, further, that you continue to be able to articulate as counsel in advocacy in a calm and clear and considered manner. That is something that always must be present in the responsibility you undertake as Chair in chairing the meeting here, which is a difficult responsibility from time to time.

Understandably, people are passionate and obviously they do want to present their arguments. Sometimes they get a bit overexcited and they interject and act in a disorderly manner, and you are called upon to be able to deal with those situations. The display today of the member for West Torrens—as he was required to leave the chamber for, I think, 20 minutes—and his shouting abuse at you as he left, was disorderly, and I thought you exhibited an enormously calm demeanour in being able to resist the temptation of naming the member, which clearly he deserved.

Nevertheless, I congratulate you, Mr Speaker, on being able to consider in a measured manner how this house will be conducted. You have already fairly determined, five times I counted, against the government side in relation to these matters. I do not know how much fairer you could have been.

The behaviour of the member for West Torrens I suppose is only outdone by the behaviour in this debate of those who are making the contribution—and they clearly are objecting to a statement you made post your election—within the envelope of screaming, of shouting, of exhibiting all the bullying tactics that we have seen in this house over and over and over again.

For you to bring the Leader of the Opposition into the spotlight in the contribution you made, identifying how important it is that there will be difficulty in conducting statements and/or threats that were made within that envelope, that is very difficult when it comes to the enforcement of the proper process under the ICAC Act. The circumstance—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: I don't need to be lectured by the member for West Torrens, who I know is an expert on the ICAC Act, but I do need to make sure—

Mr Malinauskas interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: In fact, the Leader of the Opposition should be grateful for your counsel and advice to all members on what standards are not acceptable and which can bring to the brink of causing offence to other legislation. It is important we remember what our obligations are, and the Premier has repeatedly indicated that in his view all members of the house should comply with the ICAC Act.

Mr Malinauskas interjecting:

The Hon. V.A. CHAPMAN: The Leader of the Opposition calls out, 'What's the difference?' Obviously he has a standard in relation to how he operates, what he dictates, the standard he allows, the standard he imposes, the standard he displays—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —and that is utterly unacceptable in any circumstance. That is the position he has identified he is prepared to threaten to achieve and on which you have wisely given him some counsel. If he does not take it, there is nothing you can do. There is nothing any of us can do if he is going to be completely ignorant of that and dismiss it as though it were some kind of threat to him, rather than accepting the counsel he should be appreciating—

Mr Malinauskas interjecting:

The SPEAKER: Order, Leader of the Opposition!

The Hon. V.A. CHAPMAN: —and being grateful for. Clearly he is not. That is the behaviour he exhibits. That is the standard he imposes.

In relation to the matter that is important—and that he seems to be completely ignorant of—it is the Speaker of the house, a person who will give calm and considered determinations, who ultimately makes decisions on behalf of the parliament on whether a circumstance, fact, information or document is within the purview of parliamentary privilege.

You, sir, are the person who is responsible, on behalf of the parliament, to receive a motion of privilege that is to take precedence over the rest of the business of the house. It is the position of Speaker that makes that decision, not the Leader of the Opposition, not even the ICAC commissioner. It is a decision of this parliament. Let me make it absolutely clear—

Members interjecting:

The Hon. V.A. CHAPMAN: No. If the decision is made by you that precedence is accepted—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —then, of course, the Privileges Committee can be convened, etc. That is the process we have, and it is very important that it be maintained. This is not the domain, this is not the decision-making, of the Leader of the Opposition.

I want to draw members' attention to the fact that in 2016 we passed a motion, a positive advance by the government of the day—at that stage led by the Hon. John Rau, who was the then attorney-general—supported by the then opposition, for the adoption of those statements of principles, and that all new members of parliament should sign up to them at the time of their swearing in here in the chamber.

The importance of that should not be overlooked. It took 12 years for the committee that the Hon. John Rau and I sat on, under the leadership of the Hon. Bob Such, to develop the principles that were finally adopted—12 years before they learned about transparency and accountability on that side of the house. In any event, it was after the former commissioner the Hon. Bruce Lander QC had made a statement in October 2014 that the parliament should have a code of conduct or statement of principles. He made that position very clear, and Mr Weatherill, the former premier, came out and said, 'We'll endorse that.'

It took them until 2016 to actually advance that motion and for it to be passed. He made it very clear that we should have one in correspondence that I have already read into the parliament back in 2016, both in correspondence from the then attorney-general, Mr Rau, to me and from Mr Lander to me, in which there was permission given to advise parliamentary colleagues of the same. His clear view was that the conduct of members of parliament was a matter for the parliament, so it is unsurprising that within the envelope the opposition pretend to be offended. I know they are licking their wounds after this morning's events, but the reality is—

Members interjecting:

The SPEAKER: Order! The Deputy Premier will not bait the opposition, please.

The Hon. V.A. CHAPMAN: Notwithstanding that the Australian Labor Party, through the then attorney-general—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Order, member for Lee!

The Hon. V.A. CHAPMAN: —supported by premier Weatherill, signed up to this statement of principles, they clearly are not going to abide by them under this regime. Under this Leader of the Opposition that standard has been smashed. I ask the Leader of the Opposition—at least the members in his team—to reread that statement of principles and understand the dignity that should

be followed in this house. There are a lot of lessons learned in it. It is a bit like The Ten Commandments: you need to be able to understand the important fundamental principles that are there.

I take the opportunity to point out the significance of the statement of principles and what Mr Lander made very clear on that occasion. He wrote to the Attorney-General on 2 December and in the interests of time I will skip over him. It is on the *Hansard*. Commissioner Lander, as he then was, on 9 December, wrote:

> Dear Ms Chapman
>
> Statement of Principles for Members of Parliament
>
> Thank you for your letter [etc.]

He confirmed that he had appeared before the Crime and Public Integrity Policy Committee. He outlined some transcript that he had given in relation to that. He said:

> [n]othing in this Act affects the privileges, immunities or powers of the Legislative Council or House of Assembly or their committees or members.
>
> I am obliged by Section 24 of the ICAC Act to deal with potential issues of corruption, misconduct and maladministration in public administration in particular ways.

He then set out the referral arrangements that he would make. He then said:

> I cannot envisage a matter concerning potential misconduct by a Member of Parliament that I would refer to an inquiry agency. Similarly, while I cannot foreclose the possibility, I think it highly unlikely that I would exercise the powers of an inquiry agency to investigate the conduct of a Member of Parliament. Certainly if it was a matter of potential misconduct or maladministration that was already being considered by Parliament, I would not be minded to interfere.

He made it abundantly clear. I will not read the whole of the letter, but he made it very, very clear as to what he expected. He then concluded by saying:

> Accordingly, even if I were to refer a matter or potential misconduct or maladministration concerning a Member of Parliament to the relevant House, I could not give any directions to the House concerning that matter. The action to be taken (if any) would be entirely for the House, including the question whether or not the matter ought to be taken to the Privileges Committee.

So, on this matter, I think Mr Lander has made it clear since in his interviews publicly prior to his retirement that these issues are a matter for the parliament. He cannot and would not intervene. Since then, it seems to have slipped the attention of the Leader of the Opposition that we actually have a new ICAC commissioner—a new Independent Commissioner Against Corruption—the Hon. Ann Vanstone QC, who has been appointed.

She has issued a public statement no earlier than yesterday to make very clear what she was doing. The word 'criminal' is not mentioned in that statement, and I would urge the Leader of the Opposition to reread it given his continued rant about this being a criminal investigation because the—

Members interjecting:

The Hon. V.A. CHAPMAN: It is not defined in what she has stated. She has made very clear what she expects—that notice was given on Friday to three members of parliament—in relation to that. She also makes it very clear that she acknowledges the questions of cooperation, and that is now a matter of public record.

But I would urge the Leader of the Opposition to have a look at that again because he clearly seems to me to have completely misunderstood the significance of what she has done. She has withdrawn the previous notices, she has issued new notices and she has made a public statement. I think it is important that we are reminded, in conclusion, of what the Premier said, and that is that he expects all members of this house to comply with the ICAC Act.

If there are matters that this house needs to consider ultimately in relation to parliamentary privilege or any other matter in relation to the privilege of this house, or indeed contempt of the parliament, then they are matters for us. They are matters for you, Mr Speaker, to deal with initially, and they are matters for this parliament to deal with ultimately. I have every confidence, from the

measured way in which you have conducted yourself already in this house, that you will undertake that and you will do it well. I commend you for and compliment you on your appointment. I reject the motion utterly.

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (15:16): I will not repeat the congratulations offered by the leader of our side of the chamber and of our party on your elevation to this role, but I will reflect that they were sincere, despite the fact that there had been an awkward but ultimately legitimate election that led up to your installation. I would reflect, however, on the disappointment that I felt, as an observer, in the Liberal party room making a decision to advance with a nomination, having had the offer of not only an Independent—so, on principle, a good person to stand—but also the merits of the member for Florey, who has—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Order, Minister for Education!

Members interjecting:

The SPEAKER: Order! The deputy leader will be heard in silence.

Dr CLOSE: —enormous experience and would have done an excellent job. However, I note that the member who is now installed—

Members interjecting:

The SPEAKER: Order!

Dr CLOSE: —as the Speaker had pre-prepared notes at two ends of this process, notes that were given as part of the nomination—the member for Lee has given some quotes from that—and then the speech that we will be returning to shortly. Immediately before sitting down, he appeared to give an off-the-cuff, heartfelt expression of what he wanted to do in sitting in that chair. He concluded with, 'I will preserve the utmost reputation, strength and solidarity of this place.' Unfortunately, as has been pointed out, in uttering those seemingly sincere words, he had in his pocket a pre-prepared speech that showed a lack of judgement in content and a lack of judgement in the timing of presenting that sentiment.

There was no discussion with this side of the house and no discussion with the leader who was being criticised in that statement—a statement done immediately after a vote that had installed him in a position in which he ought to perform in a way that is beyond reproach, independent and not partisan. The first act, having taken that chair, that august and important chair, having sat down after giving the prayer and the acknowledgement of country, was to give a speech that demonised and criticised one-half of this chamber and the leader of this party.

No standing order asked him to do this. It was in response to no question. There was no order of procedure that required him to make that statement. There was no request for clarification that required it. Nothing prompted it. That is a problem because it was a decision to make that statement, but it is also a problem because it gave no room for a right of reply by the leader of the Labor Party—no room for the leader of the Labor Party, who had been criticised in that speech, to be able to express his views. Indeed, it used privilege to make a statement about privilege.

The Speaker could easily have gone outside and made a statement in a press conference, could easily have gone out onto the front steps and criticised the Leader of the Opposition, but he chose to do it under the cover of privilege with no right of reply and no input from this side. In fact, the only means for a right of reply, the only means for an input—

Members interjecting:

The SPEAKER: Order!

Dr CLOSE: —has been this motion of no confidence in the Speaker, one that we were reluctant to proceed with on the very first day, but could not let pass—

Members interjecting:

The SPEAKER: Order!

Dr CLOSE: —such an egregious and partisan statement. The Speaker has chosen to protect the Premier and to defend the Premier's lack of leadership, overtaking leadership of this chamber. That is a decision that this Speaker has made. We will lose this motion, but we will not forget that that is the way this Speaker has chosen to start his term here.

I go back to the original prepared speech that was given on the point of nomination when the Speaker said:

> We live in a time when democratic systems are in retreat in many parts of the world and when public faith in democracy is in decline.

I agree with that sentiment. What I do not agree with and what I am appalled by is that the process that then followed was a decision to take a deliberately partisan act, to let down what I think might otherwise have been a good Speakership by this member of parliament and to start it on the wrong foot through an unfair, unprovoked, unrequired and unhelpful statement.

The SPEAKER: The Leader of the Opposition has a right of reply.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:21): Thank you, Mr Speaker. I rise in regard to a right of reply on this important motion. There are a number of elements that have been raised by those opposite that are a complete misrepresentation of the events that have transpired ever since this sorry saga regarding the country members' allowance commenced.

I principally want to refer to this issue of privilege, which a number of members opposite referred to consistently throughout their remarks and what they have interpreted as our view of the way privilege should be applied. There is no doubt whatsoever that those on this side of the house believe that parliamentary privilege is something that is important, to be treated seriously and to be applied where appropriate.

We believe that parliamentary privilege is an essential tenet of parliamentary democracy, particularly within the Westminster system, so as to ensure that we can all fearlessly advocate on behalf of our constituents. That has never been in doubt or in question. The only context where parliamentary privilege has been raised throughout the course of the country members' allowance saga is so as to subvert and delay or deny the ICAC access to information in regard to the country members' allowance current inquiry.

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: The Premier says that he has consistently expected his members of parliament to comply with the ICAC Act. So, the suggestion that I, as Leader of the Opposition, have somehow done something wrong or inappropriate or in contempt of the parliament by seeking to ensure that every member on this side of the house complies with that act is something that is beyond absurd. It is completely extraordinary.

All I have done on this side of the house, in my role as leader of the parliamentary Labor Party, is to ensure that everyone on this side of the house complies with the ICAC Act and does not impede the investigation.

Members interjecting:

The SPEAKER: Order, members on my right!

Mr MALINAUSKAS: I take a—

Members interjecting:

The SPEAKER: Order! The leader will take his seat for a moment. The Deputy Premier is warned. The Minister for Education is warned. The Leader of the Opposition is still entitled to be heard in silence. Leader of the Opposition.

Mr MALINAUSKAS: Thank you, Mr Speaker. I take what I thought was a rather orthodox and conventional view of the way the law should be applied. I and those of us on this side of the

house believe that the law should be applied equally to all members of the community, regardless of whether or not they are in the privileged position of being a member of parliament.

Those people in the public sector who have been subject to an ICAC investigation are not bestowed with the privilege of claiming parliamentary privilege; they must comply with each and every direction of the ICAC. We simply take the view that that standard should apply to everyone in this place too. If the Speaker—

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: —has a problem with the fact that those of us on this side of the house seek to comply with the law, and if the Speaker has a problem with the fact that I have a different view about the function of leadership than the Premier, then I welcome him elevating it. However, he should not be doing it from the position of the Speakership, particularly immediately following his election.

Members interjecting:

The SPEAKER: Order! The time for the debate has expired.

The house divided on the motion:

Ayes.....19
Noes 25
Majority 6

AYES

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
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.	Bell, T.S.	Chapman, V.A.
Cowdrey, M.J.	Cregan, D.	Duluk, S.
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.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.
Treloar, P.A.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

Motion thus negatived.

Grievance Debate

WEST LAKES, CONTAMINATION

The Hon. S.C. MULLIGHAN (Lee) (15:32): If it please the Deputy Premier, I rise to speak on an important matter for the constituents I represent in the suburb of West Lakes. It came to light in recent days that there is a new issue of contamination which has arisen for residents who live in particular parts of West Lakes. I am thinking of those parts of West Lakes at the very top of Old Port Road, whether it is at Settlers Drive or Hero Way, or a little further south at Lochside Drive and at Lakeview Avenue, and also at the north-eastern corner of Delfin Island.

I was not aware of this. I have represented the electorate of Lee for the last 6½ years, but back in the year 2000 and in the subsequent years an issue of cadmium pollution came to light and was of great concern to residents in those areas. What came out of the public outcry and concern about that contamination issue was that those parts of West Lakes I have just spoken about were built up, as some of the last parts of the Delfin West Lakes development, out of sewerage sludge from the old Port Adelaide Wastewater Treatment Plant, which is now no longer in operation but located just off Frederick Road.

This sewerage sludge was used basically as fill to raise the level of the land in order that those parts of West Lakes could be redeveloped. At the time, the issue of cadmium pollution was raised after some soil testing had shown elevated levels of it. Such was the outcry at the time that the then member for Lee, the Hon. Michael Wright, led the campaign on behalf of and in conjunction with residents to ensure that the then Liberal government paid for the remediation of the approximately 200 properties that were affected by this pollution.

Fast-forward to the current day, and it is my great displeasure to report that a new pollution issue has arisen as a result of using this sewerage sludge from the old Port Adelaide Wastewater Treatment Plant, and that is the subject about which we have heard a lot in recent years—that is, PFAS. I would spell out what it stands for, but I know I will get it wrong. However, we understand that this is a material of great concern, and most recently it has come to light in the use of firefighting foams and other fire retardants by both metropolitan firefighting services around the country and defence firefighting services, including here in South Australia in the northern suburbs around the Edinburgh airbase.

As far as I am advised by the Environment Protection Authority, the effects of PFAS on humans are still not readily understood, but it is sufficiently concerning for residents to be worried about it. I am pleased that, as a result of this issue coming to light 20 years ago and the extensive and specific remediation works done at the time for residents in that area, the EPA keeps very detailed records of all the remediation works that were done to properties to minimise the risk of people living in those properties being exposed to cadmium. The advice is that those measures, if they are still in place, should be sufficient to protect residents from the risk of PFAS contamination.

However, what has been raised with me in recent days by a number of home owners in that area, particularly those who have bought into the area in the last 15 years, is that they were not aware of this contamination issue when they bought their properties. Twenty years ago, it was a requirement that the form 1, which is served with a successful real estate contract, contains the details of this contamination. But I have had many residents who have admitted to me that they did not sufficiently wade through the 40 to 50 pages of detail of that form 1 in order to make themselves aware of this contamination issue.

I would have thought that the experienced real estate agents working in these areas would have taken it upon themselves to advise residents of this issue before contracts were signed and cooling-off periods had expired. It is my unfortunate duty to report to the house that it seems in many instances this has not been done. On behalf of my community and my constituents in West Lakes, I am very worried that they may have undertaken works to their properties that may have caused some risk of exposure, and I will be pursuing this issue both with SA Water and the EPA in the coming days.

Time expired.

RICHARDSON, MR D.

Mr CREGAN (Kavel) (15:38): Mr Speaker, can I congratulate you first on your elevation. I wish to memorialise in this place and put on record the life of respected Hills artist, Donald Richardson. As you will know, Mr Speaker, as a fellow Hills MP, Donald Richardson OAM passed away on 5 April 2020 after a long illness. He was 91. A founding member and life member of the Mount Barker and Districts Residents' Association, Donald made a lasting contribution to the arts.

Born in Burnie, Tasmania, Donald's seminal texts, *Art and Design in Australia* and *Teaching Art, Craft and Design,* remain widely respected. He was also a frequent and intelligent contributor to the *Adelaide Review*, *Overland, Frontier* and *The Advertiser.* Donald's final text, *Art, Design, Craft, Beauty and All Those Things,* will shortly be published posthumously.

For many years, Donald lectured on topics including visual art and art history, and he also served on the board of the Hahndorf Academy and as chair of Artist's Voice. At the time of his death, and despite his failing health, Donald was still producing and exhibiting extraordinary new work. He always brought a clear eye to changing arts and was able to see through to new trends in the art world.

Donald enjoyed nurturing young artists and worked with students from Mount Barker High School. He understood that art needs to be carried in the quietness of the hearts of each generation. As the elegant and combative art critic Robert Hughes said, reportedly about art overall but in fact I understand he was confining his remarks to drawing:

> …it holds on by the skin of its teeth, because the hunger it satisfies—the desire for an active, investigative, manually vivid relation with the things we see and yearn to know about—is apparently immortal.

Donald had the same desire. His own vivid relation with the things he saw and yearned to know about was manifest. Importantly, too, his contribution to the artistic life of our community will be lasting.

Speaking personally, I was grateful to Donald for his guidance and encouragement in local politics. He was a thoughtful and generous man. Donald is survived by his wife Penny, daughters Vanessa, Joanna and Fiona, four grandchildren and three great-grandchildren, and stepchildren Michael, Stephany, Timothy and Kate and their families.

Because of the coronavirus pandemic, it is not now possible for Donald's family members to be present today or for members of the residents' association to be present. I hope to provide these remarks to them separately. If my remarks seem similar to remarks made in *The Courier* newspaper, that is no coincidence. I was honoured to be able to contribute to the preparation of that article which appeared in our local newspaper. I hope my contribution illustrates in some small way the esteem in which I held Donald.

PARALOWIE COMMUNITY

The Hon. Z.L. BETTISON (Ramsay) (15:41): Today, I rise to talk about the largest suburb in my electorate, the suburb of Paralowie, home to 16½ thousand people made up of 4½ thousand families. It is a very popular suburb for families because it has affordable housing and a diversity of housing options, and because it also has near access to the Little Para River Trail—a beautiful green area in my electorate.

Recently, I had the opportunity to bring together some of the leaders in Paralowie—people who are speaking out for their community. The first person I want to talk about is Brett Herbert, who recently appeared on *The Project*, a national television show, raising the issue about hoons in his street, and in particular those riding motorbikes—or monkey bikes as we call them—at high speeds causing smoke and causing people to feel unsafe in the area.

While that street already had speed humps, that did not stop these hoons. They went through the speed humps, which had gaps in them. I reached out to Brett and I said to him, 'I think we need to find a solution and a way forward.' I have to say that, through conversation with the City of Salisbury and South Australia Police, I was delighted to see that we were able to trial a pilot program, and that is a pilot program run by the City of Salisbury for mobile CCTV cameras—very clear, very obvious—and, with the continued support of SAPOL, we are actually stopping these hoons for the first time.

Brett set out to make a difference because he feared for his children's' safety when they walked home from school. Can I tell you that he took on this challenge, and not everyone received it well. He got a lot of hassle from people who like to use that opportunity to speed as fast as they can. So, it was his determination, and I was really happy to work with him to advocate for a practical solution to this problem.

The other person I met with was Sarah Caldwell-Turner. If you meet Sarah, you will never, ever forget her. She has amazing energy and is an inspiration to many people in Paralowie. Sarah has been the governing council chair for Paralowie R-12 for quite some time, and she is there to grow our community, to achieve education outcomes, and to support people into the workforce. When we talked about what could make Paralowie more family friendly, Sarah was quick to talk to me about lighting. She feels that it is not adequate at the moment, that people using transport coming

home from school or work feel unsafe, and it is something we need to change. She also loves our Little Para River Trail and calls it 'the hidden gem of Paralowie'.

Another person I met with was Jo Clark. Jo came into the area with a new development called Settlers Farm more than 20 years ago. She is heavily involved in the Salisbury West Sports Club. I recently worked with Jo, who together with SACA, SANFL and Novita is going to pilot an all-abilities program for inclusion at the Salisbury West Sports Club. Jo was very driven to achieve this. She was very focused on having a family-friendly sporting club in the north that welcomes children of all abilities.

When three dynamic people come together, you naturally talk about future opportunities. We talked about a Paralowie progress association, with a key focus on making Paralowie family friendly. What more can we do to make it better, to make it safer, and a great place to live? This group is going to come together, they are going to be listening to the needs of the people in the area, they are going to advocate for people in Paralowie, and it will empower them to have the clearest voice to all levels of government.

I am inspired by this group of people. I met them in different instances, they came together, we had a conversation, and now we are looking forward to a brighter future.

MEMBERS, ACCOMMODATION ALLOWANCES

Mr ELLIS (Narungga) (15:46): I rise today to correct the record. As all members of this place are now aware, I received a notice from the former ICAC that required me to produce all documents in my possession evidencing the performance of my parliamentary duties on occasions where I claimed the country members' accommodation allowance.

That raised the obvious issue of whether parliamentary privilege applied. The notice compelled me to disclose my diary and meeting notes. To be clear, despite what the Leader of the Opposition has been telling the media and parliament today, I never sought to claim parliamentary privilege over the documents. That privilege belongs to the house, not to me. It was never about the Premier or anyone else directing me to comply. It was for the house, not me, to decide whether it would allow me to provide the documents.

A member of parliament should be able to protect the identity of the people with whom he or she meets. That is particularly vital for backbenchers, the crossbench and, I would have thought, for the opposition as well. The member for West Torrens certainly thinks so: a pinned tweet on his Twitter page invites whistleblowers to contact him without fear of retribution because all information sent to his parliamentary email address is protected by parliamentary privilege and will remain anonymous. If what he says is true, then met with a similar requirement to my notice, he would have done exactly the same thing as I did, and he would not, as I have agreed to do, produce emails.

The hypocrisy of the opposition on this issue has been as breathtaking as it is concerning. They have sought to weaponise the ICAC, which was the very thing that was feared when the ICAC Act was passed. That fear was why former premier Rann and attorney-general Atkinson refused to create one for so many years.

The act was passed in 2012 and has been amended many times since. The two substantial amendments to the act were made under the opposition when they were in government. No member of parliament has ever sought to amend the act to remove the sections preserving parliamentary privilege. No-one is even suggesting that we do so now. That reveals the base opportunism and disregard for fundamental rights and principles that the opposition has.

Current members of parliament have refused to comply with similar requests from the former commissioner. The member for West Torrens has spoken at length in this house about the importance of parliamentary privilege in the context of the ICAC Act. Contrary to what the Leader of the Opposition has said publicly, former Labor minister the Hon. Leesa Vlahos argued during the Oakden inquiry that the former commissioner could not make a finding against her on issues she argued were the subject of parliamentary privilege.

The leader and the former commissioner each publicly stated that the leader approached the former commissioner and sought his advice on the issue. The former commissioner has publicly stated that he gave the leader that advice, and it is difficult to see how that is not entirely

inappropriate. Can you imagine how someone in my position feels, where a political opponent who was publicly attacking you and calling you a criminal gets insights from a person who is conducting what is supposed to be a private investigation? It speaks to the leader's complete lack of integrity that he was even prepared to make such an approach.

Since my election in March 2018, many people have requested to meet with me on the condition of anonymity. On these occasions they have confided in me matters they do not want disclosed, and I have granted all those requests. Where that has occurred that information should be the subject of parliamentary privilege to enable me to carry out my duties as a member of this house, and to freely and fiercely advocate for my constituents. That is all I have ever maintained in relation to this issue.

This issue has been the subject of extensive media reporting, despite the fact that it is an offence under the act to publish such information. To say that is unfortunate is an understatement. The whole point of requiring corruption investigations to be conducted in private is to protect undue harm being done to the reputation of a person while under investigation. Unfortunately, I have not had that benefit.

I entirely accept that as a member of parliament claiming public funds I am subject to greater scrutiny than ordinary members of the public. That is entirely appropriate and I welcome it, but I have been subjected to public commentary that is inaccurate and that I could not correct because I did not have—and still do not have—authorisation to speak about it outside this place.

The new commissioner has entirely revoked the previous notice, which has vindicated my position. She seeks similar information in a more manageable way, which allows me to comply with her requests. I am actively compiling the documents she seeks, as I always said I would do, and will provide them to her as soon as I can. I am enjoying the breath of fresh air that the new commissioner has provided, and look forward to furnishing her with what she has asked for and engaging with the investigative process now that I am able to do so.

It is important to say as strongly as I can that I have never acted dishonestly and have never intended, in any way whatsoever, to dishonestly claim the allowance. I vehemently deny any suggestion of any dishonesty at all. This was a genuine mistake on my part, for which I have apologised. I am genuinely and sincerely sorry, and have learned perhaps the hardest lesson anyone in this place can learn. Due to the harm unfairly inflicted upon me and my reputation thus far, I am desperately looking forward to clearing my name.

The Hon. D.C. van Holst Pellekaan: Hear, hear!

The SPEAKER: Order! The member's time has expired.

GILES ELECTORATE

Mr HUGHES (Giles) (15:51): I was intending today to speak about my electorate, especially given the five-week break and the opportunity to move around the different communities, but I thought it would probably be better to speak about my standing down from the role I had as shadow minister for primary industries and regional development, and the heavy heart with which I did that. It was not an easy decision to make.

Members are aware that I have the largest electorate, in terms of physical area, in the state—it is 1¼ the size of Germany—and getting around that electorate can present a number of challenges. Having primary industries and regional development on top of that was, at times, challenging, and at times you felt as though you were falling between two stools. I guess the draft boundary recommendations crystallised in my mind the need to make a decision, especially given the fact that if those boundaries were ratified several thousand new people would come into my electorate. I believed I needed time to devote to my electorate.

Having said that, it has been an honour to be the shadow minister for primary industries and regional development. When I was first appointed to that role, the cartoonist in the *Whyalla News* took a great deal of pleasure in doing a cartoon showing a farmer explaining to me the difference between a cow and a sheep, so I had a very low threshold to start from. Over the ensuing period, given the number of pastoralists I have met, the number of farmers I have met, people from the

fishing industry, people from the wine industry, my level of knowledge significantly increased. One of the things I will really miss is the people I have met over that period of being shadow minister for primary industries.

We stand on this green carpet here today, which has been in place for a long time and renewed every now and again. In some ways, it reflects the basis of our economy going back well over a century. I am someone who from early on in my working life has come from heavy industry. I come from a town based on heavy industry and mining, so I did not have much to do with agriculture. Meeting all those people has given me a genuine interest, which was there to start with, but it has deepened that genuine interest in the work that they perform and how they perform it.

There are still many people who take our primary industries for granted both within the state and nationally. A lot of people in South Australia do not realise that in 2018-19 our primary industries—our agricultural sector, more specifically—generated over $11 billion in revenue for South Australia. That sector has been generating revenue year in, year out for many years, and it will continue to do so. I was very proud to be at the launch of the Grain Producers SA blueprint, with its aim to increase the revenue generated by the grain industry in this state up to $6 billion by the year 2030. The other sectors within primary industries also have ambitious targets they are looking to meet in the coming years.

I would like to acknowledge a whole range of peak bodies that I met with. I acknowledge the SA Dairyfarmers Association and the good work they do, and the Horticulture Coalition and the 14 organisations that lie under that, including the Wine Grape Council and, of course, Grain Producers SA. I ended up having more to do with Grain Producers SA because of the whole GM debate, which is something I am very proud of.

ELDER ELECTORATE

Mrs POWER (Elder) (15:56): During this time of the COVID-19 pandemic, many of us—whether that be the Marshall Liberal government or us as individuals in our homes and amongst our friends—have acknowledged those at the front line as our heroes, and rightly so. To all these South Australians and other essential workers, especially those who have spearheaded our world-class response to the pandemic, I say a heartfelt thankyou.

From nurses, doctors and other health professionals, to teachers, police officers and those serving us at the supermarkets in our local community, you have continued to work, adapting and changing to keep us safe and secure. We have all noticed your efforts, your courage and your hard work during these uncertain times, and today in this place I acknowledge you as our heroes during this pandemic. At a local level, I know the electorate of Elder is also full of everyday heroes. I believe strong communities are made great by the people in them, and so I always enjoy meeting local residents.

On 10 July, I met Mavis Dutton and her family. Mavis was celebrating her 103rd birthday and I was truly inspired by her energy and generosity of spirit. Mavis loves music and shared this love of music with her husband. He sang and she played the piano. Together, they have two children, and now Mavis has five grandchildren and nine great-grandchildren. At the grand young age of 103, Mavis had a sparkle in her eye that reflected the incredible youth in her spirit. When I asked Mavis the secret to living a long and happy life, she replied: 'Be interested in other people and keep busy.' What a beautiful reminder to us all to take an interest in others and give generously of ourselves in all that we do—the foundation of any strong community.

Two other local residents impacting and inspiring others are Greg and Helen O'Leary. As part of the SALA Festival, for the past 10 years Greg and Helen have opened up their home on a Sunday during the month of August and showcased their art. Greg is largely a self-taught artist, painting still-life portraits and landscapes. He has been a full-time painter for 20 years and spent a lifetime studying painting. He is also the deputy chair of the Royal SA Society of Arts.

As part of the festival, Greg provides a live demonstration in which he either paints or sketches a portrait. It is quite unreal to be part of it. It is really special to see artwork come to life in front of you. Over the years, I have seen him draw other local heroes, including Professor Warren Jones, who was instrumental in saving the Repat and positively shaping and repairing our healthcare system right across South Australia, and the federal member for Boothby, Ms Nicolle Flint.

A special thankyou to both Greg and Helen for opening not only their homes but also their hearts, through their art, to our community. While each is very different in their accomplishments, it is people like our frontline workers, and locals like Mavis, Greg and Helen, who make our community that much richer.

Finally, I would like to acknowledge two other local heroes whom many people in my local community have already met as they have sought the services of a justice of the peace: Geoff Richards and Ian Budge. Both Geoff and Ian volunteer their time as JPs in my office, and I commend their community spirit. It is a privilege to meet our local heroes, and I look forward to continuing to meet many more exceptional residents in my local community.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:01): By leave, I move:

That Mr Whetstone and Mr Knoll be appointed to the committee in place of the Hon. D.K.B. Basham and the Hon. S.J.R. Patterson (resigned).

Motion carried.

NATURAL RESOURCES COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:01): By leave, I move:

That Mr Pederick be appointed to the committee in place of the Hon. D.K.B. Basham (resigned).

Motion carried.

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:01): By leave, I move:

That Mr Murray be appointed to the committee in place of Mr Ellis (resigned).

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:01): By leave, I move:

That Ms Luethen and Mr Brown be appointed to the committee in place of the Hon. S.J.R. Patterson and the Hon. A. Piccolo (resigned).

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:02): By leave, I move:

That Mr McBride be appointed to the committee in place of the Hon. S.J.R. Patterson (resigned).

Motion carried.

PUBLIC WORKS COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:02): By leave, I move:

That Mr Whetstone be appointed to the committee in place of the Hon. S.J.R. Patterson (resigned).

Motion carried.

STATUTORY OFFICERS COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:02): By leave, I move:

That the Hon. J.B. Teague be appointed to the committee in place of the Hon. V.A. Tarzia (resigned).

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (16:02): By leave, I move:

That Mr Ellis be appointed to the committee in place of the Hon. J.B. Teague (resigned).

Motion carried.

Bills

COVID-19 EMERGENCY RESPONSE (EXPIRY AND RENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr DULUK (Waite) (16:03): Before the suspension of the house, I was talking about rights and freedoms and referring to an article in *The Australian* today by Jack Mordes, who talks about how martial law restrictions were enacted by General Jaruzelski in 1981 in Poland. He goes on to say that the restrictions:

> ….are oddly similar to those in Victoria living under Daniel Andrews's rule four decades on.
>
> There was a 10pm curfew with police patrols enforcing zero tolerance. Borders were closed. Movement between cities and regions was prohibited unless you carried a special permit. Classes in schools and universities were suspended. Telephone communications were monitored. Opposition activists were arrested, many without charge. The police (called the militia) became an arm of the government.

To many Victorians, this is certainly what they are feeling at the moment. I think it is really important for all members of parliament across our beautiful country to really think about what is happening in our society at the moment as we grapple with this health pandemic and economic crisis we now have. Of course, as a nation we are now in recession, and for so many Australians it is the first time they have ever experienced that in their lifetime. I seriously struggle to understand how a government in this nation can allow protests on one issue during the middle of a pandemic but now arrest citizens for planning protests organised in protection of our most basic civil rights, as they are in Victoria.

South Australians, and indeed all Australians, want to do the right thing during this pandemic. Unfortunately, we too often see a double standard in terms of rights and privileges. Most recently, the AFL elite flew to Queensland to announce that the AFL grand final would be played at the Gabba, but a pregnant woman from Ballina could not travel 100 kilometres to Queensland for medical attention and because of that she lost her unborn child.

Undoubtedly, we have all received a considerable amount of correspondence from our constituents with stories of their struggles coping with COVID-19, especially those who are stuck in Victoria. I know this is the case for many of our border communities and MPs. My office is no different, and I would like to share with the house some of the frustrations of my constituents as they try to go about sensibly navigating the COVID world.

I would like to begin with the example of Mr and Mrs Pollard of Hawthorndene, who are constituents aged in their 70s. They travelled interstate from South Australia to Victoria to attend a funeral. As regulations changed, returning home became quite the ordeal. When attempting to return home, SA Health offered the couple an ultimatum: either continue their indefinite self-funded stay in Victoria or accept the price of their self-funded hotel quarantine in South Australia. Mr and Mrs Pollard certainly did not feel that they had a choice, and there are a number of issues I want to raise in relation to that.

Firstly, this law-abiding couple could easily have self-quarantined at home, and the question from many is: why the need to quarantine in a hotel, especially at a cost of $4,000? They felt a greater

risk to the virus was upon them when being forced to quarantine at a hotel, where potential COVID cases were isolated with numerous different people and staff visiting on a daily basis. We have certainly seen the failure of hotel quarantine in Victoria. After this couple indeed saw that saga, and for them they certainly felt that it would make more sense for them to isolate at home.

For three months, these residents and their family were under immense stress, as they were in Victoria. On a daily basis, they were not sleeping and were concerned about the impact of their physical and mental health, to the point where they thought they had a high chance of becoming infected and dying because they were in Victoria.

They availed themselves of testing on multiple occasions, and results returned as negative. Unfortunately, their story gets worse. After finally receiving an exemption from South Australia and deciding to inherit the costs of that return, they embarked on the journey back to South Australia. When they left Melbourne, instead of a simple direct drive home (prepared to not need to refuel in South Australia and return directly to quarantine) that would not involve contact with anyone in South Australia, the following prevailed. I will now read the story from the Pollards, and I quote:

> We booked to cross at Penola (the nearest approved crossing to Torquay) at 2.00pm on Saturday. Unfortunately, we received no contact details or confirmation email.
>
> We left Torquay around 9.15am on Saturday in plenty of time to be at the Penola Crossing by 2.00pm.
>
> Just out of Hamilton at 11.15am we received a call checking on our progress. We said we were doing well and would be at Penola well before 2.00pm.
>
> Then the bombshell dropped. We could not cross at Penola and would have to be at Bordertown by 2.00pm or be in the next convoy leaving at 10.00am on Sunday. We said we didn't know if we could make it and could we call back.
>
> Panic! After a hectic check on Google Maps we got an ETA of around 2.45pm [to Bordertown].
>
> Then followed a hectic and stressful drive through Western Victoria. We arrived at the border just before 2.30pm Adelaide time after driving without a break, apart from toilet stops, for nearly 6 hours.
>
> When we arrived in Tailem Bend our escort changed. Due to our advanced age both Cris and I were in desperate need of a toilet stop.
>
> We were told we couldn't use public facilities and could we hang on for another hour.
>
> We were opposite the golf course and I asked if we could find a tree there. We were escorted across the road by a female officer! A great way to treat a 75 year old lady!
>
> When we arrived at [the Adelaide] hotel they tried to get us to the room as quickly as possible.
>
> Unfortunately, we were escorted to the wrong car park. After unloading the car we had to re-pack and had to pay $8 to get out of the carpark. Eventually we made it to our room.
>
> Unbelievably we received a phone call from a SAPOL Officer the next morning. He was at our home and we weren't there as required! We told him we were in quarantine in the Pullman.

Ms Pollard made some recommendations and I believe they might be simple, but they of course require resourcing by the government:

- all returning travellers be given a single [SA Health] contact person and all arrangements are confirmed by email;
- appropriate arrangements are in place—

I think she is referring to the toilet needs of travellers, and:

- stops are made at least once every two hours.

I would take this further to say we do not even need to have such strict measures. I think there are plenty of sensible individuals who are able to isolate.

Of course, there is a lot of paperwork and I know there is a lot of stress placed on SA Health workers and SAPOL in monitoring the restrictions we have in place, but quite often we need to allow common sense to prevail and allow those who are making decisions on the ground to have common sense prevail as well. The simple ability to allow any person to be able to relieve themselves when driving back from Melbourne to South Australia seems like a very logical one. Once again, I think we forget that and get caught up in bureaucracy.

Another story I would like to share is of my constituent Mr Jurkovic and his wife, who applied to move to South Australia permanently on 10 July 2020. Mr Jurkovic is originally from South Australia and many of their family and friends still live here. Based on the rulings at the time, they had to accept a new lease for a property in Kingswood and gave notice to their home in Richmond, Victoria, to prove the legitimacy of their intentions.

Mr Jurkovic also registered for his first semester of CPA Australia and booked exams in Adelaide whilst his wife was transferred to the Telstra Adelaide team. It is great to see some Victorians choosing to live in South Australia. Indeed, why would you not want to live in South Australia? After lengthy administrative ordeals jumping through all the hoops and with days between correspondence from SA Health, they received approval at 10pm on 30 July.

Then, after making significant plans and booking a removalist, they surprisingly somehow received a decline for their application on 31 July at 12pm. Despite best efforts and contacting many departments, no-one could verify which notice was correct. Mr Jurkovic and his wife, who had packed up and planned for their whole life to move here, were now in disarray. Mr Jurkovic and his wife had both been cleared of COVID, ticked every box in the application and had emphasised measures to strictly social distance and to self-quarantine.

Why was this family denied entry into our state? I am not sure. What message does this send to other families considering moving to South Australia? For a state that needs significant population growth, this is not a good look, in my opinion. We should be encouraging population growth, not limiting it. I say we should be opening up the door to many, especially South Australians who have sought to create a life in Victoria and other parts of Australia, to indeed come back to this wonderful state.

There are multitudes of other stories in terms of what I have received from my community, such as that of Heidi Riessen, a mother of four who has lived, worked and volunteered in Australia for 40 years, who now has her daughter stuck in Germany and unable to come to Australia. There is Mr Kym Driesener, who is trying to maintain his business, JK Race Trailers, during these times and of course one is one of those businesses that quite regularly needs to travel to Victoria to collect stock for his trailer business. Unfortunately, because of the difficulty with so many of the exemptions and permits, his business has been shut since April.

The questions that many of us ask, and I think they are legitimate questions, are: with very few active cases of COVID in South Australia—we have done a magnificent job in flattening the curve—what is the endgame and what are we trying to achieve? We have very strong restrictions, but at some point I think we need to start having a debate about what life looks like if COVID is here to stay.

We do not know when a vaccine is going to come. There were discussions on the news on ABC last night about how successful vaccine trials take many, many years. There is debate happening all around the world about what a vaccine will look like if it comes in the next 12 months. I think we need to have a conversation as a parliament and as a state about what does living with COVID in the long term look like for our society.

I think we can see that the Victorian approach of trying to eliminate the cases to zero is not working. The way the New South Wales government has been doing their tracing seems to be a much better model to adopt. We have seen stress on businesses, we have seen stress on individuals and we are seeing plenty of stress on families.

The way we are dealing with COVID is leading to the cancellation of events that us bring such joy—sports, theatre, the arts, the Christmas Pageant—and this is happening at a time when there are few to no cases in South Australia. The question we always need to ask is: what are the costs of these restrictions?

We have seen the scourge of isolation and loneliness, with calls to Lifeline increasing by 20 per cent during the first lockdown. Unemployment and underemployment are at an all-time high, with over 70,000 South Australian's reportedly being unemployed. What is that going to look like when JobKeeper and JobSeeker eventually run out? We have seen the worst quarterly reduction in GDP on record and an expected $1.85 billion projected fall in South Australia's GST revenue over the next two years. As the Library of Economics and Liberty has recently stated:

> …the costs of this national shutdown are growing by the hour, and we don't mean federal spending. We mean a tsunami of economic destruction that will cause tens of millions to lose their jobs as commerce and production simply cease. Many large companies can withstand a few weeks without revenue but that isn't true of millions of small and mid-sized firms.

Indeed, that is exactly what South Australia is: a small and medium-sized economy. While the road to recovery is not an easy task, we need to carefully consider both individuals and businesses when we are planning the new normal. We need to consider how this pandemic has impacted a number of policy areas, from operating a small business to reductions in public transport and, very seriously, the basic protection of our privacy.

On this note, another constituent, Dr Moxham, raised with me the issue of the need to trace and the way our COVID registration sheets are held and what security measures are around them. When people enter venues they have to write down their names for contact tracing purposes. At the end of the day, who actually protects that data? Are all organisations complying with the federal government's Australian privacy provisions?

I believe South Australia should lead an effort with other states in terms of focusing on strategies of treatment rather than suppression and containment of COVID, which is so important. According to University of Oxford's stringency index, Victorians have been under some of the harshest and long-lasting restrictions since mid-March, with grim prospects of success due to a staged reopening pinned to daily cases falling between fortnightly figures. South Australia must not get caught in this trap, and I am quite grateful that I do not think we are, but businesses and people in South Australia are signalling a desire for the state to get back to new normal.

As Professor Fisher, chairman of the WHO Global Outbreak Alert and Response Network, says, targets as road maps are 'incredibly community-empowering'. It is really up to the community; the government cannot do everything in terms of a road back. That is why I will be foreshadowing that I will be supporting the member for Frome's amendment to see in this legislation the deadline for these measures expire at 31 December, as opposed to the flagged date of 28 March 2021, because I think it is really important that the public are constantly given a road map and an expectation setting about what is needed.

As I said in this contribution, the primacy of parliament is most important, and I do not think it hurts for the parliament to come back regularly and reflect on the laws that it passes and the powers that it gives. For the parliament to extend the Emergency Management Act for a further three months, I believe, is prudent, more so than six months. We can come back to this house in December and reflect on where we are and, by all means, if an additional three months are required in terms of the extension of the Emergency Management Act, we should be doing that, but parliament should be, as always, given the opportunity to provide scrutiny on all actions of the executive, because that is what we are here for.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:18): I thank members of the opposition and crossbench for their contribution to the debate. I will perhaps just reflect on a couple of matters that have been raised so that we might move to committee fairly quickly. Again, I confirm my appreciation to the opposition—and I think, listening carefully to the member for Waite's contribution, he is also supporting this legislation—for supporting the prompt debate of this matter and the passage of the bill.

I understand there is an amendment that has been tabled by the member for Frome essentially seeking to collapse the COVID-19 provisions on 31 December—in other words, at the end of three months—rather than under the current regime. I have not yet ascertained the basis of that, but can I start by saying that the purpose of this legislation is to extend it essentially for 28 days after the declaration expires or the six-month expiry date, whichever first occurs.

It may well be that the member for Frome gets his wish and that by November everything in the world is non-COVID again and we have a vaccine and everyone is happy and we will not need it past 31 December. On the other hand, if it is pretty clear that things are still difficult, we might need to call the parliament back on Christmas Eve or even the day after Boxing Day and debate it all again to extend it.

Mr Picton: We are sitting in December.

The Hon. V.A. CHAPMAN: We are sitting in December, indeed, the member for Kaurna points out. However, as I say, it may be that it is not clear at that stage whether or not we need to continue it. That is part of the difficulty with this type of legislation. We acknowledge that the legislation is largely designed to be able to deal with the emergency situation of people being restricted in their movement, obviously sometimes in a very difficult financial position, at risk of losing a benefit such as their accommodation or lease for their small business, and therefore these extraordinary provisions are being made and, in this case, continued.

We are not revisiting or adding to the flavour of the circumstances upon which there is some exemption; what we are doing is extending what we have already debated. Yes, it is possible that we could be dealing with it in December. We might think that we cannot run the risk, so we will extend it at that point. Can I just say to the house that all the time here is precious and I accept that we have other important bills to progress. We think this is a sensible way of resolving it. The parliament itself offered an alternative previously by saying that it ought to have an expiry not just at the end of the declaration but at a fixed point.

We are still in a non-vaccine environment. Perhaps, if we had a vaccine and it was being distributed, then we might be in a better position to be able to give some estimates as to the time required. It may be that 31 December in that situation would be quite reasonable, but we do not have an approved vaccine for manufacture and distribution at this point. I think the world is waiting for this.

Sometimes these conditions or viruses disappear before the vaccine is needed. I think that happened with the SARS epidemic, for example: the condition seemed to disappear before it was necessary to distribute the vaccine, even though intelligent, clever people (scientists in particular) had been working to create a vaccine for that. I am not sure whether it was bacteria or a virus, but in any event it was a shocking blight on those who contracted the condition.

The government really are not in a position to accept the amendment if it is presented, but I just place that on the record as I am sure the member for Frome is listening attentively to this debate and would appreciate what our position would be on that. The second aspect relates to this question raised by the member for Kaurna, and that is: why is it necessary to have a step-down arrangement that potentially could come in place to facilitate the Public Health Act regime.

As he rightly points out, the Chief Executive of the Department for Health becomes the person who is responsible for dealing with a health-managed incident under the Public Health Act. Secondly, he raised the question of whether he would listen to the Chief Public Health Officer, who, of course, is in his employment? I do not have any reason to suggest any circumstance in which the Chief Public Health Officer's advice has not been very carefully considered and been appreciated, not just by the people of South Australia but by the government, by the police commissioner and by the Chief Executive of the Department for Health, all of whom have been working on this COVID issue, because it is a state emergency.

The emergency management declaration has been made and continued every 28 days, but it is a health issue. There is no question about why we are in a state of emergency. Why is it necessary to have a step-down? It may never be used. All we are simply indicating is that, if it is used, it would be a declaration for the purposes of the lapsing provisions of this legislation as well. So we would be bringing it into account; for example, January comes, there is a vaccine out there, it has been approved, it has been distributed and it might be in high demand.

It may be necessary to have some containment or restriction in relation to the distribution of the vaccine. It might need to first go to women and children, or to the most vulnerable or to those who are most in need—health professionals, etc. These are the sorts of things that, again, health professionals need to give us advice on. It may be that there is such a demand in this hypothetical that I am presenting that there—

Mr Picton: There will be.

The Hon. V.A. CHAPMAN: I think that the member for Kaurna and I would agree that it is very clear that there is likely to be world demand, that there is going to be, I hope, respectful

distribution and that we do not get into a situation where we have ‘toilet paper syndrome’ again and we have people with the most money on the table getting access to this vaccine.

I think that is fairly logical, and I want to assure the house and the member for Kaurna that this is not something that is completely unknown to our health officials. They understand the importance of this. The Prime Minister has made a statement about this very clearly, that whoever gets there first has an obligation to distribute it.

We all know that the world of prescription drugs is a big industry, and it is one within which there is enormous rivalry. They produce a valuable product, especially if they get there first. To get contracts for distribution in countries is highly sought after and, in a situation like coronavirus, all around the world. I do not think we would need to be a rocket scientist to appreciate that probably the people sitting in the Congo region of Africa are not going to be at the front of the queue to be able to get access to a vaccine when it becomes available.

That is the real world but, just as we dealt with the question of testing and bringing on for assistance the pharmacists during this time, so too are our health professionals ensuring that the advice to the federal government is to invest in the research and trials that are being undertaken now, as well as the question of how this is going to be distributed equitably once we get something.

It may be that multiple organisations ultimately have this available, but there is going to be a rush. I do not think anyone is ignorant enough not to appreciate that. As to the why, it is not just a question of whether the declaration is under the Emergency Management Act or the Public Health Act. I just remind members that, when this whole thing started back in February when it became very clear, we actually went into declaration mode under the Public Health Act.

Mr Picton: For, like, two weeks.

The Hon. V.A. CHAPMAN: Well, for a number of weeks. Ultimately, it was determined that the Emergency Management Act provisions be invoked, and as of 22 March and every month thereafter that has been revisited and reaffirmed—

Mr Picton: Why would you go back?

The Hon. V.A. CHAPMAN: The member calls out, 'Why would you go back?' It may well be that the state of emergency has died down but, within the envelope of the hypothetical, of continuing to manage, say, the distribution of a vaccine, it may need to have some powers under the Public Health Act. The Public Health Act, for those who read it (probably only the member for Kaurna and I have read it) it is an important piece of legislation and it gives very clear powers and very strong powers actually to authorised officers—

Mr Picton: Extraordinary.

The Hon. V.A. CHAPMAN: Quite extraordinary—well, it was under your lot that it was advanced but, in any event, I think I made some fairly unhelpful comments at the time of the bill.

Mr Picton: You were against it.

The Hon. V.A. CHAPMAN: No, we agreed with the bill, but the powers that are given to authorised officers was always a bit of a concern to me in all sorts of legislation.

Mr Picton: I will look it up. I will look up what you said.

The Hon. V.A. CHAPMAN: You should. You might recall we had a debate not that long ago in which the opposition demanded that we have penalties of two years' imprisonment for people who breach directions of the police commissioner. I would like to remind the house that under the Biosecurity Act federally they have five-year imprisonment and that under the Public Health Act, especially with deliberate contamination and others, you can go to prison for 10 years or more, so it is a pretty powerful act.

Some would say it has a penalty regime that is much more severe than that under the Emergency Management Act. Of course, the police commissioner as Coordinator went the other way and said, 'I don't necessarily want to be able to use the powers that we already have in relation to

extensive fines. I want to be able to have an on-the-spot fine power,' which this parliament granted him.

Later, the opposition and others called for a two-year imprisonment term, even though they could have gone off and prosecuted under the Public Health Act if the police thought that was something that was going to be useful. They are the ones who independently make that assessment about whether they go off and use the Public Health Act or not.

Mr Picton: You're criticising what you enacted.

The Hon. V.A. CHAPMAN: No, I am simply making the point that there are other options that were available.

Mr Picton: Why did you bring in the two years then?

The Hon. V.A. CHAPMAN: Because, as the police commissioner ultimately said on radio one morning, having consistently indicated that he did not see that the nature of the cases where he would need it, he did not see any harm in that and it could be done. Certainly at that time there was an issue in relation to, I think, two persons who came in as backpackers on a train—who were at least from Victoria at the time; they may have been en route from somewhere else—and they were not imprisoned.

In fact, I think there was again criticism for them simply—according to the police commissioner's action—being taken into custody and sent back. He was not minded to take them through the courts, and that is a matter for him to make that determination. But, in any event, if a circumstance arises, and it may not, but if it does, and the circumstances under which we are being managed go from the Emergency Management Act to the Public Health Act, then the declaration under either would have the effect of the application of this act—that is, to dissolve essentially in six months' time and/or within 28 days the declaration.

Just by way of explanation, the 28 days from the date of cessation of the declaration are simply to have sufficient time to give notice to people that certain regimes are finished and obviously for the public information about that. These are matters that have been under consideration. There has been extensive consultation including, importantly, with the police commissioner and his advice as the Coordinator under the Emergency Management Act.

The other matters that were raised, which I will just touch on, related to comments made by the member for Kaurna about the borders. I think the closure that has existed, at least with Victoria, is something he has commended as being responsible, at least in part—I think 'bedrock' was the word he used—for ultimately keeping South Australians safe, and I agree with him. I think that it has been necessary in a circumstance where Victorians have been in a very dire circumstance and, ultimately, it has been necessary to have some restrictions across the borders.

Clive Palmer takes a somewhat different view: he thinks he has been deprived of all sorts of benefits he should have in operating his businesses in Western Australia and Queensland and has taken the matter to the High Court. I think he has lost round 1, but he has proceeded with another set of proceedings in terms of his industrial position.

Interestingly, whilst the Prime Minister has been very clear about the importance of protecting the Australian Constitution in not restricting trade or, what is it—

An honourable member interjecting:

The Hon. V.A. CHAPMAN: That's it—intercourse, yes. It is an unusual word. I was trying to think what it was. Obviously to be able to traverse the borders was a key tenet of setting up the Australian Constitution so that we would no longer have state customs and taxes and things of that nature for things coming in and out of our regions as a colony. We became states, we grew up and we established the Australian Constitution, and it is an important tenet of that.

It is also important that as a state we are able to protect our citizens and, in a health situation such as we are facing, clearly the Federal Court of Australia, which was asked to make a determination in the Palmer matter on a question of facts, was satisfied there was justification in border restrictions. I am summarising this now but, largely, they had to be commensurate with the risk, and you could not just shut down the borders under any circumstances.

On the advice I have received to date, the police commissioner's directions, as State Coordinator, in relation to travel restrictions and the number of people in public gatherings, have been within the envelope of what is acceptable in the necessary protection of South Australian citizens. We have had a sensible approach to it, and I am proud of that.

Finally, the member for Kaurna raised the economic stimulus. It is absolutely true that, as a result of the initiatives to keep our health protected, South Australians have experienced sanctions that have resulted in financial loss. For some people, that has been devastating. We have heard from the member for Waite about some people he represents who have been unable to transfer from one state or country to another. It has caused hurt and hardship, and I understand that; there is no question that it has been a difficult time for a lot of people.

The financial impost is one that continues to be protected under this legislation, including the protection of residential tenants from eviction or increase of rent. It is similar for eviction in relation to commercial tenancies within certain circumstances. The member for Kaurna complained of there being no new initiatives, but one was announced today. I do not know if the member for Kaurna missed this, but there has been a doubling of the land tax reduction for commercial tenancies; the landlord will enjoy a 50 per cent reduction in their land tax liability on the basis that they transfer it for the benefit of the tenant. Of course some do not have a tenant now, because the businesses operating there simply have not been able to trade and have had to close.

I was walking down Norwood Parade early this morning, obviously not at the same time the Premier was already awake—4 o'clock I heard; it was a little bit later than that. I was walking down Norwood Parade and I noticed there was a florist shop that was completely empty that had been there for some years. I thought, 'That's a shame.' This is the sort of casualty of these circumstances, and so we need to do anything we can to continue to give people some protection.

If they do not have a tenant, then that landlord, for example, would be able to make an application if they qualify, of course, to get the 50 per cent reduction in their land tax. Even if they do not have a tenant to pass the benefit on to, they can have that benefit. It is an important initiative of the Treasurer. Treasurers do not usually give away a lot, but he is being very generous at the moment, and our government has made a commitment to continue to make provision to be able to outline measures, including infrastructure projects and the like.

These initiatives will continue to be required for some time to come. Obviously, we are grateful for the HomeBuilder initiative. That has been a massive injection into the housing industry here. I think it is a fabulous opportunity for young people, especially if it is their first home, to be able to have $40,000 on the table—$15,000 from the South Australian government and $25,000 from the federal government. Interest rates are low and property is available. What a golden era of opportunity for our young people. Of course, the JobKeeper and JobSeeker initiatives have been well received and are absolutely necessary to cushion the damage and ensure that we protect people in the workforce so that they come back.

I know there is a lot of heartache out there. Certainly, those of us who have travelled around the state in recent times in the regional areas—and every week that we are not in parliament our Premier is out somewhere all across the state: on the West Coast or up north, or down in the South-East—have spoken to people in tourism enterprises and hospitality, which were frankly smashed for three months in the first half of this year. They are getting back on their feet, and they are just describing to us that their July turnover has been the best July ever in the operation of their business.

Of course, they have come off a very difficult period and their workforce has been kept alive by federal JobKeeper payments. Nevertheless, that is a really encouraging sign, and I place on the record my appreciation to all South Australians, young and old, who are taking the opportunity while we are under these travel restrictions to enjoy our own state, our own parks, our own regional areas and give some life and income to our regional towns. I thank them very much for doing that.

We will continue to be sensitive to the needs in that regard and do whatever we can, as a priority of this government, to ensure that we retrain people where we can for future and alternate employment and, secondly, ensure that we have them back in employment or an opportunity to establish their own businesses. So a big appreciation for the people of South Australia. They have done a stellar job so far.

We have a long way to go, there is no question about that. I am immensely proud to work with a Premier who is highly regarded at the federal level of the national council of premiers. They call them first ministers these days, but I do not like that description. In any event, our premiers and leaders around the country, together with the Prime Minister, have really worked around the clock and ensured that we have been kept safe. None of that would have been possible without the support and compliance of those in the community. We have taken them with us; the journey is not over, but this bill will assist us to get them through without being poorer or, of course, harmed more.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr PICTON: Let me acknowledge, Chair, that, despite the change in the Speakership, it is great to have you continuing in the Deputy Speakership as the Attorney and I and you continue our constant interactions through the parliament. I have a few questions, starting with clause 1. I mentioned in my speech (I do not believe it was touched on by the Attorney in her reply) something the opposition is seeking: I do think it is appropriate, if parliament gives its permission for this to continue for another six months, that it should have some oversight of the powers that have been granted over the past six months—that is, what powers have been used, how many times they have been used, what are the circumstances in which they have been used and which powers have not been used.

This is something that we have been raising since last week, and we have not had a response. I am hoping that the Attorney today will be able to provide a detailed list in terms of what has been used and the circumstances in which it has been used, or at the very least will be able to do so between the houses.

The Hon. V.A. CHAPMAN: I advise the member that we are using all our best endeavours to provide the data requested. For example, I think that there are some powers that are easy to identify; that is, has there been a detention of a child necessary for the purposes of providing safety to them, for example, in an illegal gathering or a gathering of numbers that breach? My understanding is that that had not been used, at least when I last inquired about it.

There will be others that have been used an incredible number of times, and there will be others, for example, clarifying the protection of police officers as authorised officers having immunity. We cannot really tell, because somebody might have otherwise tried to sue them if it were not for the immunity. It is being done as best we can. Things like fines—that is, people who are given on-the-spot fines—will be able to be identified when those things are all collated, but I assure the member that we are trying to collate all those things now. You will have that information as soon as we have it.

There is an area in my department for which I have oversight; that is, there has to be a monthly report by Mr Bruggemann, who I think is the person we have appointed under this legislation, to report any occasions when somebody who has a disability is put into secure care or into some detention in a confined environment—for example, someone with a disability who does not perhaps understand that they could cause harm to someone else if they hug them, which would otherwise be a normal part of their behaviour.

That is the sort of situation for which we were called upon to make the provisions that we did. There is an obligation to report to me—I think it is monthly, but it might be every two months—the occasions when that has been used. There have been occasions on which it has been used, and this person has approved that process and then provided a report to me. So we are getting it together as soon as we can, and you will get it as soon as we can provide it.

If there is anything specific in relation to these areas that is not just as used—because there may be a particular area of interest that the member would like to know specifically—we will try to identify, in a general way, where there may have been application of new provisions under this. For example, I could not give you a summary of all the different persons and/or the numbers for the witnessing of documents by a nurse or a senior public servant who otherwise would not have had

the power to be a witness to a signatory, as we just do not have that data. Anyway, we will try to get as much together as we can.

Mr PICTON: I wonder whether the Attorney can outline if anybody outside the government has been consulted on this legislation. This is a situation where originally this was an emergency piece of legislation and obviously consultation would have been very limited in that scenario, but now that the Attorney has known that this is coming for six months, to continue or vary this legislation in some way, was there any consultation process whatsoever that she undertook? If so, who was consulted and if not, why was some process not undertaken?

The Hon. V.A. CHAPMAN: Yes, certainly people were in government during the development of the bill. As things get closer, in parliament resuming we need to be able to identify what we might still need to extend. As Attorney-General, I have had power under the act to cancel some of these. I think the member, on behalf of the opposition, has been provided with a list of those. Two I can think of relate to special changes in relation to the Auditor-General and what he needs to be able to provide. I think that includes some direction potentially by the Treasurer. My understanding is it has not been used in all that time and I received an indication from the Treasurer that that was no longer required. So, by regulation, we have dissolved that and we are back to the standard Auditor-General's act as such.

That is the first thing. There have been some things that have no longer been required so we have cancelled them. The obligation, for example, to receive and table documents within seven days here in the parliament was not necessary to keep going because, of course, the parliament has continued and we have not needed to cancel. We have worked out how people can be seated and spread out so that we protect ourselves. It was not necessary so that has been cancelled.

The people who, as of yesterday, were sent a copy of the final bill were the Chief Justice, the Chief Judge, the Chief Magistrate, the Law Society, the Legal Services Commission, the ALRM, the Commissioner for Children and Young People, the Guardian for Children and Young People, the Director of Public Prosecutions, the Commissioner for Victims' Rights and, my understanding is, obviously other people within government, including the Commissioner of Police, who has, of course, been consulted about all these matters.

They were all sent a final copy of the draft bill. It was approved late last week and, as you know, you were sent a copy shortly thereafter, on Friday, as the opposition were to be provided with a copy of the bill as soon as possible.

Mr PICTON: I am wondering whether there were any requests for powers by agencies within government that were not picked up and included in this legislation?

The Hon. V.A. CHAPMAN: Do you mean the original bill or this bill?

Mr PICTON: Both.

The Hon. V.A. CHAPMAN: It is a bit hard for me to remember what was asked for last time. I will have to give that some thought. I do not think so. There were requests made during the course of the original debate about extending the authorised signatories on a permanent basis. There were requests made by people such as the Institute of Conveyancers, which now as the Minister for Planning I have had a bit more to do with and I am in charge of the Registrar-General and a few other generals, so I am learning even more about those aspects now. There has certainly been discussion in the banking world and I recall the Institute of Conveyancers looking at how we might streamline the signature and witnessing requirements on electronic documents.

As the member may know, we are leaders in the provision of the e-conveyancing and we now do not even use certificates of title anymore at all. There was a period when we were in transition. We are now on to the wonderful technical challenges of interoperability in consultation with the ACCC, etc. So we are in a new era now in relation to conveyancing. Unsurprisingly, with that we are being lobbied to either extend COVID initiatives and/or extend to facilitate the usual quicker, better, cheaper processes that go with electronic transactions. They are under consideration.

I think as I mentioned in the original debate, whilst some of these are not urgent because of COVID, they are nevertheless good ideas. We are collating them and, in due course, the government

are likely to present to this parliament initiatives which they think have been of merit. I repeat the same offer that I made on the last occasion: if any members have proposals to consider either extending a COVID initiative which has been very useful in the community and/or other similar aspects, then I am more than happy to take them under consideration.

Clause passed.

Clause 2.

Mr PICTON: I just pick up that point the Attorney made about her offer. My recollection of when we discussed one of these bills before the break was that the Attorney said she was considering a process by which some of these measures might be made permanent. I was expecting there to be some discussion or proposition that maybe some of these measures would end, some would be continued in a temporary form and some she would be proposing to make permanent.

Yet we now have this very short bill, which probably did not take a lot of drafting, to say, 'Just continue it all for six more months.' Why has there not been that work in terms of making that decision in relation to some of the conveyancing? I think the example the Attorney used previously was about some of the court processes, where some things could be done electronically. Rather than just another six-month continuation of those processes, I would have thought that if they were sensible measures it would be sensible to look at adopting them on a permanent basis.

The Hon. V.A. CHAPMAN: I think I have confirmed that there are in fact some things that have dropped off or have been changed. Here we are, on 8 September 2020, and we are still living in a COVID pandemic. If we were near the end, we might have been coming to you and saying, 'We really think, within 28 days of the end of the declaration this year, we can close off and we can all get back to normal and we might be ready to start talking about other initiatives.' I can tell you that converting some initiatives through COVID to permanent ones is something that we have under consideration.

If you have anything that you would like to add to that, please send it on now. There will obviously be an opportunity further down the track, but we are happy for you to endorse that. You and other members of parliament are probably receiving requests from people, organisations and stakeholders in the community, as we are, saying, 'We think it's a good idea; do you think you could get this through the parliament?' We are open to useful considerations.

As I said, I think there have been three things that I am aware of: providing inspections for residential tenancies only via AV unless exceptional circumstances; the provision to apply for certain water and sewerage charges for sporting clubs—we do not need that anymore; the Treasurer's Instructions on financial audit and what is to be audited by the Auditor-General have all gone; and the tabling of reports before parliament, which I have mentioned.

We are disposing of the things that we do not need anymore, but we are open to long-term consideration. Here we are, in September, and we are still in a pandemic. We have not sat down and given the greatest attention to what would be beneficial permanently, but we are starting to get a list. I am sure we will continue to have more requests as we go through it.

Mr PICTON: We have both acknowledged that this is likely to continue in a pre-vaccine COVID situation for some time. As I outlined in my speech, the vast majority of the decision-making at the moment is through the Emergency Management Act by the State Coordinator, Grant Stevens. It seems that the government are using a vehicle which, while the pandemic was obviously one of the things that was envisaged when that act was passed, I am sure that once you are in the reality of it, is slightly different from when you were drafting it.

Therefore, one of the things the government has sought to do is bring in a Transition Committee to form around the State Coordinator and presumably provide him with advice in his role in doing that. Now we are essentially entering this long-haul stage, where the emergency things that had to be put in place quickly have been done and we are looking at where we go for the next six to 12 months, I am curious as to why the government, if the Transition Committee is important, has not enshrined it in legislation so it is clear about the powers and membership and role of the Transition Committee and the establishment of the architecture of the long-term COVID response now that,

six months into this, I am sure everybody has learnt a lot more than where we were in January or February.

Has any thought been given to creating a COVID architecture and structure around that, or is the government just continuing to use the Emergency Management Act or, as we will talk about shortly, the potential for the Public Health Act as purely the vehicle?

The Hon. V.A. CHAPMAN: To take the last question first, clearly we have considered the Public Health Act because that is why it is in the bill. The public health officials foresee a time when we may only need to use that. We may not need to use it at all. It might just come out of it from emergency management. The Coordinator says, 'We don't need it.' The public health people say, 'We don't need anything,' and we do not need to have any directions made under them at all. But clearly we have given it some thought, otherwise it would not be in there.

I suppose the question is whether you are glass half full or a glass half empty person. I am a glass half full person. From what I just heard, the member for Kaurna is a glass half empty person. I am not resigned to the fact that we are in this for some sort of forever long haul and that we are never going to get out of this situation. We are proposing something here to the parliament to keep initiatives that are restrictive on a lot of people, and some of them are to provide some release for six months.

We have not given up on the fact that there may well be a vaccine. It may be months away. It may be a year away, I do not know, but we are not going to be asking people to be locked up, be restricted, have all these sorts of imposts for the long term. We are wanting to understand—

Mr Picton interjecting:

The Hon. V.A. CHAPMAN: You can have all sorts of committees if you like. We have plenty of committees, do not worry, and we have all sorts of departments working on, firstly, what they think is good to keep from COVID, like the courts. I have spoken before about the use of AVL, ringing in to chambers for telephone adjournments, using prisoners and police officers to give evidence and/or statements to courts via AVL. These are great initiatives. Down the track, I think we can work out how we might use them better, but at the moment we are working on the basis that there is still an emergency.

We still need to give priority to health, but there is a corresponding economic challenge, and our Premier is right on it. I do not know how clear I can be on that. We are not wanting to have an envelope of restriction and protection for any longer than we need it, and we want the public of South Australia to get on with life as they knew it. It is not in our hands when that is going to be, but we think it needs to be incremental at this point as to what we wrap around it. Hence, I have listened carefully to the advice of the member for Kaurna and others to the parliament last time.

They wanted to have a clear end point. They did not want to just drip along with these monthly applications. We want to have an end point. We have put it in this bill as an end point. We have made provision in the circumstance a public health declaration may need to be made. I want to assure the house that this government and its agencies are all the time working in relation to how we can best protect the public in this area and what initiatives we can process and provide for them, but also not to have them so restricted that they are suffocated by this horrible situation that we are in with COVID.

Clause passed.

Clause 3.

Mr PICTON: In her summing up, the Attorney spoke about the Public Health Act potentially being used in the circumstance in which you had a vaccine and you were working out how to distribute it. Firstly, as an aside, we need to have a plan in place now. We need to be working on that plan because that is going to be a very complex piece of work. It is not a hypothetical situation. We need to make sure that there is an established plan for who should get it, how they should get it and the order in which they should get it.

The Attorney was saying that you might transfer it from the Emergency Management Act to the Public Health Act in the circumstance in which it was just about the distribution of the vaccine. However, from a legal standpoint, I do not see that there is any barrier in which that transfer could

not happen tomorrow and it could not be transferred from Grant Stevens to Chris McGowan tomorrow.

So I am seeking the Attorney to provide some clarity to the parliament and the people of South Australia: what are the criteria by which it would be transferred from the Emergency Management Act and the State Coordinator to the Public Health Act and the chief executive of the department? As I said in my speech, I think South Australians highly regard the work that has been done by the State Coordinator, Grant Stevens, and I think that they would be seeking the government's guidance on what circumstances you would want to change something that has worked so well so far.

The Hon. V.A. CHAPMAN: It is difficult to give you criteria because we do not know what the future is going to hold, but can I give you this situation: I would think that it would be unrealistic to expect that we would be coming out of an emergency management situation while we still have border restrictions. We need to have the authorised officers as police officers to be able to actually manage that issue. It is a significant role that the commissioner, as Coordinator, has been coordinating that together with his other duties, as you have said.

Obviously, his view in relation to that and the continuation of a declaration of the Emergency Management Act would need to be considered. He may say, 'We're now at a stage where there are no further restrictions. Restrictions on public gatherings are no longer required, and so the implementation of management of public coming together and/or travelling is no longer necessary.' It may be his advice that we do not need it. But I could not imagine there would be any situation, while we have travel restrictions interstate and we also have public gathering restrictions, that we will be moving out of emergency management anytime soon.

The second example is health. In those weeks that we were under the Public Health Act, a couple who were the parents of a young woman, who I think was a university student returning to South Australia, were detained under the Public Health Act at the Royal Adelaide Hospital, from memory, to ensure that they would not be contaminating others. They were put in mandatory isolation—

Mr Picton: I think that was even before the section 87.

The Hon. V.A. CHAPMAN: Correct.

Mr Picton: That was by Nicola as the CPHO.

The Hon. V.A. CHAPMAN: Well, my recollection is that was under the Public Health Act that that power was—

Mr Picton: Different section.

The Hon. V.A. CHAPMAN: That's true, to the extent that the chief executive hadn't come into operation at that stage. The Public Health Act, which has powers to detain people—a bit like, the member would recall, there were students who returned from China some years ago, I think it was in relation to SARS or bird flu or something; I cannot remember which one of those, but one of them. They were children on school trips, and when they returned there was this question of their being kept in isolation. The health act was used to require them to stay. If I recall correctly, they were not kept all together. They were then sent home and had to be kept in home isolation, but definitely the Public Health Act was invoked to manage that situation.

Whether it is a necessary power to be exercised, whether it is an incident that is determined then for a declaration to be made by the chief executive (which we used earlier this year), or whether we move into the Emergency Management Act declaration process (which we are currently under) depends on a number of factors. There is not a sort of set of criteria from one to another. I think the longest time we have ever used the Emergency Management Act is four hours, which was the breakdown of the electricity transmission a few years ago.

This is a pretty new experience, certainly for our government, and we are testing some of this legislation really for the first time in its prolonged use. If you think there are areas, or any of the members think there are areas where there needs to be consideration for a release from the current protection—or not necessarily directions of the commissioner, because there is a process where you

can seek exemption through his panel, but in relation to whether we should be staying in or out of the declaration process—we are happy to hear from members of parliament. Obviously, they have their ear to the ground in their electorates and they hear from stakeholders as well.

So far I have not had anyone write to me from the parliament on the question of being relieved from the Emergency Management Act structure—that is, the declaration process that we are currently under—but if there is someone of the view that we should be then I am happy to hear from them.

Mr PICTON: Given that, obviously, we are constantly reviewing this legislative framework, and as the Attorney notes she was a critic of some aspects of the South Australian Public Health Act when it was passed almost a decade ago—I think at various points in debates this year she has suggested that I had some connection with that act. I was not working for the South Australian—

The Hon. V.A. Chapman: Weren't you an adviser at that stage?

Mr PICTON: No, I was working for the commonwealth government at that time when that passed. And so, given her concerns she has raised about that, and I think given some of the concerns the chief executive himself has raised about whether he is the right person to be managing a pandemic, I wonder whether any thought has been given to whether that act should be amended, and given, I think, the huge trust and confidence the people of South Australia have in the Chief Public Health Officer, whether, with respect to section 87, the powers should rest with the Chief Public Health Officer rather than the Chief Executive of the Department for Health and Wellbeing?

I honestly cannot attest to why a decision was made a decade ago that those powers should rest with the chief executive of a department rather than an experienced, qualified medical practitioner, a public health expert: the Chief Public Health Officer. It stands in stark difference from the remainder of that piece of legislation in which almost all the other powers rest with the Chief Public Health Officer, including, as the Attorney has noted, some very serious powers to detain people, some very serious powers to require people to isolate, test and a whole range of other things, which all rest with the Chief Public Health Officer, but this power rests with the Chief Executive of the Department for Health and Wellbeing.

Given that the Attorney is now bringing this provision in to enable the South Australian Public Health Act to continue as our vehicle for managing COVID and all the other associated connections to it, has any thought been given to changing that provision to allow those powers to rest with the Chief Public Health Officer and not the chief executive?

The Hon. V.A. CHAPMAN: Not by me and not by our government, but the health minister may have received something to this effect. Can I just say that I am not aware of any situation where the chief executive of the health department, Dr McGowan, has actually raised any concern about his being the nominated person under the act.

It may well be that he thinks it is a very good idea that we have been under the Emergency Management Act for the last eight months or so, but I have not received anything and nothing has been put to me to suggest that we should change the nominated person in charge under the Public Health Act if a declaration is made under that act. I can only assume that the public health officer, in the structure of the hierarchy of the health department, sits under the chief executive of the department.

I think it is fair to say that not every emergency in relation to Health relates to public health. It may be that we are dealing with a circumstance where there is a different kind of health issue. I think of something initially like the AIDS epidemic that, of course, transferred to certain people in the community: some babies who had blood transfusions died, you may or may not recall; obviously people who had same-sex relationships appeared to be particularly vulnerable; and people who did not use condoms in other sexual relationships. These were all vulnerable groups in the community.

In relation to how we managed it, the law was changed to ensure that only Australian blood was used through the Red Cross for blood transfusions. We used to import blood from the United States and that law changed and the government of the day entered into a contract with the

Red Cross to take only blood from Australians, and it had to be tested so that there was no HIV-positive in the blood.

All those laws were changed and they possibly had the benefit of a much broader health issue rather than just the contamination of a contagious condition that might be in a public health environment. This time around it is clearly public health. We have a contagious disease or condition, virus—whatever it is, ugly as it is—but we do not have any antidote to it, we have no vaccine and we are trying to do the best we can. It has translated now into everyone's life and livelihood and so we are in that emergency management period, but we cannot assume that all health issues relating to an emergency—

Mr Picton: Under the Public Health Act?

The Hon. V.A. CHAPMAN: Even under the Public Health Act. There will be an extended area of things like qualifications and who we might bring in. These are all things that I think are just immediately outside the question of whether you have a virus at large. I think the most logical explanation the chief executive has been given is that he or she in that position is at the top of the ladder as an executive officer of the department and, of course, they will take advice in this case from the senior public health officer.

She has been excellent. She was only in the job I think for a matter of weeks before the whole pandemic hit, so it has been fantastic. The public have confidence in her, I believe, and she has served us very well. But, in any event, perhaps you could contact minister Hill or somebody else who put the bill through in the first place.

Mr Picton interjecting:

The Hon. V.A. CHAPMAN: No, I am just saying who put it through at the time as to why the decision was made to appoint the chief executive of the health department under the Public Health Act and not the public health—

Mr Picton: You could change the act.

The Hon. V.A. CHAPMAN: I am just saying to you: I have not considered it, I have not been asked for it, I have not had a chief executive complain about it, I have not been requested by the public health officer to appoint her in it and, fifthly, he is the most senior person in the department so, no, I have not.

Clause passed.

Clause 4.

The Hon. G.G. BROCK: I move:

Amendment No 1 [Brock–1]—

Page 2, line 23 [clause 4(2), inserted paragraph (b)]—Delete '28 March 2021' and substitute:

31 December 2020

The reason for this is that I, like the Attorney, am a glass half full person. I am not a glass half empty person. I also want to be able to get people back into the community and get businesses in there, and give confidence and certainty to the community out there. Professor Nicola Spurrier is doing an extremely good job, as is all the South Australian community in particular.

My motion deletes the words '28 March 2021' and inserts '31 December 2020'. The reason for that is that I do not believe giving a six-month window sends the right message to our community out there. Having it back to 31 December 2020 means it is basically three months. If at that particular point we need an extension, the parliament could be recalled; we are still sitting in December, and we could extend it from that.

I do not want to get the wrong impression out there. We are really on top of this here. I am a glass half full person, and I want that positivity out there for the business community in particular.

The Hon. V.A. CHAPMAN: I thank the member for Frome for his explanation. To confirm our position, it would be wonderful if, come 31 December, we were out of all this. On the advice we

have to date, there is no vaccine. There are some coming through the system that are being tested, and that is fantastic, but we are a while away and, therefore, from all the advice we have received, it is six months or such lesser period, as within 28 days of a declaration closing.

It may be that by December we do not need to have restrictions on people moving across the state any more, and the police commissioner says, 'Look, I don't need to manage this anymore. It is really back to a health incident stage and you can appoint the chief executive under the Public Health Act.' We could then spend the next few months, or six months, under that, I do not know.

I cannot foresee that, but I hear the member's point: that is, let us try to have a demonstration. I think the demonstration to the public is that, realistically, we may need this for up to 6 months. It may be shorter, and we are providing for it to be shorter or for a lesser period, in terms of giving them some encouragement. When the Victorian Premier came out and announced 12 months of shutdown I thought—

Mr Picton: No, it was a state of emergency.

The Hon. V.A. CHAPMAN: A state of emergency, where there are severe restrictions. If I were in Victoria I would just about be slashing my wrists; it would be a terrible situation. You extinguish any hope for people in that situation. However, I think he has remedied that.

I think we have come to a compromise, on the best advice we have. It does allow for a shorter period. If the member is right and we need it only until December that would be great; it can lapse then anyway. However, we are not optimistic of that.

The Hon. G.G. BROCK: Attorney, for argument's sake if we are nearing that particular period, November or December, and we still needed to extend it we could do the same thing in the December sitting of parliament. I certainly hear what you are saying, but I do not want to give the wrong impression to the business community out there; I want to give them positivity. If this amendment does not go through then the messaging going out there has to be very clear that if something happens before that there is a 28-day window.

Mr PICTON: I rise to speak in relation to the amendment moved by the member for Frome, and I thank him for moving it. As I mentioned in my second reading speech, this is obviously something our caucus has not had the opportunity to consider; we are still waiting for briefings and information in relation to the bill in its entirety. I suspect this will be a matter we will consider between the houses before the next sitting week, so we are not in a position today to be able to support these amendments.

Having said that, I can see the logic in many of the arguments put by the member for Frome. In particular, I do not see the logic in the Attorney's statement that we would have to meet the day before New Year's Day to discuss this when we are meeting in December anyway. No doubt we would have a further opportunity to be able to extend it before then.

Obviously, we have taken a position through this pandemic that we have been supportive of the legislation. We are minded to continue to provide that in relation to this piece of legislation and in relation to the extension being sought. However, we would seek that the government provide some more rationale behind how six months was arrived at and why a shorter period would not be sufficient.

Ms BEDFORD: I just want to clarify, Attorney: you are saying that if the situation is terrific and really good in December you are quite happy for us not to use these powers and to revert to the health powers. Is that what you are saying?

The Hon. V.A. CHAPMAN: Not exactly; it is not me—if the commissioner were not to seek that cabinet extend the declaration position, which is every 28 days, so that his powers operate and this envelope of restrictions and supports are continued. If he were to come and leave that and recommend that to cabinet and the Chief Public Health Officer, and all the groups that come together to talk about these things, within 28 days of the cessation of that declaration this bill would allow for this to basically lapse.

Alternatively, if it goes into a public health declaration and that lapses it will also be a declaration for the purposes of this whole thing collapsing. So it allows for that. It does not necessarily mean it is going to happen—it may be that everything is clear and we do not need it at all—but the

best advice we have is that there would be a period of time necessary to operate. The federal initiatives are also in this area, such as JobKeeper, etc. They have also been extended. These health officials are advising state and federal governments. There is a national body that Dr Nicola Spurrier works on and I think they link up every day, so there is constant monitoring of what we might need.

At the moment, we are advised that it is appropriate that the emergency management declaration process remain in place which triggers the Coordinator, being the police commissioner. It may be that we will not need anything at all at the end of that. It may be that we do use the health side of it, but if the health side is used then again it would have this automatic collapse. We are mindful of the parliament's previous insistence that there be a time frame on this and not just a declaration expiry. We have tried to accommodate that as well as the health officials from whom we are getting advice.

Ms BEDFORD: Again, just a point of clarification: as a member of the government, you obviously know what is going on every day. I am not sure what happens with the opposition and how often they are updated but, as a crossbencher, I do not know anything about what you are doing, and I want to try to understand how you are going to bring us along with you and keep us informed, rather than just reading the newspaper.

The Hon. V.A. CHAPMAN: I alert the member to the fact that we have a daily COVID update advice via the library service here. There is also a website we have where you can have an app to get yourself COVID updates. Of course, with the more comprehensive material if you want to you can check online how many cases there are in Nigeria. The reality is that there is public health information and the declarations are all online because they are regularly updated.

All our heads are spinning with the frequency of the changes of some of these things, but they are the times we are living in. There is the balance between what is necessary and what is needed for the safety of people and the general principle of trying not to restrict people other than is necessary. As a result, there are daily link-ups, there is the task force on Tuesday mornings, and on Friday mornings are meetings of the federal executive, and there are so many phone calls between the Premier's office and the Prime Minister's office to try to keep abreast of all this.

I imagine that the average person would go—I do not read the daily details of the directions, but obviously, as a cabinet member, I am much more privy to what is coming up. However, from the public's point of view, most of them are going to find out when it affects them. They might ring you as the local member and say, 'I need to know whether my gathering of 15 is allowed,' or, 'Can I have 50 people at my father's funeral?' or whatever.

You have a dual situation: firstly, there are electronic means by which you can stay in touch; secondly, all of us as local members get these inquiries, and as best we can we try to navigate the information to provide to them. As for the daily decisions the premiers are consulted on, this is a very full-time job at the minute. I want to assure the member that if she needs further information I am happy to try to link her up so that she gets daily editions of what is out there.

Ms BEDFORD: Thank you, Attorney. Of course, I am aware of the daily updates, but I am still very much getting it from behind the decision-making process. I want to put on the record that, as a member of parliament, it would be nice if we were all involved in some of the discussions going on at perhaps an earlier stage of the proceedings. I understand that you are all working under very difficult circumstances, but it is very much top-down and we are reacting to whatever you say. It would just be easier if we had a different sort of mechanism. I do not need you to respond; it is just a thought.

The Hon. V.A. CHAPMAN: I have one further assurance to the house, and that is that of course government have to take the responsibility of managing this issue. The issue in the course of this discussion—that is, early notice of what is being proposed—is that, as it turned out in light of the circumstances we are still in, we have not brought back to the parliament any comprehensive detail or new initiatives that we want to expand or make permanent.

We are actually dealing with just an extension. I would see it as fairly slim or narrow in its application. We are not introducing some new concept that we are asking the parliament to endorse. We are simply saying that everything you have endorsed before, except where we have found it unnecessary to continue and where it has dropped off by regulation, we are continuing for the next

six months. There is no level of complexity in this, other than the fact that, based on the advice, we are going to need it to continue.

I repeat the offer that I have previously made to the parliament, and I did so again earlier in this debate; that is, if there are particular areas of request from a member to extend a current initiative under COVID on a permanent basis or to introduce other initiatives that have already come to us, several of which I have referred to in the committee, we are continuing to collate that. But there is no way that we would have a situation in which we are dealing with a bill in a hurry, first day back at parliament, if it were going to be a much broader circumstance. All we are doing at this stage is asking for a continuation.

Mr DULUK: Attorney, you may have covered this before and I may have missed it. In picking the date of 28 March 2021 for the six-month extension, did the government seek advice on what a three-month extension would look like? Why was six months chosen over, say, three months or nine months?

The Hon. V.A. CHAPMAN: I am advised that three months was considered and that six months was settled upon on the advice that we received, largely because of the commercial leasing arrangements and what protections there are. As you understand, we have a no eviction, no rent increase-type scenario. We announced that with some extra land tax relief today.

The residential tenancy is slightly different. As the Attorney-General, I would apparently need to continue the operation and would have power to do that past 3 January. That may be the logical date to conclude that, but at the moment we are trying to balance and accommodate the fact that JobKeeper and JobSeeker have been extended in different forms. I cannot remember all the detail of that, but that is over this period of time. We needed to accommodate the commercial leasing mostly, so we needed to go past three months.

Mr DULUK: Did the State Coordinator and the Chief Medical Officer both agree that six months was appropriate or, for example, was the State Coordinator of the view that a three-month rollover was more appropriate than, say, six months?

The Hon. V.A. CHAPMAN: Can I just clarify something. I was just advised that they did not formally consider the three months; my understanding is that there was no request for it. Not that we are advised. I am not aware of that. Certainly the final matters considered for this bill were also around the fact that we had this 12-month announcement in Victoria, which of course was really quite distressing for people, so we were conscious of that as well. There are a number of factors with these things.

Treasury people around the country were also meeting on these issues to try to sort out what protections and provision they could make for commercial leases—they only met a week or so ago—so we were trying to consider a whole lot of different factors in that regard. If we can be relieved of this, and if there is a need for it to go past the six months, obviously we need to come back here in May or June and say, 'The situation is going to wind up soon,' or we will be saying that we will have to introduce another bill to consider extension again. I am hoping it is the former.

Mr DULUK: I think halfway through that we answered each other's question. Were the State Coordinator and the Chief Public Health Officer of the same view that six months was appropriate?

The Hon. V.A. CHAPMAN: Both those people sit on the Transition Committee, and my understanding is that the bill and the detail were put to the Transition Committee. Who discussed that in those circumstances, I do not know, but both those persons are on the Transition Committee.

Amendment negatived.

The CHAIR: Given that the amendment was negatived, member for Frome, what do you want to do with your second amendment?

The Hon. G.G. BROCK: Not proceed, Mr Chair, because if the first one did not get through it means the second one is not going to be relevant.

Clause passed.

Clause 5.

Mr PICTON: Now that the government is seeking to limit the protection from rent increases to those suffering hardship, what processes are being put in place to streamline hardship assessments where there is disagreement on this issue?

The Hon. V.A. CHAPMAN: While my adviser is just getting ready, I will indicate that this is an issue that is under the ultimate sanction or protection of the SACAT. Justice Judy Hughes is the President of the SACAT and I have had a number of conversations with her during this COVID matter as to how we might best manage the protection of tenants in this situation.

As her court is the ultimate arbiter of disputes relating to this, it was important that she explain to me firstly how financial hardship currently works for ordinary cases in her court in relation to residential tenancies matters. This is something they are very experienced at, and they already have capacity to take those matters into account and make determinations on them. That is under the normal rule in relation to tenancies.

The initial provision for protections of tenancy eviction and rent increase did not have a financial hardship clause in it, not because they were not competent to regulate those matters or adjudicate on those matters, but because we had a blanket announcement by the Prime Minister to say, 'Nobody is going to be thrown out of their apartment.' They are not going to have a rent increase, irrespective of whether they lost their job from COVID or whatever.

I suppose as part of the continuation of these initiatives in balancing the situation against the emergency that we faced, and now as people are coming back into employment and the like, the general feeling was that the financial hardship clause should be in there for these cases as well. They have been given six months of protection because everyone was very keen to make sure that people were not exploited in this situation, but now we have moved to the financial hardship clause. I think perhaps the Treasurer originally looked at this. Let me correct something that I just said: it was not in relation to the eviction; it was in relation to the rent increases—

Mr Picton: You didn't get something wrong?

The Hon. V.A. CHAPMAN: Absolutely. This part only relates to the rent increase as distinct from the eviction; sorry, I was suggesting it was for both. So, yes, they are well schooled in being able to handle those. There have not been as many, going by the conversations I have had with Judge Hughes, as perhaps we expected.

Hopefully, that is a reflection on the fact that people are doing the right thing in wanting to keep their tenants, understanding the circumstances they are in, negotiating some alternative arrangements and doing the right thing as best they can. Let's face it, I suppose they are looking to have the continuation of tenancy of good tenants if they can. That has been very encouraging.

Similarly, in relation to the commercial tenancies, there have only been a handful of cases that have even gone to the Magistrates Court to be determined that have not been agreed to privately or with the assistance of the Small Business Commissioner, who then has to certify if someone wants to have an assessment done by the Magistrates Court. I hope that makes it clear.

Mr PICTON: Thank you, and thank you for the assistance of your adviser. When I was speaking before, I thought there were a lot of people watching, but of course they were all the advisers for the various government departments involved in this legislation. I then went into the corridor and they were everywhere. I believe the collective noun for bureaucrats is a shuffle of bureaucrats, according to the internet. We have had a shuffle of public servants here today, so thank you for your assistance. The second question on this is: what was the change in total residential tenancy eviction numbers from April to September, compared with previous years?

The Hon. V.A. CHAPMAN: I do not have that information here but we will take it on notice. Just to be clear, it is the period from the commencement of the legislation to the period before? It is much less of a period, that is all.

Mr PICTON: Those six months compared with previous years.

The Hon. V.A. CHAPMAN: The six months previously? Alright. Basically from March to September this year and then for the preceding six months? Do you want March to September of the previous year?

Mr PICTON: You would probably want to do the same period because there are probably seasonal factors.

The Hon. V.A. CHAPMAN: That is right. So you are really looking for a comparison between March and September 2019 compared with March to September—

Mr PICTON: Correct.

The Hon. V.A. CHAPMAN: We will see if that data is available. We will have to inquire to the SACAT. And it is the number of evictions in residential matters?

Mr PICTON: That is right: total residential eviction numbers.

The Hon. V.A. CHAPMAN: For any reason?

Mr PICTON: Yes.

The Hon. V.A. CHAPMAN: One other thing I will add to it is that the other evidence which may be provided in relation to the criteria for determining a person in financial hardship is a copy of the application for a JobSeeker payment, evidence about why the person is or is not entitled to a JobKeeper payment—this would usually be written communication from the employer—a copy of bank statements and a copy of applications to withdraw super early. I hope that helps.

Mr PICTON: Thanks to the Attorney for taking that on notice. Perhaps you will take this one on notice for completeness. Was there an increase in evictions for reasons other than non-payment of rent during the emergency declaration period? Could we get the figures on that?

The Hon. V.A. CHAPMAN: Again, so I am clear, total evictions for the six months, 2019 to 2020—I have that—then, was there an increase of that cohort in the number of people who were evicted as a result of not paying their rent or an increase?

Mr PICTON: No, for reasons other than non-payment of rent.

The Hon. V.A. CHAPMAN: I see, like wrecking the place or something else. We will try to get that.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (17:46): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SENTENCING (SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 July 2020.)

Mr ODENWALDER (Elizabeth) (17:47): I rise to speak on the Sentencing (Serious Repeat Offenders) Amendment Bill 2020. I indicate that I am the lead speaker for the opposition on this bill, perhaps the only speaker. I foreshadow that I will not be troubling the house too long. I certainly will not be troubling the Attorney's advisers with too many curly questions on this one.

I will say from the outset that this is a bill that the opposition will be supporting. Indeed, we have always supported, I have always supported, every sensible law and order or court efficiency measure that has been brought into this place by the Attorney or by the police minister. We have seen fit on various occasions to try to amend, try to improve upon, in our view, various measures brought in by the Attorney or by the police minister, but we have always supported anything sensible.

I will just say in passing that, with the elevation of the former Speaker to his new position of police minister, I hope that we can see something of a reset in the government's approach to community safety, because while we do support their measures, when and if they happen, often they do not go far enough and often they are undermined by various cuts, particularly the cuts made in the government's first budget—the cuts to SAPOL, the cuts to Crime Stoppers and the cuts in the Attorney's own portfolio areas in relation to CCTV, community safety lighting and the safe city program in the CBD.

But that is a digression. As I said, the opposition does support this bill. This bill seeks to clarify the laws on serious repeat offenders that the Labor Party, the previous government, brought into this place in 2017. We acknowledge that in the passage of that sentencing legislation it did throw up some anomalies. I noticed it myself in my role as shadow police minister looking at the role of sentencing and was pleased that the Attorney brought this in. I should say also that I was pleased with the very comprehensive briefing that both the Hon. Kyam Maher from other place and I had from the Attorney's advisers.

I believe that these changes will improve the operation of both the courts and SAPOL and the way they go about deciding on charges. Hopefully, they will create some efficiencies in the court system. While some of the measures are in favour of the defendant—and we will get to that—I think that overall justice will be served by simplifying these measures. When a person is found guilty of committing three serious offences or two sexual offences, they are deemed to be a serious repeat offender for sentencing purposes. After being deemed a serious repeat offender, criminals are punished more severely for further offending, even for less serious crimes, and this can include setting parole periods that are at least 80 per cent of a head sentence and not requiring proportionality between the offence and a sentence.

You will appreciate that this removes some discretion from the courts; however, judges still retain the ability not to declare the person a serious repeat offender in exceptional circumstances. From my understanding, we still retain the judicial discretion not to impose a custodial sentence at all so that the 80 per cent measure does not take effect even in those situations. Obviously, the main thing this bill does is seek to address potential confusion over which offences may fall into either of those two categories, including when relevant offences have been committed in other jurisdictions.

If I understand the advice from the Attorney and the advisers, we have had situations where fairly similar offences committed in other states have not contributed to the benchmark needed in order to put someone in the category of a serious repeat offender, and this bill, to my understanding, does address that. The bill amends sections 52 and 53 to be clearer and more concise. It rewrites the interpretation provision of section 52 to be simpler. It repeals the definition of category A serious offences, which is where most of the confusion we have talked about arises, so that certain offences do not fall into two categories at once so the courts are forced to choose between the two categories of offences and often have chosen in favour of the defendant. It just clarifies that.

The bill refers directly to offences contained in the Criminal Law Consolidation Act. It has two categories of offences rather than four and it expands the definition of 'serious offences' and 'serious sexual offences'. There will be some questions in the committee stage. As I said, I do not think it will trouble the minds of the Attorney's advisers too much, but there will be some questions about which offences are or are not included and which offences may potentially attract a lesser sentence, if you like, or may not contribute as much to the factors needed to make them a serious repeat offender.

With regard to transitional provisions, this bill seeks to ensure the changes will apply to a sentence that is imposed after the bill's commencement regardless of when an offence was committed. In very simple terms, this bill makes this regime easier for the police to prosecute and it makes it easier for the courts and the DPP to do their job when seeking to apply these provisions to offenders who have committed multiple serious crimes.

None of this is to take away from the intention of the sentencing provisions, which recognise that serious repeat offenders need a level of not so much punishment but incarceration perhaps that offenders who may make simple mistakes do not deserve. Serious offences considered in the bill include murder and manslaughter, serious sexual offences, criminal trespass, robbery and serious drug trafficking.

As I said, our court system is not designed, or it should not be designed, to lock up people for simple offences. It should not be designed to simply lock up people who have made simple errors of judgement on one or two occasions. Our system is designed to ensure that people are punished more harshly when they commit multiple serious offences. With those few remarks, I commend the bill to the house.

Ms LUETHEN (King) (17:54): I rise to speak in support of the Sentencing (Serious Repeat Offenders) Amendment Bill 2020, which again is fixing rushed and ineffective legislation introduced by the former Labor government. My constituents want our government to get tough on crime and that is exactly what we are doing, and people breaking the law will be dealt with seriously if they have committed serious crimes.

The Sentencing (Serious Repeat Offenders) Amendment Bill 2020 seeks to address a number of practical issues with the serious repeat offender provisions in the Sentencing Act 2017. By doing so, the Marshall Liberal government is ensuring there is clarity in how these laws are applied and a more streamlined process by which serious repeat offenders are identified and dealt with in the criminal justice system.

The serious repeat offender provisions were initially inserted into the Criminal Law (Sentencing) Act in 2003 and then re-enacted in the current Sentencing Act 2017. They provide that once an offender has committed a certain number of serious offences for which a term of imprisonment has been imposed, the offender must be sentenced more harshly than would otherwise be the case, and any non-parole period must be at least four-fifths of the head sentence.

Changes over the years have meant it is now unclear how many offences it takes to reach the threshold for being considered and sentenced as a serious repeat offender. There is also confusion around the types of offences that are covered and how offending in other jurisdictions is to be considered in our courts. The criminal law act previously provided one automatic category for becoming a serious repeat offender, which was if an offender committed three category A serious offences.

The Criminal Law (Sentencing) Act also provided three discretionary categories: (1) if an offender committed three serious offences; (2) if an offender committed two serious sexual offences against a person under the age of 14; or (3) if an offender committed two category A serious offences. In other words, the court retained a discretion whether or not to declare someone a serious repeat offender in relation to these three categories. When the Sentencing Act was rewritten by the former Labor government in 2017, section 53(1) was amended so that offenders automatically became serious repeat offenders in all three of the circumstances listed above.

However, the current drafting of the provisions is confusing and inconsistent and has led to difficulties for the DPP, the courts and the South Australian police in applying them. In particular, it is currently unclear how many offences it takes to reach the threshold for being considered and sentenced as an adult serious repeat offender. Given the inconsistencies in the current legislation, the Marshall Liberal government has carefully reviewed these laws with a view to rewriting the provisions so that they are far more logical and easier to apply.

The bill provides that a person will automatically become a serious repeat offender if they have been convicted of at least three serious offences on separate occasions or at least two serious sexual offences. Importantly, additional problems with the current drafting will be fixed by describing offences by reference to the relevant section of the Criminal Law Consolidation Act 1935 that creates them; adding aggravated criminal trespass (section 170A of the Criminal Law Consolidation Act) to the list of serious offences; omitting the specific reference to violent offences as they are already covered by other provisions; and providing that offences committed in other states or territories are to be assessed by reference to the conduct involved in order to determine whether they are counted as serious offences under the South Australian regime.

This is yet another example of the Marshall Liberal government fixing legislation that was rushed through parliament by the former Labor government. The serious repeat offender provisions are an important deterrent in the fight against reoffending. Taken together, the changes in this bill will have a positive impact on the workability of the serious repeat offender provisions and will streamline the process by which serious repeat offenders are identified and dealt with. This is yet

another way in which the Marshall Liberal government is ensuring tough penalties for serious offenders.

Sitting suspended from 18:00 to 19:30.

Ms LUETHEN: I thank the Attorney-General for continuing to introduce changes that protect South Australians and ensure that the penalties for breaking the law are effective and as harsh as South Australians would expect for these types of serious repeat offences, which is what my constituents in King have asked me for. These amendments make it easy for police to prosecute serious repeat offenders, and this is critical. I commend the bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (19:31): I thank members for their contributions, in particular the member for King for her passionate contribution, and of course the indication from the opposition that they will support the bill.

There is just one matter of correction I wish to place on the record, and that is regarding the shadow minister's indication that, as a government, we had reduced the budget for Crime Stoppers. Let us be very clear about this: under the previous regime, as a government they did not contribute to Crime Stoppers. Prior to the last election, the Labor Party announced that, after completely abandoning it for years, they would make a contribution towards the operating budget of Crime Stoppers. Of course, they did not get into government. Therefore, the suggestion that we cut the budget—which did not exist—is completely untrue.

This is an organisation that has a role in the community of helping to fight crime by utilising the public to alert SAPOL to leads, witnesses, etc. It works on the basis that they have a board, and they have telephone services via SAPOL because they are providing a service to SAPOL. They also have the benefit of a contribution from Channel 9, a significant sponsor, and in more recent years they have had sponsorship from the Police Credit Union.

These are all valued contributions to that enterprise, and we wish them well. However, that does not mean I will accept this assertion, which is completely untrue, that we had cut the budget of Crime Stoppers.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr ODENWALDER: Clause 4 is the substantial part of the substitution of sections 52 and 53. I reiterate that I do not think I will be taxing the mind of the Attorney or her adviser during these questions. My first question is: when was the Attorney-General first made aware of the difficulties with the current serious repeat offender provisions in the Sentencing Act?

The Hon. V.A. CHAPMAN: It was late 2018. It was raised with me by the former director of public prosecutions as a potential area of concern. As was clear at that stage, the legislation had only just come into effect. It was passed in 2017. It became operative earlier that year on 30 April 2018—I have the exact date—so it was a matter of some months when there could be some potential difficulty. Clearly, it was too early to do anything about it because there were not really any identified problems but just potential problems, and that was acknowledged. The legislation had just come into effect.

This was legislation introduced by the previous government. We sent it off to the relevant parties to look at, in any event, and ultimately brought the matter in with this bill. Obviously, in between we had a six-month hiatus between the former DPP and the new DPP. When the new DPP came online, we consulted with him. By that stage, we were into August or September 2019, or something like that. He had it as one of his first things to have a look at and so we then progressed the matter this year.

The question is the ease with which you can do it. You can still do it under the current act, but it is complicated. Were we capturing all the offences of people who were in South Australia who might have committed offences interstate? Probably not and therefore we needed to have a look at that. More importantly, the legislation, as to what offences were to be in the categories to create the thresholds to enable the accumulation to apply the higher obligations of sentencing, was complicated, so we wanted to make it as easy as possible. That is the whole purpose of this legislation.

Mr ODENWALDER: Did the new DPP then come to you and say in regard to the interstate offences that that is a particular problem? 'We are having this problem where there are these interstate offences. We don't know whether they fit into these categories to reach the threshold.' Was that a concern of the DPP or was that someone else? How did you arrive at this conclusion?

The Hon. V.A. CHAPMAN: It was raised initially by the first DPP. As I said, it was embryonic legislation at that stage. Apparently, the second DPP did not have such concerns about that aspect, but in any event we followed it through.

Mr ODENWALDER: Who else was consulted?

The Hon. V.A. CHAPMAN: On the bill? Let me just quickly run through them: the Chief Justice of the Supreme Court, the Chief Judge of the District Court, Judge Penny Eldridge of the Youth Court, the Chief Magistrate, the Law Society of South Australia, who incidentally were not supportive about the retrospective effect—

Mr ODENWALDER: Who?

The Hon. V.A. CHAPMAN: The Law Society.

Mr ODENWALDER: They were not?

The Hon. V.A. CHAPMAN: No.

Mr ODENWALDER: I will not hold that against you.

The Hon. V.A. CHAPMAN: The SA Bar Association, unsurprisingly, did not support it. The Legal Services Commission was generally supportive. The ALRM and the Director of Public Prosecutions were consulted and the Commissioner of Police, who incidentally did support it. Obviously, there were changes recommended by the new DPP. The Chief Executive of the Department for Correctional Services, the Crown Solicitor and the Commissioner for Victims' Rights were consulted—largely, the courts. The Chief Judge of the District Court did not comment at all but, largely, the judiciary supported it.

The CHAIR: Member for Elizabeth, I am taking that last question as seeking clarification?

Mr ODENWALDER: Yes, thank you, I appreciate that.

The CHAIR: So if you would like to ask another one, you may. Clause 4?

Mr ODENWALDER: Yes, still on clause 4. Attorney, are the offences caught by the definitions of 'serious offence' and 'serious sexual offence' in your opinion narrower or broader than the existing provisions, and can you say with confidence that the new definitions capture all the relevant offences and no offences have been overlooked?

The Hon. V.A. CHAPMAN: On the latter question, I could not say I could guarantee that. Obviously, my advisers have identified to the best of my understanding those where the maximum penalty prescribed for offences includes imprisonment of at least five years, and there is a whole list of them.

I am advised that in relation to clause 4, new section 52(b)(vii) is a new aggravated offence that has been added in under 170A of the Criminal Law Consolidation Act 1935, that is, aggravated criminal trespass in a place of residence. In addition, we have section 51 where we are adding paragraph (b) in that definition, which states that it is 'an offence under section 51 of the Criminal Law Consolidation Act 1935', which is sexual exploitation of a person with a cognitive impairment.

I am also advised that new section 52(b)(iv), 'an offence under Part 3 of the Criminal Law Consolidation Act 1935', enables offences to be automatically included in the list as they are added to part 3, so we minimise the risk of losing that. We have really broadened the definition of the application of serious offences that get included, and that is why it is a better system and captures more offenders.

Clause passed.

Clause 5 passed.

Schedule 1.

Mr ODENWALDER: Attorney, will there be any adverse consequences for current offenders who have already pleaded guilty and are waiting to be sentenced due to the retrospective application of these transitional provisions?

The Hon. V.A. CHAPMAN: In terms of serious repeat offenders, my understanding is—and I think some data has been provided to the member—a little over one a week might come before the courts. For any caught in the transition, some will be advantaged, some will not. For example, because we are now adding in the criminal trespass in a place of residence—an aggravated version of that—they will be worse off.

In relation to serious offences, I suppose it depends on what you are charged with, but if they were the original category A instead of the three broader ones, they could be better off; it is hard to know because it depends on what the offences are. My advice is that it is a swings and roundabouts situation. It is possible that one or so may be in that category, or maybe none; we just do not know. It is to the advantage of some and a disadvantage to others, depending on what you are charged with and what you have accumulated before.

Mr ODENWALDER: On that basis, then, are there offenders now or offenders who formerly would have been captured by the serious repeat offender provisions, who would have been considered in the serious repeat offender provisions, who, following the passage of this bill, would no longer be considered serious repeat offenders? In other words, are we downgrading certain people's status?

The Hon. V.A. CHAPMAN: I will try to make this as simple as possible. Under the category A offences, for which you needed to have two on your record to qualify for this next higher sentencing arrangement, the offences were home invasions, a serious and organised crime offence or a serious firearm offence. When we moved to the serious offences, that changed, because obviously there are a lot more of them but they were not called category As. They are all on the list of serious offences, but there are more of them; we had extra. We have broadened the definition of what was going to be applied under 'serious'.

It depends entirely on what you are charged with as to whether you are applied. If you were lucky and under a category A—or unlucky, depending on how you put it—and then you were in the serious category, you might otherwise have gotten away with it. It is broader, so it is more application. Whether there is any one case like that in the system, we do not know because obviously the assessment of their prior record would not occur until they are actually charged.

That is the potential risk that the Law Society were concerned about. The problem at the moment is that you have two different systems, where there are two offences or three offences, and this is causing confusion to the courts. We are really just clarifying it so that we do not have this problem.

Mr ODENWALDER: I understand, Attorney. Coming from that, then, perhaps I could give you a scenario; we are allowed hypotheticals to a certain extent in this forum. Currently, arguably, someone convicted of two serious firearms offences would be captured by this legislation and be regarded as a serious repeat offender. Under the new bill, under the new regime, they would need to be convicted of serious firearms offences three times; is that right? The threshold is higher now.

The Hon. V.A. CHAPMAN: Yes, but there could be another category, where it does not require another serious firearms offence; there may be something else that is now caught in the serious offences that previously was not a category A. Do you see what I mean? You could have two

firearms offences. Now we have a broader aspect, so they could be charged with that, whereas previously they would have to have another firearms offence or a serious and organised crime offence to be able to be caught. Now they have a broader category so they can be picked up on that basis. We have clarified the rule between two and three, and you have much more of a chance of catching these people because of the broader range of offences which will add to their aggregation. So it is a lucky dip for some of them.

Mr ODENWALDER: I appreciate that, and I appreciate that offenders do commit a series of offences of different types, but I am talking about a particular scenario where someone commits, at the moment, two serious firearms offences, with no other offences particularly around those that fit into the category. Now, in order for them to meet the threshold of serious repeat offender, they would have to commit those two offences plus another offence.

The Hon. V.A. CHAPMAN: Plus another serious offence.

Mr ODENWALDER: Yes, so the threshold has become higher for that particular offender.

The Hon. V.A. CHAPMAN: Yes.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (19:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 July 2020.)

Mr ODENWALDER: Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Mr PICTON (Kaurna) (19:53): I rise to speak in relation to the Statutes Amendment (Attorney-General's Portfolio) Bill 2020. I indicate that I will be the lead speaker for the opposition. It is of course a regular occurrence in the parliament to have attorney-general's portfolio bills. Something I learnt as a government backbencher is that you have to pay close attention to what the attorney-general is trying to put into these attorney-general's portfolio bills, never more so than when the member for Bragg is the Attorney-General. You have to be particularly careful as to what is going in there.

The aim of this bill, according to the government, is to propose amendments to increase efficiency and productivity across the justice system, with various minor measures under both criminal and civil law via amendments. These include amending the Bail Act 1985 to ensure that the Youth Court is a recognised bail authority. Apparently, this was an omission from earlier government legislation. It also amends the Criminal Law Consolidation Act to define 'recklessness' with regard to causing harm to emergency workers and updating references to outdated terminology.

The bill also adds a definition of 'harm' with the same meaning as within division 7A to assaults involving biological material under section 20AB. This increases consistency in the act between assault offences. The bill amends the Oaths Act to allow the Attorney-General to appoint commissioners for authorising sworn affidavits via notice in the *Gazette* instead of appointment by the Governor. Additionally, it amends the Professional Standards Act 2004 to create consistency with other jurisdictions by expanding the scope of occupational liability to include equitable liability.

The bill also seeks to amend the South Australian Civil and Administrative Tribunal Act to allow the president of SACAT to be a judge of the District Court or the Supreme Court. Currently, only Supreme Court judges can be the SACAT president. It also amends the Young Offenders Act so that the offence of escaping from custody does not apply to young people subject to youth treatment orders under the Controlled Substances Act. I would probably regard this as moot because it is going to be so many years before the Attorney-General actually implements the youth treatment orders legislation. It was promised at the election but is seemingly many years away from actually happening.

This bill also includes more substantive proposals. These include a requirement to establish harm in the offence of causing harm to emergency workers when a human biological material is thrown or spat intentionally under section 20AA(7) of the Criminal Law Consolidation Act. Specifically, the bill maintains the wording in the act that causing biological material to come into contact with the victim can cause harm, but adds the qualification 'but will not be taken to' cause harm.

By adding this clause, it assists in differentiating the offences of causing harm from the offence of assaulting prescribed emergency workers. However, it is critical for the government to reassure parliament that this will not diminish the protections that we have provided to critical frontline workers. *The Advertiser* in fact reported today that people have been arrested for spitting at police, so this is no theoretical issue.

The bill also amends section 269X of the Criminal Law Consolidation Act regarding the detention of defendants before court proceedings are completed. When a defendant's mental competence or fitness to stand trial is being investigated, the bill allows courts to order detention in custody until the investigation ends.

The bill proposes that the minister can determine an appropriate form of custody where a court places a defendant under supervision orders. It also proposes that defendants who are involuntary inpatients at a treatment centre but who are released before their mental competence investigation ends should be detained in custody as if awaiting trial or sentencing.

The bill proposes that if a designated officer deems a defendant's existing custody circumstances as inappropriate they may determine an appropriate form of custody. The bill also amends the Summary Offences Act 1953 regarding the supply, transport or possession of alcohol in prescribed areas. These include dry zones in Aboriginal Lands Trust areas. The bill provides for exemptions to offences that were legislated two years ago but which for some reason have not yet been commenced by the government.

The opposition was provided a briefing on the bill last week, upon which additional information was sought about the application of exemptions to offences on Aboriginal statutory land. Whilst a response was provided on Monday of this week (i.e., yesterday) the opposition wishes to undertake further discussions on this matter.

The Attorney-General's office was advised in writing last week that the opposition did not wish to progress this bill until these discussions had occurred, but the Attorney-General has insisted on pushing ahead with this bill. In fact, it is further up the order than what was originally intended on the distribution from the new—the third—Leader of Government Business last week.

It is disappointing that the Attorney-General has not allowed more time for consultation in this regard since the briefing last week. We have offences that were legislated by this government two years ago, and were first introduced by Labor around three years ago, that have not been commenced. Yet, when this government was asked to slightly delay a related bill that introduces exemptions to offences that do not even exist yet, they refused.

We are seeking to make sure that this legislation is right. In recent months, we have seen the government introduce bills to rectify errors in laws that were only passed weeks or months before. It is the key job of this place to debate and interrogate legislation, but the government appears keen to ram this legislation through without the proper scrutiny. The government wishes to use its numbers, and it is obviously welcome to do so. However, we have signalled to the Attorney-General that those discussions, particularly in relation to some of those questions around Aboriginal lands, do require

some further examination, and we will be undertaking that examination, therefore, between the houses.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (20:00): I appreciate the member for Kaurna's contribution on behalf of the opposition. I have assumed from his contribution that there will not be any amendment from them. Whilst he is aggrieved at the listing of this matter, I remind members that this was a 'mop-up bill', as they often call them, for the rats and mice of things to be done, from a bill that was introduced on 22 July.

I am not sure why a couple of months is not long enough to find out more about this bill than was detailed in the second reading speech, but in any event we are pleased to have provided advice to the opposition on these matters, and of course we are happy to explore anything further in the committee stage if there are any concerns raised. I am not aware of any that were raised from the briefings that were provided a week ago, but obviously I am happy to answer any questions in committee if there is any further information sought, and otherwise I seek the bill be progressed.

We have a busy agenda this week. There are a number of bills scheduled, and obviously there is an obligation, except in exceptional circumstances, to ensure that there is at least a full week of sitting between the time of introduction and the time of progressing. I think eight weeks is long enough.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The CHAIR: There are 16 clauses. I invite questions on clause 1.

Mr PICTON: Who exactly was consulted, in particular on section 21O(c) of the Summary Offences Act amendments? In particular, were discussions undertaken with the owners and managers of statutory Aboriginal land?

The Hon. V.A. CHAPMAN: We consulted the Aboriginal Legal Rights Movement, the APY lands, the NPY Women's Council Aboriginal Corporation, the Aboriginal Lands Trust, the Yalata Anangu Aboriginal Corporation, the Umoona Community Council Inc., the Far West Coast Aboriginal Corporation, the Ceduna Aboriginal Corporation, the Aboriginal Drug and Alcohol Council (SA) Inc., and the Office of the Commissioner for Aboriginal Engagement—which would have been Mr Thomas.

We further consulted the South Australian Aboriginal Advisory Council, the Maralinga Tjarutja and the Davenport community, the Gerard Aboriginal community, the Koonibba community, the Nepabunna Community Council, Point Pearce Aboriginal Community Council, Raukkan Community Council, the District Council of Ceduna, and the District Council of Coober Pedy.

Also consulted were the Australian Hotels Association, the Legal Services Commission of South Australia, the Law Society of South Australia, Port Augusta City Council, the Department of the Premier and Cabinet—Aboriginal Affairs and Reconciliation, Drug and Alcohol Services SA (that is the Minister for Health and Wellbeing's portfolio), the liquor and gambling commissioner (that is Consumer and Business Services), the Premier specifically—which went to his office—and the Commissioner of Police. What was your second question?

Mr PICTON: In particular, what discussions were undertaken with the owners and managers of statutory Aboriginal land?

The Hon. V.A. CHAPMAN: I have just listed a whole lot of them. A number of them did not respond at all. This was a group that had also been consulted during the course of the original bill. We did not have a full response to either of them at that stage. We just felt it was important to at least let them know exactly what we were proposing and how it was going to work. Probably the most detailed conversations we had were with ALRM and the police commissioner.

Mr PICTON: When were the various changes requested and why has the government not moved earlier to address some of these concerns, which appear to have been issues for some time?

The Hon. V.A. CHAPMAN: Are these all the amendments?

Mr PICTON: Yes.

The Hon. V.A. CHAPMAN: I will just go back to them. Are we on clause 1 still?

Mr PICTON: Yes.

The Hon. V.A. CHAPMAN: I will go through these as best we can. I will ascertain when the Bail Act amendments, which were the first described in the substance of the bill, were first raised with us. As you might appreciate, a number of these sort of accumulate over a period of time and frequently we are advised the next time we are doing a bill that we bring them together to be considered. That was June 2020.

The amendments to the Criminal Law Consolidation Act in relation to causing harm to or assaulting certain emergency workers matters came from the DPP's office, from memory, and that would have been when we had an acting DPP in November last year. The further offence involving use of human biological material was from the DPP's office. Clauses 5 and 6 were from the DPP. We will have to check when the use of a motor vehicle without consent, which relates to the young offenders matters, was first raised and get back to you.

In relation to the power of the court to deal with a defendant before proceedings are completed—that is the 269X reforms, which are quite substantial—I know these were raised by the magistrates actually: 15 August 2018. We began to discuss that right from the beginning because this is a really complex area. Nobody had been prepared to challenge it.

Mr PICTON: Two years.

The Hon. V.A. CHAPMAN: I am just saying that is when we started. We had meetings with the then sentencing council, chaired by John Sulan QC, a former justice of the Supreme Court. I know that there were quite extensive submissions by one of the magistrates, I think it was Mr Dixon, and by others on the committee and the Parole Board chair. Over a period of time we consulted with a number of people about this. There were different views about how this should be dealt with. It was pretty clear that nobody wanted to touch it and had not for years. We set about doing the work that had to be done to make sure it could happen and this is the result. It has taken a while, but we have been up to it and we are fixing it.

Mr PICTON: It is very interesting that some of these have been two years, particularly given the Attorney had a little swipe earlier at the opposition for suggesting a couple more weeks of being able to look at this, whereas some of these concerns were raised with the government for two years. There is no question there, but I will leave that as a comment.

The CHAIR: I will take that as a comment.

The Hon. V.A. CHAPMAN: The Oaths Act, that came in—we will check that one for you. There is the Professional Standards Act 2004, which is to deal with the change of definition, I think, was it not, on occupational liability? We will check that as well. Then we have got the SACAT amendments. I know I spoke to Judge Hughes about this matter; that is for the reasons as set out in the application, but it was probably in the last year or so. I know I have spoken to her about it. It was late 2019, I am advised.

The Summary Offences Act, which is the supply of liquor in certain areas, was 2010. I think I have identified that. We have had comprehensive discussions on that as to how that is going to work. The amendment for young offenders on escape from custody—this is young offenders serving in home detention and the definitions relating to that—and the amendment to the Youth Court, I am not quite sure when they were. I am advised—I believe the part 8 proposal is 2020, and the Youth Court Act relates to the first Bail Act matter, which must have only been in the last few months—June, yes.

Clause passed.

Clause 2.

Members interjecting:

Mr PICTON: Everyone is swapping sides today; it is hard to know where people stand. In relation to commencement, when can we expect clauses 8 and 9 and part 6 of this bill to actually come into effect? I am told offences regarding grog running were legislated two years ago but still have not commenced.

The Hon. V.A. CHAPMAN: In relation to the comment at the end, the grog running legislation certainly was as a result of considerable discussions with SAPOL, who wanted this legislation. Consultation with the communities actually was quite without comment in the sense that there were some in the communities who desperately wanted this. We felt it was important to consult with everybody so they could all have a say, and there really were no problems with that. The problems came when trying to implement some of the distances that were imposed in the original legislation. SAPOL wanted to change some of those, and ultimately we worked on a compromise as to how that should best be able to work. So that is why.

In answer to the first part of the question: as soon as the police ask for it, I expect. They are the ones preparing for the regulations. Amendments to section 269 are in clauses 8 and 9, and we will need regulations to complete for those. With part 6, I understand we are just waiting on the courts. If the bill passes, we will consult back with the courts as to what time suits those.

Clause passed.

Clause 3 passed.

Clause 4.

Mr PICTON: This is in relation to the Youth Court as a bail authority. I wonder if the Attorney can answer: why was the Youth Court not included in the government's earlier legislation on bail? Where they consulted on that legislation, or was it the Youth Court who raised concerns that they were not included in the government's legislation?

The Hon. V.A. CHAPMAN: When the original bill was canvassed amongst the judiciary—different courts, obviously—we were trying to remedy a situation which we saw as a significant deficiency in that it would be a lot more expedient to be able to have other courts as bail courts, rather than having to go back to the Magistrates Court. The legislation was centred around the nature of the offence as distinct from which court it applied to. The Youth Court was consulted on the original bill. They had not raised any concerns at that stage. After the bill was passed, they then thought that there might be a possibility that they had not been caught—that is, to be able to be applied. Therefore, they sought this amendment and here we are.

Mr PICTON: What sorts of rules regarding bail can be made by the Youth Court?

The Hon. V.A. CHAPMAN: Just to be clear, are you asking about what rules of court apply to the Bail Act applications?

Mr PICTON: What decisions will the Youth Court make about bail?

The Hon. V.A. CHAPMAN: The Bail Act is able to be applied in the court within their own jurisdiction. Obviously, they have to deal with children; that is a limitation in relation to the matters that they can hear. So they become a bail court so that an application can be made in the Youth Court for the alleged offender to be granted bail by a judge or magistrate of the Youth Court. The Bail Act applies in the Youth Court. The Youth Court is restricted by the nature of the defendants who can come before it.

Clause passed.

Clause 5.

Mr PICTON: In relation to this section, who initiated, recommended or suggested the amendment? Has the government consulted with emergency workers or their representatives? Can the government ensure this is not going to water down protections for emergency workers?

The Hon. V.A. CHAPMAN: It was first raised by the DPP. It does not water down the applicability for the protection of prescribed emergency workers; in fact it clarifies it, which can only

assist in being able to prosecute for the protection of emergency workers those who put them at risk in the manner prescribed. The elements included the requirement to identify that there had been a causing of harm as a result of the conduct, so it is this clarity that is sought to ensure that there are successful prosecutions of these cases.

Mr PICTON: Would this make it more difficult for health workers to prove harm as either physical or mental/psychological?

The Hon. V.A. CHAPMAN: I think I have this right. The inclusion of what is harm apparently is quite broad, so that can include physical or psychological. We will find the list of things it can include to identity them. What is important here is that we have to be able to have the element of the offence in relation to harm. The cause, which is being added in there, helps to clarify the definition of what is required. The law requires this anyway. The advantage for the victim is that they can get a successful prosecution because it is clear as to what is required to be proven, and the definition of 'harm' means physical or mental harm, whether temporary or permanent. In short, this is a benefit to the alleged victim in those circumstances.

Mr PICTON: If a person intentionally spits on relevant workers but they cannot prove immediate harm, what would the charge be instead?

The Hon. V.A. CHAPMAN: Assuming there is not any psychological harm—remember that 'harm' has a definition there that can include they do not have to physically show that they have contracted HIV or some contagious disease; it is the fear of that. Part of the reason we have this offence is to ensure that people are covered by that.

If there was no established harm whatsoever—I suppose there was no infection, there was no injury, perhaps the victim did not even know that they had been spat on at the time—then there can still be a charge under section 20AB, which is that a person who commits a prohibited act involving human biological material against another person is guilty of an offence. If harm, then it is imprisonment for three years. In any other case, it is imprisonment for two years, so there is another offence to cover that situation. You can get up to two years' imprisonment.

Clause passed.

Clauses 6 and 7 passed.

Clause 8.

Mr PICTON: I am wondering if there has been consultation in relation to mental health groups, Mental Health Commissioners, about this section. What have been the responses from those groups on this proposal?

The Hon. V.A. CHAPMAN: I will just try to find the consultant list. Dr John Brayley, the Chief Psychiatrist, was definitely consulted. Dr Brayley is obviously very important in this area. I do not recall, for example, the Mental Health Coalition, which is an advocacy group generally, being consulted. However, the Chief Justice, Chief Judge, Chief Magistrate, State Courts Administrator, Department for Correctional Services, Chief Psychiatrist (Dr John Brayley) I have mentioned, Director of Public Prosecutions, Crown Solicitor, Law Society of South Australia, Legal Services Commission, SA Bar Association, Aboriginal Legal Rights Movement and the Commissioner for Victims' Rights were consulted, the latter of which, of course, is very pertinent to the victims.

Mr PICTON: What provisions and protections will be in place for vulnerable people going into prison? Why has the government decided not to continue to hold those relevant people in mental health detention?

The Hon. V.A. CHAPMAN: This is the most complicated area. In any event, at the moment we have a situation where there is no capacity. It is really only a default provision. There is no facility available. They have to go to prison. This amendment allows the court to make a determination in the first instance that a prison is most suitable. That may be for the protection of the person in question, or of others, but in any event it gives an option for the court to do that directly.

As the member would know, having been in government, there are people in prisons at any one time who really are not convicted or have not been determined whether they are fit to plead,

even, who are sitting in custody. Clearly, that is not desirable, but there are some circumstances where that is appropriate and it allows the courts to do that.

There are obviously a number of categories here, but we are talking about the ones who are pre-plea and conviction and/or guilty plea and those who are post. There are many people who are arrested, for example, where there might be some reasonable suspicion that the person is suffering some incapacity but the arresting officer or other persons in custody supervision roles may not be professionally competent to assess somebody. These matters can be taken before the court.

I think what is important here is that, in consultation with all those people I mentioned before who are really concerned about this area, the opportunity to have that direct attention by court order—that is the gatekeeper here—was the desired outcome, and that has come from people such as Dr John Brayley and others who are clearly there to, where possible, protect someone who may be acting under some mental incapacity or cognitive impairment.

Mr PICTON: Is there a cost impact of this amendment, and are there any financial reasons why the government has proposed this amendment?

The Hon. V.A. CHAPMAN: No.

Clause passed.

Clause 9 passed.

Clause 10.

Mr PICTON: I understand that the shadow attorney-general, the Hon. Kyam Maher, was told in the meeting that a key driver of this provision was the volume of affidavits required from Forensic Science SA. Are any other agencies significantly impacted by this issue?

The Hon. V.A. CHAPMAN: Not that we are aware of. It was Forensic Science SA that raised this, obviously because of the volume that they have to deal with in the applications they are dealing with.

Mr PICTON: How will the government ensure correct checks and balances on the new power?

The Hon. V.A. CHAPMAN: I am advised that Forensic Science SA personnel undertake training for this role and although we are moving from a Governor—that is, a sort of cabinet submission—to an Attorney-General's approval on this there is no less obligation in relation to the person who is going to be conducting the service. That is, to provide the service they still have to be of sufficient training to be able to do that, whether they are going through a Governor's approval process or through the Attorney-General's. It is just the sheer volume of work to be done that has generated this.

Clause passed.

Clause 11.

Mr PICTON: Can the Attorney outline for the house how she envisages this section will operate?

The Hon. V.A. CHAPMAN: The concern raised here was that there was a restriction in relation to the civil liability to tort contract cases and not equity, so the word 'otherwise' was proposed to be added in—sorry, it was tort contract or under statute. It was proposed to take out 'under statute' and add in 'otherwise' so that equitable claims could also be considered, so it broadens the capacity to recover.

Mr PICTON: How do professionals get cover for equitable liability at the moment? Is there any potential that what the Attorney is proposing would increase premiums?

The Hon. V.A. CHAPMAN: I have not had any indication that there would be any increase in premium, but largely these are through insurance.

Mr PICTON: Has the lack of equitable liability in the act caused any issues to date?

The Hon. V.A. CHAPMAN: They are dealt with privately, so I am not advised of them specifically, but presumably if they are not in there at the moment they cannot form whole or part of a claim on behalf of one of the parties. Here we are talking about professional standards of people who provide services and their being liable civilly for their failings one way or the other.

Obviously, this is an important consumer aspect. As the member would be aware, there are a lot of professionals—lawyers, accountants and the like—who have mandatory continuing education, mandatory insurance, mandatory standards in that way, and then there are other professional liabilities that also outline the significance of providing access to damages if they fail, usually a client of some kind, but a consumer in any event.

This is an important implementation to ensure that they are not deprived of something because it may not have its origin in a statute or a contract or a tort, which is usually negligence of some kind, but there may be some equitable claim, and it really just covers off in that regard.

Clause passed.

Clause 12 passed.

Clause 13.

Mr PICTON: Will there be any material differences to the operation of SACAT due to this clause?

The Hon. V.A. CHAPMAN: No.

Mr PICTON: Does this amendment show that the government did not fully consider the impacts, particularly the financial impacts, when establishing the Court of Appeal?

The Hon. V.A. CHAPMAN: No. The member might recall the history in relation to SACAT. It was established with a half judge and a quarter District Court judge—a half-time Supreme Court judge and a quarter District Court. The District Court person left, resigned or retired or something, and was not replaced, and the Supreme Court judge, who was otherwise the president, became full time or near enough to full time. Although the president, Judge Hughes, does spend some time back in the Supreme Court doing other duties in consultation with the Chief Justice, clearly she has quite a significant role as President of SACAT.

The purpose of this amendment simply arises as a consequence of the new Court of Appeal and, as the member would be aware, we are now to have a court of appeal. The concern was that having divided the work of the Supreme Court into the appeal court and the general division, there will be increased cost impact should an additional Supreme Court judge be needed to absorb into either of these divisions in the event of a SACAT president who holds that dual commission as a Supreme Court judge under the SACAT Act resigning their position as SACAT president or not seeking reappointment to that position at the end of the statutory five-year term.

As now SACAT has taken almost all of the jurisdictions from the Supreme Court, apart from the valuation appeals and other minor former Supreme Court jurisdictions, the majority of the more senior jurisdictions conferred on SACAT are jurisdictions that are transferred from the District Court—that is, their Administrative and Disciplinary Division—and also the president of SAET is a District Court judge.

Consistent with the SAET president, the amendments ensure that the District Court judge appointed as President of SACAT will have the same rank, title and status and precedence as a judge of the Supreme Court. I am further advised, for the avoidance of any doubt, these changes will only apply after the existing SACAT president, the Hon. Justice Judy Hughes, has left office as the SACAT president and a new SACAT president is to be appointed. So that is its background, and to ensure that there is no affect on the current regime, it will not affect Justice Hughes.

Clause passed.

Clause 14.

Mr PICTON: In relation to this, the shadow attorney-general has been advised that there was a recognised need for exemptions when the offences were first drafted. Why were these exemptions not included at the time?

The Hon. V.A. CHAPMAN: The member is not actually right. Can I be clear: at the time of the previous bill, it was proposed that there would be an inclusion of these matters in regulation. On further consultation, and I indicated before the extensiveness of that, it was agreed that it would be better in the act and hence we are here.

Mr PICTON: Why?

The Hon. V.A. CHAPMAN: Largely because it was an issue that was raised. I heard there were a number of meetings with the representatives from SAPOL as to how that could best be affected, so we had advice that that was the case. The initial indication was that it would be dealt with by regulation. The consultation took place. Ultimately we agreed that if that was the best way to do it, then that is what we would propose to introduce.

Mr PICTON: Does this clause not make it easier for a person to bring alcohol into dry communities?

The Hon. V.A. CHAPMAN: No.

Mr PICTON: Who might be persons who are within a prescribed area but are exempt from liquor consumption or possession?

The Hon. V.A. CHAPMAN: I cannot recall exactly, but we will check on it and take that on notice.

The CHAIR: Member for Kaurna, last question. I am happy for you to ask one more.

Mr PICTON: Wow, a bonus!

The CHAIR: A bonus question, yes.

Mr PICTON: It is because I said something nice about you earlier, Chair.

The CHAIR: We are all in a convivial mood.

Mr PICTON: How good it would be if you had thrown your hat in the ring earlier today. Was there any consideration of expiations in addition to the significant fines of $20,000 and $40,000?

The Hon. V.A. CHAPMAN: Expiations, I am advised, were already in the act. In relation to the previous question regarding the class of persons referred to in (1a)(c), I am told that is if liquor is going to be used for sacramental purposes or something of that nature, that may be an exempt class, so I assume that means that someone taking communion or something of that nature is the purpose of that.

The CHAIR: Fortunately with that bonus question, member for Kaurna, you got an answer to the previous question as well, so there you go. It is nice how things work out.

Clause passed.

Clause 15.

Mr PICTON: Are there any potential consequences in terms of community safety being compromised by this clause? Is this something that has been discussed fully with the Youth Court and healthcare providers, and what comments have they provided on this?

The Hon. V.A. CHAPMAN: The purpose of this amendment is to amend section 48 to provide that the offence of escape from custody does not apply to a youth who is detained subject to a youth treatment order. As the member rather unkindly described this as being a long time before it is implemented, he would be well aware that we have passed the legislation. It allows the Judge of the Youth Court to make an order in circumstances where she is satisfied that there is addiction.

Obviously, in certain circumstances, if she makes that order and the person who is in there to complete their treatment escapes while having the treatment, they are not to be treated as a prisoner. In other words, it is not an escape from custody. This person would ordinarily be out in the street and living somewhere else, so we are allowing for that to occur. If they escape, it would be like leaving a hospital. They should not be treated as a prisoner in that sense if they have completed their sentence.

I can tell you there are a whole lot of people we consulted: the President of SACAT; the Judge of the Youth Court, Judge Penny Eldridge; the Training Centre Visitor; the Commissioner for Children and Young People; and the Commissioner for Victims' Rights. The Judge of the Youth Court, Judge Eldridge, is also the Chair of the Training Centre Review Board, which is the equivalent of the Parole Board for children.

Other than that, there are then what I would call the usual suspects: the Department of Human Services; the Department for Health and Wellbeing, because they obviously had to discuss the whole question of the medical treatment of these people; the Commissioner for Police; the Law Society of South Australia; the Crown Solicitor; the Director of Public Prosecutions; the Legal Services Commission; the Aboriginal Legal Rights Movement; and the Department for Correctional Services.

Mr PICTON: The Attorney mentions that the youth treatment order legislation has been passed but, as I understand it, it is not enacted. As I understand it, there is not any model of care in place. As I understand it, there is not any provider in place to provide care for people subject to an order if this legislation was going to be enacted. What is the latest time frame on when those orders will start, and does the Attorney believe that there will actually be anybody subject to one of these orders before the next election?

The Hon. V.A. CHAPMAN: I could not make that assessment because it requires an application to be made. What I do know is that a health model is still under consideration. Judge Eldridge, who is the head of the Youth Court, is a strong proponent of this. She considers that for whatever numbers may or may not be in the category of being aided by having a child in this category who might need treatment.

What we are talking about here is someone who is in the juvenile justice system and who is essentially able to have treatment on a mandatory basis while they are serving their sentence, just like we have under the Mental Health Act, where someone could be detained for that purpose, and/or under a community treatment order.

If there were one or two a year, that would be too many, but the reality is that we have a serious drug addiction problem in our community and the public expect us to have done something about it. This parliament has done something about it and passed the legislation. Models have been presented. We have not finalised them yet. As you know, it applies only to children and essentially only to those who are going to be in custody. How many? I have no idea.

Whether there is one before the next election, I do not know. It may be that applications are made and they are unsuccessful, but that will be a matter for the judge to determine. I have every confidence in her court and her to understand the significance of what is involved here, both in keeping a child in custody and also introducing a mandatory treatment order, just as if they had a mental health condition and they needed our help. They will be getting it under this government.

Mr PICTON: I am shocked to hear that because nothing is actually happening. I am interested to hear that some models are being produced. I would be interested to know where they have gone, who is considering them and what the status of those models is. Are they going to be released for public consultation, why have they not been released for public consultation and what additional work is happening on those models?

The Attorney also mentions that, on the government's own initiative, they have now limited this legislation only to cover people in youth detention as a first step obviously because of the significant concerns that have been raised about this and the difficulty in implementing it. Broadening it out as per the election commitment is going to be sometime after that. It does not seem like anything is happening very fast. It does not seem like this legislation is going to be enacted before the election.

We know this very clearly because, when the minister introduced it, they sought to exempt it from the statutory interpretations act for a two-year immediate introduction after the passage of the bill through parliament, I think knowing full well that this was going to be very difficult for them to actually implement. I am very interested to know where this model of care is, what the steps that have been taken on it are and when the public is going to be able to see what it says.

The Hon. V.A. CHAPMAN: I will largely take that as a comment. I know that the opposition are unhappy about having mandatory treatment of children, but—

Mr PICTON: Point of order: we supported the legislation.

The Hon. V.A. CHAPMAN: —unquestionably this is an important initiative. We are proud to have done it. Some of the health professionals are not happy with mandatory anything. We know that, but we think the lives of our children are important enough to have this, and we are advancing. I am glad the member for Kaurna is interested in this area. Not everyone on his side has been interested in this area. We are, and I am pleased he is, and we will advance it as quickly as we can.

We also understand the significance of working with the health professionals who need to be consulted—I have given you a list of different people we are seeing in relation to the health side of this—and the judge. Obviously, we need to be able to make sure we have it right as to how that treatment is going to occur. I suppose it also depends a bit on what kind of treatment is given depending on what the addiction is. I do not know.

I am not the expert on drug rehabilitation, but I imagine, for example, methadone treatment is for some addictions and not others. What is the current model of care, for example, for methamphetamine problems? Who knows? I do not know. We are relying on the health professionals in that regard, and we are continuing to discuss that with them.

Clause passed.

Remaining clause (16) and title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (20:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

TRAINING AND SKILLS DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 July 2020.)

Mr BOYER (Wright) (20:51): I would like to begin, if I may, with a short potted history of how this bill came to be before the chamber. It was introduced by the Minister for Innovation and Skills back on 2 July, and I understand that on that day the opposition requested a briefing from the minister's office.

It is my understanding that the opposition was initially offered a briefing on 20 July, which at that stage was the day before this bill was set to be debated in this place. The opposition rejected that offer on the basis that it left just one day between the briefing and the bill being debated in here, thereby not leaving us with enough time for the then shadow minister to consult with stakeholders or put a submission to shadow cabinet.

Finally, a briefing was provided on 14 July, which I note was still a number of weeks before the public consultation—which was taking place on the YourSAy website—was due to conclude on 20 August.

The DEPUTY SPEAKER: Can I just interrupt for a moment? At this stage, we are a bit unclear as to whether you are the lead speaker or not.

Mr BOYER: I am not. The member for Ramsay spoke for us as lead speaker before parliament rose.

The DEPUTY SPEAKER: Thank you for clarifying that. Continue.

Mr BOYER: Thank you, Deputy Speaker. Consultation is always important, and never more so than when the government is considering the kind of far-reaching changes that are proposed in this bill, changes that will affect the employment conditions of some of the most vulnerable people in the South Australian workforce—that is, trainees and apprentices. It goes without saying that it is incredibly important that the views of the organisations that represent thousands of apprentices and trainees are heard during consultation on this bill.

It would appear that history has somewhat repeated itself here, despite the fact that the government could have made use of the almost seven weeks we have just had in the midyear break from parliament to file any amendments it may have had to its own bill. Instead, it decided to drop a total of 43 of its own amendments on Monday afternoon, while still being intent on pushing this bill through the chamber in the very same week.

I would like to echo the words of the member for Ramsay in the contribution she made as our lead speaker before we rose for the break, and that is: why the mad rush now? Why, after two years of plodding along with these reforms, is the minister now so intent on rushing this bill through parliament?

Sadly I think the minister has some form in this area. Members will remember his attempt to rush the Construction Industry Training (Fund) Board Amendment Bill through this place just a day after given the opposition a briefing on what was actually in that bill. So much for the accountability and transparency that those on the other side were so intent on reminding us they were going to bring to this place before the last state election.

For the reasons I outlined at the start of my contribution, the opposition will not be filing any amendments in this place but will, of course, reserve its right to file amendments in the other place once we have had the opportunity to digest the 43 amendments from the government and undertake the necessary consultation on those.

It goes without saying that South Australia is at a bit of a crossroads at the moment, insofar at least as the economy is concerned. On top of all the usual challenges that we face as a relatively smaller state, the global pandemic is most likely, from what the experts and commentators say, to quicken the pace of what they refer to as Industry 4.0 change and this will present challenges in terms of equipping those who are trying to get into the workforce and those who are in the workforce already but seeking to change careers with the skills they need to do just that.

It is fair to say that we accept that this does necessitate some form of nimbleness and flexibility from the agency that oversees our state's training system, but we do not agree, in many instances throughout this bill, with the methods employed to provide that flexibility. We certainly do not agree with the government that the way to achieve a flexible and responsive training system, which from all the material the government has put out is what they are arguing is the motivation behind this bill, is by watering down protections for apprentices and trainees by reducing scrutiny over the agency responsible for governing that system or by removing the independent advocate whose job it is to oversee that system.

There is a theme pretty quickly establishing itself with this government around a desire to fill the various government boards and advisory panels with what is referred to as captain's picks to remove any of the statutory obligations to provide guaranteed representation on those boards and panels of non-government bodies such as, for instance, unions and instead leave the process of filling those positions entirely up to the minister of the day.

It is the same case as in this bill. The minister proposes to remove any legislative obligation in the act to provide representation on the proposed South Australian skills commission from employer groups or unions. All 10 positions that will make up the new commission are proposed to be chosen by the minister.

I might add that it is fair to say that this particular minister does not have a fantastic record when it comes to choosing appointments for positions like that. But here is the thing: nowhere in any of the government-produced paraphernalia that has been put out to explain to the public, during the YourSAy consultation process, why this bill is so important have I read a cogent argument about why there is a genuine need to grant the minister the power to choose whoever he or she thinks is fit to sit on the commission.

Also very concerning are the amendments in this bill that will result in the removal of the South Australian Training Advocate. The advocate is an independent role tasked with monitoring the training system in South Australia. This includes working with employers, training providers, students, apprentices and trainees to provide advice to the Minister for Innovation and Skills. The advocate's own website defines its role as follows:

> We are focused on actively promoting the benefits of training, proactively engaging with stakeholders to help them understand their rights and obligations and how the training system might benefit them, future skills needs and positioning SA to take advantage of new and innovative training models.
>
> The Training Advocate also plays an important role monitoring the training system and advises the State Government on ways to improve the training system.
>
> We can assist you to find your way around the training system, to make informed decisions about your training needs, rights and obligations. It is our aim to support all parties toward successful completion of training or an Australian qualification wherever possible.

At least those on this side of the chamber would agree it sounds like a very important role. A range of the services I mentioned above that the advocate provides are actually offered to people free of charge, including, and again I take this from the website of the Training Advocate:

> …to speak for and negotiate on behalf of individuals toward the resolution of an issue or dispute.

Given this bill proposes removing the Training Advocate and rolling its functions into what will be called the South Australian skills commission, it raises real questions about what the capacity of that new commission will actually be to continue the functions of the existing advocate, such as negotiating on behalf of individuals towards the resolution of an issue or dispute if that independence has been taken away. Surely one of the necessary characteristics of a strong and effective advocate is independence, and to take that away undermines the very purpose of having an advocate in the first place.

The Training Advocate's annual report identified 915 new cases and 2,337 issues investigated in 2018, and 793 new cases and 1,772 issues investigated in 2019. I cannot help but wonder if the advocate's pending demise has been brought about because the independent advice they were providing was not to the minister's liking.

I mentioned briefly in my opening remarks that trainees and apprentices are some of the most vulnerable members of our workforce. The power imbalance that exists between trainee and employer or apprentice and employer has always been really pronounced, and there is an incredibly important role, we believe, that government needs to play in making sure that those usually young employees are protected.

All of us in this place will be familiar with some of the horror stories we have heard in the past of bullying, victimisation and outright criminality that have been perpetrated against apprentices. On this side of the house, we firmly believe that it is our role as legislators to protect vulnerable workers. For that reason, we strongly disagree with the proposal in this bill to allow the extension of probationary periods for some apprenticeships.

I accept that the proposed changes in this bill, which will allow probationary periods to be as long as 25 per cent of the total apprenticeship period but no longer than six months in total, are unlikely to affect traineeships due to their relatively shorter length, but it is our reading of the bill that a two-year apprenticeship could now be subject to a six-month probationary period—double the current three-month period. This is flexibility gone too far and will only serve to extend the power imbalance that already exists between apprentice and employer, which is especially concerning in light of the fact that this bill also proposes to enable a training contract to be ended without reason within the six-month probation period simply by giving written notice.

Finally, I would also like to draw the house's attention to clause 24, which proposes to establish a prohibited employers list containing the names of employers the commission believes are not suitable people to employ an apprentice or trainee. On the face of it, this might sound like a sensible idea. However, I fear that it signals a shift away from the more proactive approach we have had in the past, to try to ensure that only suitable employers are able to employ trainees and apprentices, and a move to a more retroactive approach to adding employers to a prohibited list after the offending act has actually occurred.

To reiterate the words at the start of my contribution, we are here now after 9 o'clock because this minister is seemingly intent on ramming this bill through even though he has just this week filed 43 new amendments of his own. Nonetheless, we look forward to the opportunity to ask questions of the minister during the committee stage and filing amendments in the other place, should the opportunity arise.

Mr SZAKACS (Cheltenham) (21:02): I have a few brief words to contribute to the second reading in addition to the member for Wright's contribution. There are a couple of things that I think are really worthwhile putting on the record here, the least of which is my own personal experience of working in this area. I am very proud to have a trade union background. I can see the hairs standing up on the back of the minister's neck when I say 'trade union', but I am very proud to have a trade union background. In doing so—

The Hon. D.G. Pisoni: You don't have a trade background.

Mr SZAKACS: No, I don't have a trade background, as the minister says (and I know it is disorderly to respond to interjections), but what I do have is a background of standing shoulder to shoulder with working people—something the minister would never ever be accused of doing. In doing so, I have spent a fair bit of time representing apprentices/trainees who have been caught up in a system that is often a very clear and overt distillation of the shift in power between an apprentice and their employer.

The member for Wright spoke a little bit in his contribution about his view—one that I share as well in addition to the opposition—about what this bill does to exacerbate some of those issues that we see in the existing scheme; for example, we have heard time and time again of the risk that apprentices face on a daily basis of bullying and harassment. I am sure that the minister will be able to provide in the committee stage some further information from the consultation period and the feedback given by interested parties.

I represented many apprentices starting in what was at the time referred to as the grievance and disputes mediation committee. It was a dispute resolution iteration of previous bills at the time. It was chaired by Mr Brian Mowbray. Often, the disputes that came before the committee were matters where trainees—more often than not apprentices but sometimes trainees—had been treated pretty appallingly at work. Often, because they were tied, for better or for worse, to an apprenticeship or traineeship they had the capacity and enjoyed the right to attend the GDMC to simply get their apprenticeship on track.

I can recall an example where an employee in the metal trades manufacturing space was physically assaulted at work. The matter was before the police. The police were investigating the claim and I think from memory had either at the time charged the perpetrator or were about to charge the perpetrator. Notwithstanding my recollection, eventually the employer who committed the assault was charged and convicted, but the apprentice at the time was stuck in this no-man's-land by not having a host employer to attend. He was directly employed by the employer who assaulted him and not through a group training provider. He had to go to the GDMC to seek the execution of his legal entitlements of pay while he had been vacated and dispensed with by the employer who had assaulted him.

Another thing that I recall distinctly about this case was that the young man, who was in his teens, so 18 or 19, was in the job only for about two months. In this case, one of the amendments to the legislation that the minister brings is the capacity to stretch out that probationary period to up to six months or to 25 per cent of the total time of the traineeship or apprenticeship. That will of course provide a degree of flexibility, as the member for Wright has highlighted. However, what concerns me most is that within that probationary period a traineeship or an apprenticeship can be cancelled and dispensed with for no reason whatsoever. That might suit the minister completely in his warped view of the way that workers should be chattels rather than–

The Hon. D.G. PISONI: Point of order: imputing improper motives to a member of parliament. I ask him to withdraw.

The ACTING SPEAKER (Mr Cowdrey): Can I ask the member to withdraw?

Mr SZAKACS: For clarification, Acting Speaker, what part of that was an imputation of the minister?

The ACTING SPEAKER (Mr Cowdrey): Could the minister please indicate before the house the offence that was taken or the improper motive?

The Hon. D.G. PISONI: The member was imputing that I got some sort of satisfaction out of apprentices being treated poorly. It is just an outrageous suggestion and I ask that it be withdrawn.

Mr SZAKACS: If the minister took that as an imputation, I am happy to withdraw. What I can say is that the minister's bill directly and overtly makes the balance of power in a workplace shift dramatically away from vulnerable young apprentices and trainees. I assume the minister is supporting that in bringing this to this place. Any other motives will of course be for the minister to explain in the committee stage.

Another matter that I think is worth touching upon slightly is the minister's evangelical distaste of organised workers. The member for Wright has already touched upon the amendments that this bill sees and the capacity for the minister to directly appoint members to the newly established committee. Up until now, under the current iterations and over multiple series of amendments over time, there has been a pretty clear understanding that workers and their trade unions have a direct finger in the pie, a direct stake, and deserve a voice at the table when it comes to deciding policy that affects their lives, their skills and their jobs. That is a direct change in the bill that concerns me.

I know that the member for Ramsay has also touched upon this point about the minister's troubling track record in making appointments that would be subject to argument and scrutiny from a reasonable and objective standard from a skills perspective. Nicholas Handley, one of the minister's fundraisers who was hand-picked and appointed to the minister's board, is one example that comes to mind.

It will be interesting in the committee stage whether the minister can provide, for example, what has led to these changes and what skills analysis of the board has been done that would facilitate the need to make such dramatic changes. In fact, there are decades, if not a generation, of practice from Labor and Liberal governments, both conservative and progressive, around the fact that workers and their unions have a stake in training and have a stake in the transferability and interoperability of the skills that the system provides them for job creation and job transferability.

Finally, I want to talk a little bit about PEER, who are a very important stakeholder and a tremendous training provider, a group trainer, in my electorate of Cheltenham. The minister knows it well. He has been down there for a photo opportunity a few times this year. He loves to parade around young apprentices in high-vis and rightfully congratulating—not often will I congratulate the minister for doing this—and highlighting the extremely important and progressive work that PEER is undertaking.

What puzzles me the most, though, about the minister's approach to PEER is his seemingly blind lack of objectivity: that PEER is an organisation by definition, and as a measure of its success, due to the involvement of working people and their trade unions. It has a board, nonetheless, which has exceptionally well-qualified, strong leaders from trade unions who do not mind getting their hands dirty in standing up for the apprentices and trainees who need their collective voice. They include friends and colleagues of mine, John Adley, Bill Metropolis and Simon Pisoni. In doing so, I congratulate PEER. Also in doing so, I highlight and call out the rank hypocrisy of this minister who is once again chasing an evangelically—

The Hon. D.G. PISONI: Point of order: previous Speakers have ruled the use of 'hypocrisy' as unparliamentary. I ask that it be withdrawn.

The ACTING SPEAKER (Mr Cowdrey): That is true. Could the member please withdraw the use of the word.

Mr SZAKACS: I withdraw, Mr Acting Speaker, again. Is 'glass jaw' unparliamentary?

Dr Close: Parliamentary.

Mr SZAKACS: Okay. The glass jaw from the minister—

The Hon. D.G. Pisoni: Just use the rules. The house has rules; use them.

The ACTING SPEAKER (Mr Cowdrey): Order!

Mr SZAKACS: I am best advised that 'glass jaw' is entirely parliamentary, and I say 'glass jaw' because the minister does not mind windmill punching when it comes to smacking and punching down against working people and their trade unions, but when they stand up and fight back, he does not seem to like it so much.

Dr CLOSE: I draw your attention to the state of the house, Mr Acting Speaker.

A quorum having been formed:

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (21:16): Boy, what an angry member for Cheltenham we just heard from. Firstly, I will use this opportunity, if I may, to congratulate the member for Wright on his elevation to the shadow ministry. I look forward to working with him. I have to say that the second reading speeches do concern me just a little, because it sounds as though the long-anticipated announcement of a skills policy from those opposite is going to be more of the same—more of what they were delivering before the last election.

The opposition went to the election without a skills policy at all, and what did we have during that period? We had a 66 per cent drop in the number of apprentices and trainees over six years. It is very concerning that we are getting a hint tonight that the opposition thinks we are in a place that does not move. They think nothing has changed since the 1950s and 1960s, in the days of tariff-protected walls protecting industry in Australia—the days of no international economy and very traditional industries.

What happens when we do not adjust and update what we are doing and we do not innovate? We end up with what has happened in other states with the same attitude of those opposite: failure in the apprenticeship and traineeship space. The Marshall Liberal government changed the way we deliver vocational education, particularly apprenticeships and traineeships in South Australia, almost in the very minute we came to office.

We were the first to sign the Skilling South Australia agreement with the federal government, and I remember the criticisms from those opposite. Within three months of signing that agreement, we were only able to stem the slide of apprenticeships and traineeships. I know the member for Cheltenham was on social media saying that Skilling South Australia was a complete failure. Even though there had been an increase of commencements in apprenticeships and traineeships for the first time in six years—

The DEPUTY SPEAKER: It looks like there is a point of order.

Mr SZAKACS: Point of order: I would ask the minister to identify, and perhaps table, when that reference to social media posting that he has referred to was.

The Hon. D.G. PISONI: Look at your own Twitter site. Have a look at that.

The DEPUTY SPEAKER: Minister, I missed that, I'm sorry.

The Hon. D.G. PISONI: Mr Deputy Speaker, here we are, we finished 2019, the first full year of the Skilling South Australia program, which was enormous reform in skills training here in South Australia. In South Australia, in the December quarter—that is, for the last three months of the year—there was a 9.3 per cent increase in the number of apprentices and trainees.

What did we see in New South Wales? We saw a 19.7 per cent decrease. What did we see in Victoria? We saw a 14.6 per cent decrease. In Queensland, there was a 13.5 per cent decrease; in Western Australia, there was a 13.5 per cent decrease; and in Tasmania there was a 15.5 per cent decrease—all double-digit decreases, because they are doing things the same.

They are doing things the way that those opposite will do if, God forbid, they return to office after the next election. That is exactly where we will be going. We will be joining those other states that have not reformed, that have not started the reform process in their skills system, and we will see continual reductions in commencements of apprenticeships and traineeships.

I want to clarify a myth that has been running around, first by the member for Ramsay and then by the member for Wright. It is my understanding that the Hon. Clare Scriven was offered a briefing on 2 July. She was in Mount Gambier and was not available until 14 July, when she got her briefing. That is my understanding of the situation.

There is no rush for this legislation. We are managing the process of the fact that we have had a section in the middle of the year that is usually used for budget. There are about three weeks of parliamentary sitting time that is budget and estimates. That process was used for other purposes. The bill was not ready to be introduced for that section of the parliamentary sitting process. That would normally leave us six weeks at the end of the year, but this year, of course, because of COVID-19 the budget has been moved to November. It means we only really have three weeks of parliamentary sitting where we can deal with matters like this.

It is important that this bill gets through this year so that the new skills commissioner can start the process of developing and building the skills commission so it can start from 1 July next year. It is going to be tight—six months. They are going to be working hard in order to set the commission up, but we have been advised that the six-month period will work.

The state government approach in updating legislation to support the South Australian training system is in recognition of the need for a modern and flexible system required to deliver the skills for jobs of the future. We are building on the strengths of the existing system, implementing new reforms to underpin future success across the system, strengthening South Australia's workforce.

Feedback from stakeholders has been essential in forming changes via the bill. The Training Skills Development (Miscellaneous) Amendment Bill 2020 was drafted in line with extensive stakeholder feedback. Peter Nolan from PEER was engaged very early on a committee that helped us develop the draft bill, and I take this opportunity to thank him for the work that he did in that process, and of course he supports the bill in its entirety. It is a bill that is responsive to modern needs of industry and supports apprentices.

It has been drawing on information provided by stakeholders in a previous review of the act. It was commenced in 2016. That was under the now Deputy Leader of the Opposition when she was responsible for skills training, I believe, but not acted on. We have taken a number of those recommendations that came from that review and we have incorporated those into the bill.

Consultations related to the Skilling South Australia and the Training and Skills Commission's Future-Proofing the South Australian Apprenticeship and Traineeship System report. Last year, an expert advisory panel was established—this is the one that Peter Nolan from PEER was on—that made recommendations about the way apprenticeships and traineeships and broader training systems should operate under new legislation. Taking into account all feedback received during the initial four-week consultation period, the amendment bill was introduced into the parliament on 2 July.

Concurrently with the introduction of the amendment bill to parliament, a further seven-week consultation period commenced, enabling stakeholders to provide feedback to the amendments. It was always the intention of the government to either use this process in the House of Assembly or the process in the Legislative Council to amend the bill after the final consultation had been completed.

Tomorrow, you will be able to see details of that consultation online. We are not hiding anything here. I believe the opposition has been given a copy of the consultation process and the submissions that came in. We are not rushing anything, we are just being efficient under the current circumstances that COVID has put us in. We have a time line to meet to start this process so that we can have the commission up and running by 1 July.

The consultation period concluded on 20 August 2020 and consisted of meetings with various key stakeholders, including members of parliament, representatives from industry and business associations, employer representatives, obviously the Training Advocate, obviously the Training and Skills Commission and industry skills councils.

Through the YourSAy platform, 21 submissions and comments were received. We have listened and continue to listen. A key to achieving success over the past 2½ years has been, of

course, listening to stakeholders. Our amendments address several key matters raised. There are about six substantial amendments. The rest of them are consequential amendments the six amendments will trigger that will need to be made in order for the bill to work.

The establishment of the South Australian skills commission: clause 11, part 3 of the bill, establishes the South Australian skills commission, amalgamating the Training and Skills Commission and the Training Advocate. This will resolve weakness and confusion consistently raised regarding structures underpinning governance of the state's training system by minimising duplication of roles and functions currently performed by the Training and Skills Commission, the Training Advocate and the department.

In line with the scope of this review, the appointment process for commission members is consistent with modern, responsive, best practice legislation and reflects modern appointment processes. The bill requires the minister to ensure the commission has the appropriate skills mix to enable it to respond to the changing needs of the economy, skills and vocational education in South Australia.

Appointments to similar interstate bodies, such as the New South Wales Skills Board and the advisory committees proposed to be established under the National Skills Commissioner Bill 2020 also allow for appointments to be made on the basis of individuals the minister believes have experience and skills necessary to perform the relevant functions. There is nothing new here. This is standard practice around Australia, standard modern practice.

Feedback was received on the importance of the industry skills councils (ISCs), ensuring their ongoing operation despite not being enshrined in legislation. The ISCs are fundamental components to the government's focus on industry leadership in the training system. I was very pleased, as the minister, to reintroduce and resource the industry skills councils here in South Australia that had had their funding removed in about 2012, I think it was, by the previous government.

We see them as contributing enormously to the information the government needs in order to make sure that we are funding skills in the right area and we are delivering the types of support services that businesses and industry need to participate in training apprentices and trainees. While the ISCs are not specifically referenced in the amendment bill or the existing legislation, the legislative mechanism is provided for the commission to establish such industry engagement or advisory bodies as the commission thinks appropriate in clause 11.

It is our intention to retain the existing industry skills councils. They have been key to our success in achieving nation-leading results. I do not know whether you picked that up earlier, Mr Chair—a 9.3 per cent increase in the December quarter in South Australia, a 14.8 per cent decrease nationally under this system here in South Australia.

Functions of the minister, the commissioner and the South Australian Skills Commission: clause 11 of the amendment bill outlines the functions of the minister in new section 7 and the South Australian Skills Commissioner in new section 13 and the South Australian Skills Commission in new section 19. Under the new model outline, the functions of the Training and Skills Commission and the Training Advocate have been combined and rationalised.

Feedback was provided on the need to clarify the functions related to complaints handling and conciliation and concerns raised regarding duplication of functions for the commission. These have been revised through an amendment I will bring up in the committee stage. The revised functions clearly articulate the scope of the commission in complaints handling, mediation and advocacy, with responsibility for conciliation resting with the South Australian Employment Tribunal. The functions have been amended to reduce duplication.

The South Australian skills guidelines: section 26 of the amendment bill describes the powers of the new skills commission to develop the South Australian skills guidelines. These powers largely mirror the Training and Skills Commission's powers under the current act and provide greater direction for the implementation of elements of the bill. Feedback on the amendment identified that the term 'guidelines' can be a source of confusion for stakeholders, who may perceive guidelines to be optional or merely advisory in nature as opposed to a legislative instrument under the act.

As a result of this feedback, I will introduce an amendment outlining that the term 'guidelines' in all instances with the amendment bill and act be amended from the 'South Australian Skills Guidelines' to the 'South Australian skills standards'. The change will provide greater clarity on the enforceable nature of the content given the reduced ambiguities associated with the guidelines. The content of both the standards and the regulations will be the subject of further consultation following the enactment of the amendment bill at a later date.

Declaration of trades and declared vocations: a declaration of trades and declared vocations process is outlined in clause 9 of the amendment bill, amending section 6 of the current act. It specifies that the minister may, on recommendation of the commission, declare an occupation to be a trade such as an apprenticeship or a declared vocation or traineeship. The amendment bill outlines that a relevant pathway to a trade or vocation may, in addition to a primary qualification relating to a trade or vocation, include pre-apprenticeships and specify skill sets, higher qualifications and other matters the minister thinks appropriate.

Feedback received from stakeholders in relation to the declaration of trades and declared vocations was overwhelmingly positive. Feedback received identified a need to include pre-traineeships as a relevant pathway to a trade or a declared vocation. This is important. We have found that the pre-apprenticeship and pre-traineeship program has been very successful in two things: first of all, giving those who feel that they might want to be an electrician, for example, or be in the healthcare sector, or be in one of the new higher apprenticeships that we have developed such as cybersecurity, an opportunity to learn some skills, get an understanding of what would be expected as an apprentice or trainee, and also it gives them a higher skill level for when they start as an apprentice or trainee, making them more valuable at an earlier stage as an apprentice to the employer.

Usually we will have 20 pre-apprenticeships, for example, but only 15 will then decide to move on into the apprenticeship system. We have found that linking those pre-apprenticeships to employers who are offering apprenticeships and traineeships has been very successful in getting better outcomes for both the apprentice and the employer. Of course, we know that that combination works well because that is when we see more people engaging in the training sector, both those making the investment (the employer) and the apprentice or trainee.

The apprentice or trainee is getting two tickets. They might get a single ticket going to university, a ticket for an education, but with this system they get two tickets, one to education and one to a job, because they are going into an industry that is in demand because there is a co-investment. In the case of the employer, it is cash, and it is an investment by the apprentice in the way of time to gain that qualification. Of course, the scope of higher qualifications should be broadened. As a result of the feedback, I will introduce two amendments.

Mr SZAKACS: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. D.G. PISONI: I know that they are embarrassed on the other side of the chamber. They cannot even point to their record on skills training. Remember, it was a 66 per cent decline in the six years from 2012 to 2018, and they had no policy to resolve it. TAFE was in chaos under the leadership of the Deputy Leader of the Opposition and reports were so shocking that they had to be tabled in parliament.

As I was saying before the interruption, as a result of this feedback I will introduce two amendments—one to reflect pre-traineeships as a potential pathway and another to remove 'in a specified area in response to changing requirements of the trade or vocation' following 'higher education' as contained within the amendment bill.

Then there is the extension of the probationary period for up to three months by application. It is important that it is by application, it is not automatic. Listening to those opposite, they are suggesting that this is an automatic extension that no longer will be a three-month probationary period in a four-year apprenticeship. It will no longer be three months but it will be six months; that is completely wrong and a complete misunderstanding or misrepresentation of the bill.

This is actually here to support apprentices. This amendment came about because employers were saying, 'I really want to work with this guy. He's got the right attitude, but we are having some issues. He's having a lot of sick days. We are not really sure that we want to sign up for the full four years. If we could extend that probationary period, work with the apprentice and get them ready to commit to a four-year apprenticeship.' That is the motivation.

Let me give you another scenario: the apprentice starts and in the second week they have a car accident and they are out for two weeks, three weeks, four weeks, a month, six weeks. In the meantime, the probationary period is ticking away. What is so unfair for the apprentice is that the employer will need to make a decision in a condensed period of time. If there is any doubt by the employer, if the employer is concerned, he or she does not have the option to extend that probation period, to work with the apprentice, to be comfortable in a professional relationship with that person for that period of time. This will actually save apprenticeships and protect apprentices.

We did act on the concerns that were raised by the member for Ramsay, and it did make sense to limit the extension to be no longer than 25 per cent of an apprenticeship, because of course we are seeing a growth in non-trade vocational pathways—the traineeships, for example—and many of them are shorter. We did not think it was reasonable that they could have a 12-month traineeship with a six-month probation period. There is a different set of circumstances in that instance, so we were more than happy to introduce that amendment.

The current act gives the Training and Skills Commission the power to determine a probationary period for a training contract for a specific trade or declared vocation. However, the act does not set a minimum or maximum period of time for a probationary period determined in this manner. In line with feedback received in the initial four-week consultation period, clause 17 of the amendment allows a party to a training contract to apply to the skills commission to extend the probation period specified in the training act, provided the total duration of the probationary period does not exceed six months.

Feedback received on the ability of the Training and Skills Commission to extend the probation period for a period not exceeding six months was positive overall, as it was recognised that there may be circumstances where probationary periods are deemed insufficient. There were some concerns raised about the interaction of this provision with short training contracts. As a result, I will bring an amendment to cap the probation period to up to a maximum of 25 per cent of a contract's nominal term or to a total of six months.

In relation to the issuing of certificates of proficiency and completion of apprenticeship or traineeship, clause 23 of the amendment bill introduces certificates of proficiency and rationalises powers under the current act of the Training and Skills Commission to certify the competency of individuals. The amendment responds to submissions received in the initial four-week consultation period, which supported the need for better structured skill recognition pathways and consideration of legislative arrangements in other jurisdictions.

Feedback received from stakeholders in relation to the certificate of proficiency provisions of the amendment bill has met with confusion on the application of these provisions. Concerns were raised as to how using the same certificate of proficiency would allow for appropriate differentiation between a recognition of qualifications and experience in relation to a trade or declared vocation outside of a training contract. In response to these issues raised by stakeholders, the government has proposed an amendment to the bill that would result in the removal of all references to a certificate of proficiency, resulting in a reinstatement of the current certification process.

The amendment bill streamlines the process for employer registration and aligns the act with complementary risk-based processes that balance incentives to enter into an apprenticeship or traineeship with protections against unscrupulous employers operating within the system. The provision was included in the amendment bill in response to stakeholder feedback received in the initial four-week consultation period and in the 2016 review that was conducted by the now Deputy Leader of the Opposition when she was the minister responsible, which acknowledged employer restraint registration was a valuable assurance mechanism that would benefit from a more streamlined approach.

Feedback on provisions for employer registration identified concerns with the extent to which employer registration had been streamlined and the impact this may have on oversight of unscrupulous employers, as well as false or misleading declarations on matters such as the employer's scope of registration. The amendment bill provides checks and balances against manipulation of the employer registration system, including the introduction of the ability to declare an employer a prohibited employer.

Section 75 of the amendment act makes it an offence for a person to make a statement that is false or misleading in any information provided under the act, with a maximum penalty of $10,000. Clarity was also sought on the introduction of a prescribed fee for registration. While the option to set a fee is provided in the legislation, the Skills Commission may determine to set a fee at zero. In the event that a fee is set, it is anticipated that it be reflective of the cost to the government of providing the services. Detail on employer registration and prescribed fees will be provided as necessary in the regulations and standards. Stakeholders will be consulted in the development of these documents.

With regard to the declaration of prohibited employers, clause 24 enables a class of employer who may be declared by the Skills Commission to be a prohibited employer. This would result in the employer concerned being prohibited from employing an apprentice or trainee for the duration of the declaration made against them. Of course, some of the examples that were raised by the member for Cheltenham are illegal now and will remain illegal after this bill is proclaimed, but it will actually shine a light on those employers deemed not suitable to have apprentices or trainees or have trainee activity at their businesses.

This is a significant protection mechanism and I think it is fair to say that we have gone as far as we can in streamlining the system under the current act. Around 97 to 98 per cent of employers who are asked to register to take on an apprentice or to renew their registration for apprentices get the tick. We are bringing our act in line with what happens in states such as New South Wales where the process is reversed, and we remove those in the system who are not fit to participate in the system.

In doing so, the commission must have regard to a set of criteria as set out under the clause before it can determine the person is a prohibited employer. The ability of the Skills Commission to declare an employer as a prohibited employer was largely met with positive feedback by stakeholders as it was seen as the appropriate measure to mitigate risks of exploitation and harm for apprentices and trainees. That is completely opposite to the claims that were made on the other side of the chamber. This actually gives the Skills Commission more power to protect apprentices and trainees and more mechanisms or more tools, if I can use that word in this environment, to protect apprentices and trainees and the integrity of the vocational education system.

Some concerns were raised by industry and group training organisations regarding the impact on employers and the requirement for group training to ensure that they do not host an apprentice to a prohibited employer. This will be managed through regulations and a requirement that the SA Skills Commission, under section 71(2)(c) of the act, publish a list of prohibited employers in the South Australian Skills Register. They are able to have that information available to them—which is not necessarily available to them now—so that when they do host out their apprentices, they can do it knowing that they can avoid those employers that are prohibited.

The introduction of a prescribed transfer fee or the poaching clause, section 540 of the amendment bill, includes the prescribed transfer fee applicable in a situation of an employer in relation to a training contract under section 54N. The prescribed transfer fee seeks to compensate an employer's investment in the training and supervision of an apprentice or trainee who seeks to transfer the apprenticeship or traineeship to a new employer while under a current training contract.

This is nothing new; this is standard practice in organisations like PEER, for example, and other group training organisations, because it is their business model. Their model for providing that service is based on a full term of the traineeship or the apprenticeship, and cutting that short does carry a cost. It is one thing for that to be cut short because things have not worked out but it is another thing for that to be cut short because of the poaching policy of another employer who cannot be bothered putting the investment in early on a first and second-year employer, and goes out

deliberately looking to poach third and fourth-year apprentices when they start becoming productive, when they start doing work that is billable by the hour and returning some of the investment that has been delivered with on-the-job training.

That is a significant difference between this government I believe and if you listened to the speeches that came from across the chamber from the previous government: we actually acknowledge that there is an on-the-job cost for an apprentice or a trainee to the employer. We acknowledge that. The fact that that was ignored for so long by those opposite led to significant reductions in apprenticeship and traineeship commencements over a six-year period.

Mr BOYER: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. D.G. PISONI: They simply do not like being reminded about their record of skills training, Mr Speaker. It is an automatic response: call for a quorum whenever the minister reminds the house about just how bad they were for working class South Australians in providing skills opportunities for them. Absolutely shocking record.

This provision seeks to reduce instances of other employers poaching third and fourth year apprentices who have undertaken the vast majority of their training and are often more productive than apprentices in their first couple of years. This provision of the amendment bill was met with support from industry, which largely sought further clarification as to the application of this section and the determination of the prescribed transfer fee. Further detail on these matters will be provided for in the regulations or the standards and subject to further consultation.

Regarding representation in proceedings before the South Australian Employment Tribunal, clause 28 of the amendment bill does not materially change the arrangements outlined in the current act pertaining to the representation of parties to disputes in the South Australian Employment Tribunal. It does, however, make refinements to reflect the discontinuance of the Office of the Training Advocate, which primarily undertakes this task on behalf of aggrieved parties.

While the clause represents a minor change to the provisions outlined in the current act, some stakeholders provided feedback that consideration should be given as to whether the bill should be amended to enable legal representation for employers in the event that the matter is referred to SAET. On balance, the current arrangements are effective in resolving disputes and further change is not warranted.

Regarding recognition of other trade training, the amendment bill introduces new sections 70A and 70B for the recognition of trade qualifications, outside of qualifications gained through completion of a training contract. The amendment bill permits the skills commission to recognise a person's qualification or experience in relation to a particular trade or declaration of vocation and sets out the powers to determine an application, including through conducting independent assessment of a person's competencies.

This provision was included in response to feedback received during the initial four-week consultation period which supported the need for better structured skill recognition pathways that would lead to trade certification. Feedback on this clause during the consultation process for the amendment bill was mixed. Some stakeholders were appreciative of the clarity provided by the provision and supportive of the broader scope of the skills commission to recognise qualifications or experience in trade or declared vocation.

Other stakeholders raised views that the recognition of other trade training was more appropriately conducted by industry, training providers or other entities. The regulations and the guideline standards will outline mechanisms to ensure that there are appropriate checks and balances in place to effectively manage this process.

In closing, a classic example is that of many migrants who came to South Australia in the fifties, sixties, seventies and eighties—fine tradespeople from where they came. They did some fine work on building sites but were never recognised in Australia (South Australia in particular) for their trade and so could never take on apprentices themselves. So some amazing skills were not able to be shared through the formal apprenticeship system.

This will help to alleviate that and will enable those skills to be recognised so that more people who are qualified and able to train apprentices and trainees on the job will be able to do so. I close my remarks.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 5 passed.

Clause 6.

Mr BOYER: On clause 6, under section 3—Objects, paragraph (b) talks about promoting partnerships within government industry and other enterprises for the purpose of training and skills. You mentioned during your own remarks the consultation that you have undertaken on this bill. Can you tell us which stakeholders you personally met with in the consultation phase of this bill?

The Hon. D.G. PISONI: It is my understanding that the opposition has been given a program of the outcomes of the consultation. I will just get some advice on that. There were formal submissions. I met with the Office of the Training and Skills Commission; the Agribusiness ISC; the Construction, Mining and Energy ISC; the Creative Industries, Business, ICT and Cybersecurity ISC; the Defence and Aerospace ISC; the Educational Services Sector ISC; the Food, Wine, Tourism and Hospitality ISC; the Health, Disability, Aged Care and Community Services ISC; the Transport and Manufacturing ISC; SA-Best; and the Hon. John Darley.

Mr BOYER: Thank you, minister. On the same clause, which unions did you meet with in your consultation on this bill?

The Hon. D.G. PISONI: I think there was a representative of the Australian Workers' Union on the Transport and Manufacturing ISC, and then on the Health, Disability Aged Care and Community Services ISC, I met with Rob Bonner and actually visited the training facility out in the western suburbs for a tour. We discussed specifics about the bill and they were very supportive.

Mr BOYER: Separate to people who may, in their day-to-day work, work for a trade union and who were on the ISC in the setting you met with them, did you actually meet with any trade unions yourself?

The Hon. D.G. PISONI: I met with everybody who requested a meeting.

The Hon. Z.L. BETTISON: In the same section, subsection (1)(d), you talk about the desire:

to establish a simple, streamlined apprenticeship and traineeship system featuring flexible industry endorsed approaches to training and skill development that reflects—

and it goes into details. Could you outline what you mean by 'flexible' and how that changes what one might say are more traditional arrangements of a traineeship of one year or an apprenticeship of four years? How does flexibility change that?

The Hon. D.G. PISONI: Thank you for the question. A classic example is that the Training and Skills Commission has been working with PIA, the CEPU, industry and Larry Moore from NECA to design a dual apprenticeship for refrigeration and electrical. We are hoping to be able to announce that pretty soon. As far as I am aware, that is the first of its kind. That will be a five-year apprenticeship.

We also have a cybersecurity apprenticeship, which I think is a two-year apprenticeship. Off-the-job training is currently done by TAFE SA for that particular apprenticeship. We also have an apprenticeship that delivers a diploma of applied technology. Again, it is another brand-new apprenticeship delivered by this government. It is a three-year apprenticeship preparing people for working in the engineering field in predominantly defence-based areas.

The Hon. Z.L. BETTISON: Further to this question, the conversation around micro-credentialing is something that we hear more often. Is that something that you see is embraced by being more flexible and, once again, how does that change how we have traditionally seen traineeships and apprenticeships?

The Hon. D.G. PISONI: Currently, micro-credentialing is very much front and centre on what used to be the skills COAG; it is now a skills committee. It has bipartisan support right across Australia, whether it be a Labor state or a Liberal state, for the recognition that it is important for people to continue to upskill during their lifetime. Consequently, this will enable formal recognition of micro-credentialing. Currently, if people do in-house training in a business, it is very good for the business, but it usually does not help that person to spruik their wares outside the business because it is not generally recognised.

What the micro-credentialing processes will do and we hope to be able to achieve is provide a formal recognition of that micro-credentialing. If you have put the effort in, obviously in partnership with your employer, through a vocational pathway to add some micro-credentials to your skill set, then you will have a nationally recognised new skill set that you can spruik to other employers. That is where we hope to go with that. It may very well be that those bolt-ons of micro-credentials could lead to a university pathway or a diploma in the longer term.

The Hon. Z.L. BETTISON: If I may ask a few more questions about micro-credentialing and flexibility, at the moment we obviously have certificate I, II, III, IV, etc. If you have micro-credentialing, is that going to be equal to certificate I, or how will it actually be seen? Would it be a module of a particular skill set? I am curious to understand the language that would be used around what you will get from micro-credentialing.

The Hon. D.G. PISONI: It is pretty simple: you will get the skills that industry needs to employ you.

Dr CLOSE: In section 3(d)(iv), there is reference to resolving disputes in a timely manner. I understand that this bill countenances replacing the Training Advocate. I would appreciate it if the minister could elaborate on ways in which disputes will be addressed under the new regime once this bill comes through.

The Hon. D.G. PISONI: The mediation will be handled by the commission. They will have greater powers than what the advocate has at the moment. For conciliation, that will need to go to SAIT. SAIT has had only nine cases listed, from what we can establish, over the last nine years. So the process of mediation has been successful, and this will help it be more successful by giving the commission powers to do it.

Dr CLOSE: Turning to paragraph (e), there is reference to adult community education, which many members here will be aware is an extremely important part of the puzzle for people who have not succeeded sufficiently well at school, who may not have very strong literacy and numeracy skills, who may, in fact, be adult migrants to this nation and who may not have any job-ready skills. It is an important part to get them ready and able to go on to further study and then employment.

I have noticed, with some despondency, cuts to the ACE program in recent budgets. What requirements does this clause in the bill confer on the government to provide adequate adult community education?

The Hon. D.G. PISONI: This clause will not make any change to the current situation.

Dr CLOSE: My final question refers to (g). I guess in many ways it is a piece with (e), but goes further. This question of promoting equity and training necessarily implies that a government that is responsible for this act will ensure there is equity and access to training, which means that people who do not have the financial resources or do not have the combination of financial resources and knowledge or skills to be able to enter training easily will be supported to do so. What requirements are conferred by this bill on the government to act on equity?

The Hon. D.G. PISONI: I am advised that the skills commission will have oversight of the whole system. Obviously the aspiration of the government is to have pathways to continue education, and that will obviously start with foundation skills for those who have either arrived in this country and do not have the foundation skills for employability or those who have failed in the education system, for example, and who need additional skills. The object of the act is to include the promotion of equality in training and skills development, including access to such development.

Just to give an idea of how serious we are about this, when we came to office there were only about 350 skills available on the subsidised training list, and the non-government sector was

locked out of about 70 per cent of those skills. That substantially reduced access to skills training. We have now opened that up to 800 skill sets, all subsidised and available to all registered training providers, whether they be public training providers or non-government training providers. That has done enormous things for access to skills, particularly in regional South Australia, and we have seen significant improvements in access to skills training because of that.

As part of the equity program we have in place, I am pleased to report—the Minister for Education is here—that TAFE facilities are now available for non-government providers to hire at a market rate. Many of the TAFE facilities that were closed in regional South Australia by those opposite are now able to be used again by students. They do not need to be delivered by TAFE. They can be delivered by industry-based organisations, such as PEER or the MTA, for example. They have access and they can also hire, lease or purchase the TAFE curriculum, which removes a large risk for them.

We have a situation where we are opening up access and improving accessibility to the training system, whether that be foundation skills or whether that be skills that are learnt through a pre-apprenticeship or pre-traineeship program. Together with our Skilling South Australia program, we are using additional money on top of the Subsidised Training List to remove barriers and bring in enablers for employers and apprentices to be able to access skills training to participate in a skills program, even to the extent that, if a barrier to an apprentice starting on their first day is they do not have their car registered, we have a grant program that will cover that because we know it is important for them to get started and supported to do that.

It is not a one size fits all. We have seen these programs where a shiny toolbox is presented and they say, 'For every apprentice, we will give you a toolbox, whether you need it or not.' We are identifying what is needed for that apprentice to get started and what is needed for that employer to get behind the apprenticeship program. None of that will change under this act.

Mr SZAKACS: Minister, in your answer to the deputy opposition leader's question you touched upon the question of access under this bill. Of course, what this bill does is remove the object of equity in participation. Would you explain why it is no longer a priority or an object of the act not only to have an accessible scheme but to ultimately measure success as an object of the act in the true participation in training and skills?

The Hon. D.G. PISONI: Would you point out where the act does that because that question does not make any sense?

Mr SZAKACS: I am happy to clarify. Clause 6(1)(g) of the minister's bill provides, 'to promote equity in training and skills development (including in access to such development).' I note, for the minister's benefit, that he may not have read the bill, but the legislation—

The Hon. D.G. PISONI: Point of order.

The CHAIR: Member for Cheltenham, take a seat. Minister, you have raised a point of order. What was the point of order?

The Hon. D.G. PISONI: The point of order is the inference that I had not read the bill. It is just outrageous. I ask for it to be withdrawn.

The CHAIR: Is that what you said?

Mr SZAKACS: Chair, the minister is asking me to clarify in his own bill where participation has been removed as an object.

The CHAIR: Which you are doing.

Mr SZAKACS: Yes. So to draw into question—

The CHAIR: You have pointed out (1)(g); is that right?

Mr SZAKACS: That is correct. To draw into question an imputation the minister may or may not have read the bill is entirely reasonable for me to put on the record considering that he has asked me to clarify.

The CHAIR: No, I do not know that that is reasonable, member for Cheltenham. We are going pretty well thus far. I know the Manager of Government Business would like to get to a certain point tonight. I do not want this to be tetchy at 20 past 10, so, member for Cheltenham, if you could just come back to your original question on clause 6(1)(g) without goading the minister.

Mr SZAKACS: For the assistance of the Chair, I am happy to withdraw.

The CHAIR: Take a seat, member for Cheltenham. Minister, you have asked the member for Cheltenham to withdraw his comments. What I need to know, minister, is that you have taken some offence to what the member for Cheltenham has said.

The Hon. D.G. PISONI: Absolutely.

The CHAIR: You do? Alright. Member for Cheltenham, for the sake of the committee let's withdraw that comment, if you don't mind, and we will come back to your question.

Mr SZAKACS: For the sake of the committee I withdraw, Mr Chairman.

The CHAIR: Thank you.

Mr SZAKACS: The minister has asked me to clarify and so I draw his attention to the objects under the legislation in section 3(c)(i), and I quote: 'equity and participation in and access to education, training and skills development'.

The CHAIR: And so the question, for my benefit?

Mr SZAKACS: My question was again, for your benefit, Mr Chairman: why is participation in training and skills development no longer an object of the act?

The Hon. D.G. PISONI: Feedback from stakeholders confirms the need to align the legislation with current national vocational regulatory arrangements and for the act to provide a clear and up-to-date statement of its purpose and objectives and for this to be done in a way that provides a statutory framework that was more responsive over time for the changing nature of work and therefore skills and workplace development.

The objects of the act reflect the modern responsive and accessible framework for skills outlined by the amendment bill allowing for responsiveness over time to a changing nature of work, and therefore skills and workforce development. These objects also assist in the interpretation of the bill. The amendments reflect the values underpinning VET apprenticeships and traineeships, adult community education and other forms of long-life learning. Subsection (1)(g) retains the focus on equity and access to skills development.

Mr SZAKACS: Thank you, minister and Chairman, but I seek clarification. My question was why has participation been removed from the act?

The Hon. D.G. PISONI: Participation still applies, and it is the intention of the act that people will participate in this otherwise we will not have skills training in South Australia.

Mr SZAKACS: If it is the intention of the act, would there be a more appropriate place to include that intention other than the objects of the act? Considering that there is an explicit removal of the word 'participation', what other examples or assurances can you give to this house that participation truly is still key to this act when in this bill it has been explicitly and overtly removed from the objects of the act?

The Hon. D.G. PISONI: Section 19.

The CHAIR: So, minister, you are referring to section 19 as part of your answer?

The Hon. D.G. PISONI: Yes.

The CHAIR: Okay. We have not got to that yet, and I do not think we will get there tonight.

Clause passed.

Progress reported; committee to sit again.

FAIR TRADING (REPEAL OF PART 6A - GIFT CARDS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 22:27 the house adjourned until Wednesday 9 September 2020 at 10:30.

Answers to Questions

CAPITAL WORKS PROJECTS

123 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). For all agencies reporting to the Minister for Trade and Investment:

1. Please list all capital works projects budgeted to incur expenditure in 2018-19 including a breakdown of budgeted expenditure by financial year, for all financials years that the project is anticipated to incur expenditure.

2. Please list all capital works projects budgeted to incur expenditure in 2019-20 including a breakdown of budgeted expenditure by financial year, for all financials years that the project is anticipated to incur expenditure.

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The government has provided response in Question on Notice 116.

CAPITAL WORKS PROJECTS

125 The Hon. S.C. MULLIGHAN (Lee) (17 June 2020). For all agencies reporting to the Minister for Energy and Mining:

1. Please list all capital works projects budgeted to incur expenditure in 2018-19 including a breakdown of budgeted expenditure by financial year, for all financials years that the project is anticipated to incur expenditure.

2. Please list all capital works projects budgeted to incur expenditure in 2019-20 including a breakdown of budgeted expenditure by financial year, for all financials years that the project is anticipated to incur expenditure?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining): The Treasurer has provided the following advice:

1. The government provided a response in Question on Notice 116.

2. The government provided a response in Question on Notice 116.

AGED-CARE FACILITIES

139 Mr PICTON (Kaurna) (30 June 2020). Which specific recommendations from the safety audit of individual country aged care sites have not yet been implemented?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

Implementation of the recommendations from the safety audit is ongoing across the regional Local Health Networks.

HEALTH HEROES HOTEL

150 Mr PICTON (Kaurna) (1 July 2020). As at 17 June, how many staff had stayed in the Health Heroes Hotel announced on 25 March 2020, what was the maximum nightly occupancy at the hotel and what was the average nightly occupancy?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised:

As at 17 June, no staff had stayed at the Health Heroes Hotel.

PUBLIC AND COMMUNITY HOUSING

163 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020, what was:

(a) The total number of households in public housing?

(b) The total number of households in community housing?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

(a) This information will be publicly available in the 2019-20 South Australian Housing Authority Annual Report.

(b) The SA Housing Authority does not report on the total number of households in community housing.

PUBLIC AND COMMUNITY HOUSING

164 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020, what was:

(a) The total number of new households entering public housing?

(b) The total number of new households entering community housing?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This information will be publicly available in the 2019-20 South Australian Housing Authority Annual Report.

HOMELESSNESS

165 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020, what was the total number of individual people sleeping rough in the City of Adelaide?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This data is held by the Adelaide Zero Project.

HOMELESSNESS

166 Ms COOK (Hurtle Vale) (21 July 2020). For the period of 1 July 2019 to 30 June 2020, what was:

(a) The percentage of the total amount of rough sleepers in the City of Adelaide that were female?

(b) The percentage of the total amount of rough sleepers in the City of Adelaide that were male?

(c) The percentage of the total amount of rough sleepers in the City of Adelaide that did not specify a gender?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This data is held by the Adelaide Zero Project.

HOMELESSNESS

167 Ms COOK (Hurtle Vale) (21 July 2020). For the period of 1 July 2019 to 30 June 2020 what was the age demographics of all individual persons sleeping rough in the City of Adelaide?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This data is held by the Adelaide Zero Project.

HOMELESSNESS

168 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020 what was the total number of individuals who sought assistance from specialist homelessness services in South Australia?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This information will be publicly available in the 2019-20 South Australian Housing Authority Annual Report.

HOMELESSNESS

169 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020 what was the percentage of individual females who sought assistance from specialist homelessness services in South Australia?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This information will be publicly available in the 2019-20 South Australian Housing Authority Annual Report.

HOMELESSNESS

170 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020 what was the percentage of individual males who sought assistance from specialist homelessness services in South Australia?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This information will be publicly available in the 2019-20 South Australian Housing Authority Annual Report.

HOMELESSNESS

171 Ms COOK (Hurtle Vale) (21 July 2020). What is the percentage increase in demand for specialist homelessness services in the last five years?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

Over the period of five years from 2014-15 to 2019-20, there has been no increase in people seeking assistance from a specialist homelessness service.

HOMELESSNESS

172 Ms COOK (Hurtle Vale) (21 July 2020). What are the top three reasons for people seeking assistance from a specialist homelessness service; and what percentage are they in the total amount?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

For the period 1 July 2019 to 30 June 2020, the top three reasons people identified when seeking assistance was: 36 per cent housing crisis, 26 per cent domestic and family violence and 16 per cent inadequate or inappropriate dwelling conditions.

PUBLIC HOUSING

173 Ms COOK (Hurtle Vale) (21 July 2020). Of the tenants within public housing, what is the percentage of income sources for those tenants?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

As at 30 June 2020, the main income source for public housing tenants paying a reduced rent was 95.1 per cent in receipt of a government payment, 4.6 per cent with a wage income and 0.2 per cent as another income.

As market rent payers do not need to advise SA Housing Authority of their income, they have been excluded from the percentage of income sources.

HOUSING SA

174 Ms COOK (Hurtle Vale) (21 July 2020). For the period of 1 July 2019 to 30 June 2020, how many houses has the South Australian Housing Authority built?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This information will be publicly available in the 2019-20 South Australian Housing Authority Annual Report

HOUSING SA

175 Ms COOK (Hurtle Vale) (21 July 2020). For the period of 1 July 2019 to 30 June 2020, how many houses has the South Australian Housing Authority sold?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

This information will be publicly available in the 2019-20 South Australian Housing Authority Annual Report.

SOUTH AUSTRALIAN HOUSING WAITING LIST

176 Ms COOK (Hurtle Vale) (21 July 2020). At 30 June 2020, what was the total number of people on each South Australian housing waiting list?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

As at 30 June 2020, there was 17,461 active applications on the public and Aboriginal housing register with 14,552 active registrations for community housing.

CORONAVIRUS

177 Ms COOK (Hurtle Vale) (21 July 2020). As at 31 May 2020, what was the total number of recipients of COVID-19 concessions paid?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

As at 31 May 2020, 16,661 customers had received a payment under the Marshall Liberal government's Cost of Living Concession (COLC) COVID-19 stimulus measure.

DISABILITY SERVICES

178 Ms COOK (Hurtle Vale) (21 July 2020). What is the total number of FTEs employed in any type of disability service within the Department of Human Services for the years:

(a) 2018-19?

(b) 2019-20?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

(a) The number of FTEs employed in disability services within the Department of Human Services at 30 June in 2019 was 1,879.3.

(b) The number of FTEs employed in disability services as at 30 June 2020 is estimated as 1,727.9 FTEs.

HUMAN SERVICES DEPARTMENT, CHIEF EXECUTIVE APPOINTMENT

179 Ms COOK (Hurtle Vale) (21 July 2020). What date was a recommendation for appointment of the Chief Executive of the Department of Human Services received by the minister from the selection panel?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

All chief executive appointments are determined by the Premier.

HOUSING SA

180 Ms COOK (Hurtle Vale) (21 July 2020). As at 30 June 2020 what was the average time taken to resolve logged maintenance requests to the satisfaction of both the tenant and Housing SA?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

During 2019-20, SA Housing Authority paid 203,711 maintenance invoices of which the average days to resolve between the date the order was raised, and the date job completed was 18 days. This includes all priorities including non-urgent maintenance work.

The Maintenance Call Centre undertake customer surveys including the starting of maintenance work on time, with 89 per cent of customers satisfied in June 2020.

HUMAN SERVICES DEPARTMENT

182 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020 what was the average wait time for each type of child, vulnerable person or other check conducted by the Department for Human Services?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

Average processing times for the vast majority of screening applications completed in 2019-20 were:

Screening	Average Processing time*
Working with Children Checks	7.3 Calendar Days
Disability Services employment	7.1 Calendar Days
Aged Care Employment checks	6.4 Calendar Days
Vulnerable Person-Related Employment	6.2 Calendar Days
General Employment Probity	6.6 Calendar Days

*excludes less than 2.5 per cent of screenings requiring complex screening and risk assessment, which may involve seeking additional information from third parties and procedural fairness considerations.

AFFORDABLE HOMES PROGRAM

183 Ms COOK (Hurtle Vale) (21 July 2020). Can the minister advise:

(a) How many properties have been sold to eligible households through the affordable housing programs in each financial year since its inception?

(b) How many of these households were social housing tenants?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

(a) The Affordable Homes Program commenced in 2007-08.

The number of properties sold to eligible home buyers during exclusive listing period for each financial year is as follows:

Financial Year	No. sold
2007-08	188
2008-09	105
2009-10	244
2010-11	186
2011-12	224
2012-13	240
2013-14	276
2014-15	296
2015-16*	218
2016-17	170
2017-18	148
2018-19	103
2019-20 **	49

* In 2015, the Affordable Homes Program reduced the exclusive listing period for a property to 30 days.

** Consistent with multiple external economic impacts affecting the South Australian residential market, there has been a recent reduction in sales.

(b) The Authority does not report on the number of properties sold through the Affordable Homes Program to social housing tenants.

HIGHGATE PARK

184 Ms COOK (Hurtle Vale) (21 July 2020). As at 30 June 2020, how many residents are still living at Highgate Park?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

As at 30 June 2020 there were no residents living at Highgate Park.

GAMBLERS REHABILITATION FUND

185 Ms COOK (Hurtle Vale) (21 July 2020). For the period 1 July 2019 to 30 June 2020 how many problem gambling interventions were provided and how many people received gambling help services through the Gamblers Rehabilitation Fund?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

Under the Gamblers Rehabilitation Fund, between 1 July 2019 and 31 December 2019:

- Gambling help services were provided to 780 registered clients;
- the SA Gambling Helpline answered 770 calls, including 421 calls from individuals experiencing gambling harm; and
- 235 people accessed online counselling services.

Data for the period 1 January 2020 to 30 June 2020 is not yet available.

LOCAL HOSPITAL NETWORK BOARDS

187 Mr PICTON (Kaurna) (21 July 2020). Since the establishment of local hospital network boards until 30 June 2020, which board members have resigned or been removed, listing the name, date of the end of board tenure and reason for departure?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised that:

LHN	Name	End of Board Tenure Date	Reason for Departure
BHFLHN	Ms Juliet Brown	28 January 2020	Resigned
BHFLHN	Mr Joseph Ullianich	28 January 2020	Resigned
BHFLHN	Mr Robert Zadow	28 January 2020	Resigned
CALHN	Ms Naomi James	3 June 2020	Resigned
EFNLHN	Ms Tina Miller	28 December 2019	Resigned
LCLHN	Ms Kerri Reilly	30 March 2020	Resigned
YNLHN	Ms Vanessa Boully	11 December 2019	Resigned
YNLHN	Mr Shane Mohor	13 November 2019	Resigned

LOCAL HOSPITAL NETWORK BOARDS

188 Mr PICTON (Kaurna) (21 July 2020). After the establishment of local hospital network boards until 30 June 2020, which board members have been subsequently appointed to boards, listing the name, board, date of appointment and which legislative criteria were met?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has advised that:

Member Name	Board	Date of Appointment	Legislative Criteria*
Judith Curran	BHFLHN	28 January 2020	Section 33B (2)(d)
Kevin Cantley	BHFLHN	28 January 2020	Section 33B (2)(g)
Jane Yuile	CALHN	29 May 2020	Section 33B (2)(c) and (d)
Glenise Coulthard	YNLHN	1 November 2019	Section 33B and Schedule 3

*Health Care Act 2008.

LOCAL HOSPITAL NETWORK BOARDS

189 Mr PICTON (Kaurna) (21 July 2020). Since the establishment of local hospital network boards until 30 June 2020, list the dates of each board meeting that was held, and each subcommittee meeting that was held of each board?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education): The Minister for Health and Wellbeing has been advised that:

As at 30 June 2020 the following meetings have taken place:

Barossa Hills Fleurieu Local Health Network

Month	Governing Board Meeting	Audit and Risk Committee
July 2019	3 Jul	
August 2019	22 Aug	21 Aug
September 2019	26 Sep	
October 2019	23 & 24 Oct	
November 2019	20 Nov	
December 2019	18 Dec	17 Dec
January 2020		
February 2020	26 Feb	
March 2020	27 Mar	12 Mar
April 2020	24 Apr	
May 2020	22 May	14 May
June 2020	26 Jun	

Central Adelaide Local Health Network

Governing Board	14 August 2019
	24 September 2019
	2 October 2019
	4 December 2019
	5 February 2020
	31 March 2020
	16 April 2020
	3 June 2020
Clinical Governance Committee	3 September 2019
	19 November 2019
	3 March 2020
Finance Committee	14 August 2019
	2 October 2019
	4 December 2019
	5 February 2020
	10 March 2020
	13 May 2020
	3 June 2020
Audit & Risk Committee	3 September 2019
	19 November 2019
	3 March 2020
Nominations & Remuneration Committee	2 October 2019
Statewide Clinical Support Services Committee	5 February 2020
	19 June 2020

COVID-19 Committee	5 May 2020
	19 May 2020

Eyre and Far North Local Health Network

Month	Governing Board Meeting	Audit & Risk Committee	Clinical Governance Committee	Consumer, Community and Clinician Engagement Committee	Finance & Performance Committee
July 2019	25 Jul				
August 2019	29 Aug				29 Aug
September 2019	26 Sep	24 Sep	10 Sep	19 Sep	25 Sep
October 2019	24 Oct		8 Oct		23 Oct
November 2019	28 Nov	21 Nov	12 Nov	7 Nov	28 Nov
December 2019	19 Dec		10 Dec		
January 2020			14 Jan	9 Jan	20 Jan
February 2020	27 Feb	24 Feb	11 Feb		26 Feb
March 2020	26 Mar		10 Mar	10 Mar	
April 2020	23 Apr				22 Apr
May 2020	28 May	20 May	21 May	7 May	27 May
June 2020	25 Jun		18 Jun		24 Jun

Flinders and Upper North Local Health Network

Month	Governing Board Meeting	Audit & Risk Committee	Clinical Governance Committee	Consumer and Community Engagement Committee	Finance & Performance Committee
July 2019	26 Jul				
August 2019	23 Aug			29 Aug	
September 2019	27 Sep				
October 2019	31 Oct				23 Oct
November 2019	22 Nov		21 Nov		
December 2019	20 Dec	12 Dec		6 Dec	12 Dec
January 2020	31 Jan		30 Jan		17 Jan
February 2020		14 Feb			21 Feb
March 2020	6 & 27 Mar		26 Mar	13 Mar	18 Mar
April 2020	24 Apr				17 Apr
May 2020	22 May	29 May	21 May		15 May
June 2020	26 Jun			5 Jun	18 Jun

Limestone Coast Local Health Network

Month	Governing Board Meeting*	Audit & Risk Committee**	Clinical Governance Committee**	Finance & Performance Committee*
July 2019	29-Jul			
August 2019				
September 2019	2 & 30 Sept	30-Sep		
October 2019	28-Oct			28-Oct
November 2019	25-Nov		25-Nov	25-Nov
December 2019				
January 2020	20-Jan	20-Jan		20-Jan
February 2020	24-Feb			24-Feb
March 2020	30-Mar		30-Mar	30-Mar
April 2020	27-Apr	27-Apr		27-Apr
May 2020	25-May			25-May
June 2020	29-Jun		29-Jun	29-Jun

Northern Adelaide Local Health Network

Month	Governing Board Meeting	Audit & Risk Committee	Mental Health Committee	NALHN Clinical Governance	Finance & Performance Committee
July 2019	3 Jul				26 Jul

Month	Governing Board Meeting	Audit & Risk Committee	Mental Health Committee	NALHN Clinical Governance	Finance & Performance Committee
August 2019	7 Aug				27 Aug
September 2019	4 Sep				
October 2019	2 Oct	15 Oct		15 Oct	1 & 29 Oct
November 2019	6 Nov	19 Nov			26 Nov
December 2019	4 Dec				
January 2020					28 Jan
February 2020	4 Feb	15 Feb		25 Feb	25 Feb
March 2020	3 Mar				24 Mar
April 2020	1 & 16* Apr				9* & 28 Apr
May 2020	6 & 17* May	19 May	26 May		28 May
June 2020	3 Jun			22 Jun	23 Jun

*Extraordinary meeting

Riverland Mallee Coorong Local Health Network

Month	Governing Board Meeting	Audit & Risk Committee	Clinical Governance Committee	Finance Committee
July 2019	25 Jul			25 Jul
August 2019	29 Aug		30 Aug	29 Aug
September 2019	26 Sep	27 sep		26 Sep
October 2019	31 Oct		31 Oct	31 Oct
November 2019	28 Nov	28 Nov		28 Nov
December 2019				
January 2020	30 Jan		30 Jan	30 Jan
February 2020	27 Feb			27 Feb
March 2020	26 Mar	19 Mar		26 Mar
April 2020	30 Apr		30 Apr	30 Apr
May 2020	28 May	28 May		28 May
June 2020	25 Jun			25 Jun

Southern Adelaide Local Health Network

Month	Governing Board Meeting*	Audit & Risk Committee**	Clinical Governance Committee**	Consumer and Community Engagement Committee	Finance & Performance Committee*
July 2019	4 Jul		18 Jul		
August 2019	8 Aug	15 Aug	29 Aug	15 Aug	8 Aug
September 2019	5 Sep		26 Sep		19 Sep
October 2019				17 Oct	
November 2019	7 Nov	5 Nov	14 Nov		5 Nov
December 2019	5 Dec		12 Dec	19 Dec	
January 2020					
February 2020	6 Feb	13 Feb		20 Feb	
March 2020			26 Mar		16 Mar
April 2020	9 Apr	23 Apr	23 Apr		
May 2020	7 May		21 May		28 May
June 2020	4 Jun	3 Jun	18 Jun		

Women's and Children's Health Network

Month	Governing Board Meeting*	Audit & Risk Committee**	Clinical Governance Committee**	Consumer and Community Engagement Committee	Finance & Performance Committee*
July 2019	4 Jul		24 Jul		18 Jul
August 2019	8 Aug	19 Aug		28 Aug	22 Aug

Month	Governing Board Meeting*	Audit & Risk Committee**	Clinical Governance Committee**	Consumer and Community Engagement Committee	Finance & Performance Committee*
September 2019	5 Sep		17 Sep		19 Sep
October 2019				16 Oct	24 Oct
November 2019	7 Nov	18 Nov	19 Nov		21 Nov
December 2019	5 Dec			11 Dec	
January 2020					
February 2020	6 Feb	21 Feb	7 Feb	12 Feb	20 Feb
March 2020					19 Mar
April 2020	9 Apr				16 Apr
May 2020	7 May	15 May	1 May		21 May
June 2020	4 Jun			10 Jun	18 Jun

Additionally there were 2 COVID-19 Committee meetings:

- 1 May 2020
- 15 May 2020

Yorke and Northern Local Health Network

Month	Governing Board Meeting	Audit & Risk Committee	Clinical Governance Committee	Consumer and Community Engagement Committee	Finance and Performance Committee	Aged Care Committee
July 2019	9 Jul					
August 2019	27 Aug	21 Aug			21 Aug	22 Aug
September 2019	24 Sep	27 Sep			27 Sep	
October 2019	15 Oct		3 Oct			3 & 31 Oct
November 2019	19 Nov	6 & 25 Nov	27 Nov		6 & 25 Nov	28 Nov
December 2019	17 Dec	17 Dec	12 Dec			19 Dec
January 2020		23 Jan			21 Aug	
February 2020	11 Feb	27 Feb	18 Feb	19 Feb	27 Sep	18 Feb
March 2020	4 Mar	26 Mar				
April 2020	1 Apr	30 Apr	21 Apr	15 Apr	6 & 25 Nov	21 Apr
May 2020		28 May	19 May	20 May		19 May
June 2020	3 Jun	25 Jun	16 Jun	17 Jun	21 Aug	16 Jun

SOUTH AUSTRALIA POLICE

204 Mr ODENWALDER (Elizabeth) (9 September 2020). Can the minister provide information pertaining to SAPOL's use of drones (or Unmanned Aerial Vehicles, or similar), including:

(a) The number of drones owned and operated by SAPOL?

(b) The number of drones acquired by SAPOL on a lease-type basis?

(c) A breakdown of which sections or units within SAPOL have control of these drones?

(d) A breakdown of when, where and how these drones were used in each calendar year from 2016?

(e) Any general orders or policies relating to the use or deployment of drones?

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services): I am advised by South Australia Police (SAPOL) the following:

(a) SAPOL has a number of remote piloted aircraft systems. For operational reasons SAPOL does not comment on capability.

(b) Nil.

(c) Special Tasks and Rescue Group.

(d) For operational reasons SAPOL does not comment on the locations or number of deployments.

(e) SAPOL complies with CASA (Civil Aviation Safety Authority) Regulation—CASR Part 101.

DECLARED PUBLIC PRECINCT

205 Mr ODENWALDER (Elizabeth) (9 September 2020). Can the minister advise, the number of orders to leave a declared public precinct that were issued (pursuant to section 66O of the Summary Offences Act), for each precinct and each declared public precinct period since 2016; and

(a) How many of these orders were subsequently breached?

(b) How many arrests were made following a breach?

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services):

DECLARED PUBLIC PRECINCT	DECLARED PERIOD	NUMBER OF ORDERS TO LEAVE	NUMBER OF BREACHES	NUMBER OF ARRESTS
Victor Harbor (Schoolies)	24/11/17-27/11/17	7	2	2
Victor Harbor (Schoolies)	23/11/18-26/11/18	8	0	0
Victor Harbor (Schoolies)	22/11/19-25/11/19	9	0	0
Glenelg (NYE)	2017-18	10	0	0
Glenelg (NYE)	2018-19	0	0	0
Glenelg (NYE)	2019-20	2	0	0
City West	10/11/17-27/7/20	3860	Refer below	Refer below

South Australia Police does not have data regarding the number of section 66O offences. However, for the period 10/11/17 to 27/7/20 inclusive there were 354 breaches of section 66 (inclusive of 66O, 66P, 66Q and 66T) all of which were dealt with by arrest.

DECLARED PUBLIC PRECINCT

206 Mr ODENWALDER (Elizabeth) (9 September 2020). Can the minister advise, the number of declared public precinct barring orders (pursuant to section 66T of the Summary Offences Act) that were issued, for each precinct and each declared public precinct period since 2016; and

(a) How many of these orders were subsequently breached?

(b) How many arrests were made following a breach?

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services):

DECLARED PUBLIC PRECINCT	DECLARED PERIOD	NUMBER OF BARRING ORDERS	NUMBER OF BREACHES	NUMBER OF ARRESTS
Victor Harbor (Schoolies)	24/11/17-27/11/17	4	0	0
Victor Harbor (Schoolies)	23/11/18-26/11/18	1	0	0
Victor Harbor (Schoolies)	22/11/19-25/11/19	4	0	0
Glenelg (NYE)	2017-18	5	0	0
Glenelg (NYE)	2018-19	0	0	0
Glenelg (NYE)	2019-20	0	0	0
City West	10/11/17-27/7/20	114	Refer below	Refer below

South Australia Police does not have data regarding the number of Section 66T offences. However, for the period 10/11/17 to 27/7/20 inclusive there were 354 breaches of section 66 (inclusive of 66O, 66P, 66Q and 66T) all of which were dealt with by arrest.

NATIONAL DISABILITY INSURANCE SCHEME

207 Ms COOK (Hurtle Vale) (10 September 2020). For the period 1 January 2018 to 30 June 2020, what was the total number of people who transitioned from Disability SA support services to the National Disability Insurance Scheme?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

3,940 people transitioned from the former Disability SA support services to the National Disability Insurance Scheme from 1 January 2018 to 30 June 2020.

NATIONAL DISABILITY INSURANCE SCHEME

208 Ms COOK (Hurtle Vale) (10 September 2020). For the period 1 January 2018 to 30 June 2020, how many people did the South Australian government provide in-kind support coordination for?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

The former Disability SA recorded the following numbers of NDIS participants as having access to in-kind support coordination or specialist support coordination:

- For the period 1 January 2018 to 30 June 2018—2,970 participants
- For the period 1 July 2018 to 30 June 2019—2,417 participants
- For the period 1 July 2019 to 30 June 2020—1,346 participants

NATIONAL DISABILITY INSURANCE SCHEME

209 Ms COOK (Hurtle Vale) (10 September 2020). For the period 1 January 2018 to 30 June 2020, what is the exact dollar value of the of the in-kind support provided to South Australians on the NDIS?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

For the period 1 January 2018 to 30 June 2020, the South Australian government had in-kind support coordination services and specialist support coordination services valued at $25.6 million recognised by the NDIS.

NATIONAL DISABILITY INSURANCE SCHEME

210 Ms COOK (Hurtle Vale) (10 September 2020). For the period 1 January 2018 to 30 June 2020, how many clients received the full value of their in-kind support coordination?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

Under the commonwealth-state bilateral agreement for the National Disability Insurance Scheme the former Disability SA provided in-kind services in regional areas on an average annualised amount per person, as a result no information is available on the utilisation for these participants. In metropolitan areas the former Disability SA provided services and received funding on a per hour basis aligned to a participant's plan. As this service has closed, specific utilisation data for these participants across this time is not readily available.

NATIONAL DISABILITY INSURANCE SCHEME

211 Ms COOK (Hurtle Vale) (10 September 2020). As at 30 June 2020, how many people are still being provided with in-kind support coordination?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Minister for Human Services has provided the following advice:

As at 30 June 2020, there are no remaining NDIS participants being provided with in-kind support coordination from the former Disability SA.