

HOUSE OF ASSEMBLY

Tuesday, 11 May 2021

The **SPEAKER** (Hon. J.B. Teague) took the chair at 11:00 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:01): I move:

That standing and sessional orders be and remain so far suspended as to enable the consideration of Private Members Business, Order of the Day No. 39, the Voluntary Assisted Dying Bill, to take precedence over Government Business from 7.30pm on Wednesday 26 May and 7.30pm on Wednesday 9 June.

The SPEAKER: I have counted the house and, as there is an absolute majority of the whole number of members of the house, I accept the motion; is it seconded?

An honourable member: Yes, sir.

The SPEAKER: I will put the question at once.

Motion carried.

The Hon. D.C. VAN HOLST PELLEKAAN: I certainly will not be canvassing the issues of the bill itself at the moment, but let me just say that—

The SPEAKER: I just indicate that I might have jumped the gun. I have put the question and the motion has been carried. If the minister would address the matter, there is a way in which that might be done and I will give the minister the opportunity, but the motion has been carried.

The Hon. D.C. VAN HOLST PELLEKAAN: I do appreciate the support of the chamber. While I will not address the substance of the bill, let me just make it very clear that this is a challenging topic and I am sure that every single person in this chamber has wrestled with this topic. It is our government's very clear intention to put forward a process that allows every member of this chamber to have the chance to put their beliefs on the record and their vote on behalf of their electorate on the record.

To flesh this out, so that all members are aware of exactly what we are trying to do, what we are proposing is that on that first date, 26 May, from 7.30pm through until adjournment, this house will give every member who wants it the opportunity to give a second reading speech and then adjourn. It is also our intention that from 7.30pm until adjournment on Wednesday 9 June this house will go through the committee stage of that bill and ideally the third reading stage as well.

That is where the government would like to head. We accept that we need the support of the chamber to do that and we are very grateful for the support of the chamber on this suspension. Lastly, let me say that the government would like to offer the deputy leader, who has carriage of this bill on behalf of the Hon. Kyam Maher in the other place, the opportunity to give her second reading explanation tomorrow morning during private members' time. Immediately after that speech, we propose that debate would be adjourned and resumed at 7.30pm on 26 May.

The SPEAKER: Having provided the minister with that opportunity, I would afford it to the leader and perhaps any other member who might briefly wish to address this matter by way of explanation.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (11:04): Thank you, Mr Speaker, I appreciate the opportunity to make a few remarks on this. I think every South Australian by now has a degree of consciousness of the importance of this bill. Because of the upper house having made an historic decision to pass the Voluntary Assisted Dying Bill, this house now has another opportunity to deal with it yet again. Upon that news breaking last week, there was a

significant moment of pause within the community as they contemplated the prospect that this legislation—this law—may yet become reality. Certainly, on one interpretation of the public will, there is a sense that the will is there and that the time for this bill has come and it needs to be passed.

The Hon. V.A. CHAPMAN: Point of order: I suggest that the member now is not only straying from the topic but actually purporting to deal with the bill and the substance of the bill, which is a matter that is now going to be before us, so I would ask the member to be mindful of that.

The SPEAKER: I will not uphold the point of order for the moment. In the circumstances—and this is really a matter for which I take responsibility—the leader is addressing by way of explanation. The leader has the call and I am listening carefully.

Mr MALINAUSKAS: I was making remarks about the process. That news having broken, a significant statement was subsequently made on Thursday morning by the Premier of South Australia, which I think we should all be conscious of in this place. The Premier, in a written statement on Thursday, stated and I quote:

The Voluntary Assisted Dying (VAD) legislation currently before parliament is an emotional issue for the South Australian community. As the leader of this State I take my responsibility to have such legislation promptly resolved by the Parliament, one way or the other, seriously. This is an important issue and I do not want its consideration to be unduly delayed through parliamentary processes. That is why I have decided to progress debate on this legislation immediately. The community expects Parliament to act swiftly and decisively on issues that impact them and that is why I am allocating Government Business time to debate the legislation now that it has passed the Upper House.

They are the words of the Premier of South Australia and I think this chamber should be cognisant of the fact that that promise is now being broken. Why is that promise being broken? That promise is being broken by the Premier only four days after that promise has been made—

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

The SPEAKER: The leader will resume his seat.

The Hon. V.A. CHAPMAN: Again, this is debating a matter in relation to a process that the house has just agreed to do, so I question the merit of this.

The SPEAKER: The Deputy Premier will resume her seat. There is no point of order. I am alive to the words of the motion that has just been put and carries concerns regarding the giving of precedence over government time on two different dates. The leader is speaking in the circumstances by way of explanation. The leader has the call.

Mr MALINAUSKAS: The reason why we are here dealing with this motion is that the Premier has broken a promise that was without equivocation: it was in black and white. He has broken a promise to the people of this state, people who are looking to him. Indeed, they thought they were in receipt of leadership from him on this issue, until he rolled into the party room on Monday night and got rolled. So now here we are adopting a rather convoluted and abstract process that, hopefully, will ultimately see this issue resolved, but we should remember that is because the Premier has broken his promise. What we have is a Premier who was—

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

Mr MALINAUSKAS: How many more times are we—

The SPEAKER: The leader will resume his seat. The Minister for Energy and Mining on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: The leader, as well as reflecting on a vote of the house which has just passed, I submit to you is going way beyond the latitude that you should give him with regard to his comments on this suspension.

The SPEAKER: There is no occasion to reflect upon a vote of the house. In my consideration, what the leader has said so far does not amount to reflecting on a vote of the house. The leader is speaking by way of explanation in the circumstances of the motion. The leader has the call.

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: What we have here is a Premier who was happy to make promises but is clearly without conviction on delivering them. It would have been perfectly legitimate for the Premier to walk into the Liberal party room last night and say, 'I'm the member for Dunstan. I'm the Premier of South Australia. I won an election—'

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

Mr MALINAUSKAS: How many more times are we going to do this?

The SPEAKER: The leader will resume his seat. The Minister for Energy and Mining on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: Again, I submit to you that the leader's suggestions about what should have happened in anybody's party room are nothing to do with this debate.

Members interjecting:

The SPEAKER: Order, members on my left! I do not uphold the point of order. The leader has the call.

Mr MALINAUSKAS: The Premier could have walked into the party room last night and exercised the function of leadership. He spoke in his statement made last Thursday about the importance of leadership, the importance of this matter and 'that is why it should be dealt with immediately'. He could have honoured that promise. He could have walked into the party room and said, 'I'm the leader. I won an election. I've made a commitment in writing to the people of this state, and I expect my party room to allow me to honour that commitment.'

Instead he was too weak. His leadership was impotent when it was tested on a matter of supposed conviction. Now we find ourselves in a situation where this bill will now be debated after 7.30pm, late on Wednesdays and into the early hours of the morning, and we will not have a resolution until most likely sometime in June, if not substantially later. Of course, that is inconsistent—

The Hon. V.A. Chapman interjecting:

Mr MALINAUSKAS: The Deputy Premier, not content with having her points of order ruled against consistently thus far, interjects and makes the point in terms of precedent. Well, the precedent, of course, for the last time that the state parliament dealt with a euthanasia bill was for it to be dealt with in government time—

The Hon. V.A. Chapman: In private members' time.

The SPEAKER: Deputy Premier!

Mr MALINAUSKAS: They do not like it, Mr Speaker; unlike question time, they do not like it when other people have their say and they have to listen. The last time the parliament dealt with this bill, as the Deputy Premier would well recall, it was dealt with in government time and the then member for Morphett Duncan McFetridge—

Mr Knoll: Get your facts straight. It was not.

The SPEAKER: Member for Schubert! The member for Schubert will not interject and especially not from outside his seat.

Mr MALINAUSKAS: —was given the opportunity to deal with this as a private member's bill as private members' business in government time. I think every South Australian would know that this Premier made a commitment in writing on Thursday, and it was not—

The Hon. S.S. Marshall interjecting:

The SPEAKER: Order, the Premier! The leader has the call.

Mr MALINAUSKAS: The Premier interjects, and I welcome the interjection because it is an opportunity to remind him of what he said on Thursday—

The Hon. S.S. Marshall interjecting:

Mr MALINAUSKAS: Yes, and I'm going to read it again:

That is why I have decided to progress...on this legislation immediately. The community expects parliament to act swiftly and decisively on issues that impact them, and that is why I am allocating government business time...

Well, this government has failed. He makes a commitment on Thursday and breaks it on Monday, because he has the inability to lead his own party room. And at the next election—

The Hon. S.S. Marshall: What is an 'ill ability'? Is that a new word?

The SPEAKER: Order, the Premier!

The Hon. S.S. Marshall: What's an 'ill ability'?

The SPEAKER: The Premier will cease interjecting.

Mr MALINAUSKAS: At the next election, when people can consider the promises that this Premier makes them, he will consider them—

The Hon. S.S. Marshall interjecting:

The SPEAKER: The Premier is called to order.

Members interjecting:

The SPEAKER: The leader has the call.

Members interjecting:

The SPEAKER: Member for Mawson!

Members interjecting:

The SPEAKER: Order, members on my left! The member for Wright! The leader has the call.

Mr MALINAUSKAS: This Premier, when he goes to the next election, will be making promises and the people will be able to make—

Members interjecting:

The SPEAKER: Order, the Premier! The leader has the call.

Mr MALINAUSKAS: You know they are struggling. They break glass in case of emergency, roll out shop trading hours; break glass in case of emergency, offer fake laughter in the parliament in a way that tries to suggest that things are all under control.

Members interjecting:

The SPEAKER: Member for Chaffey!

Mr MALINAUSKAS: At the next election, when people contemplate the promises that are being made by this Premier, they will recall GlobeLink, they will recall the right-hand turn of the tram, they will recall the no privatisation agenda and they will recall the long list of promises that this Premier has made. But then they will reflect on his time in government and they will pause and reflect on the Premier's promise that he made on Thursday, only to have it broken on Monday.

People understand that when this Premier makes promises not only are they not likely to be kept but they are also promises that are subject to the approval of his party room, which he has an inability to lead—an inability to lead. If he understood the function of leadership, we would not be dealing with this bill in the format that we now are. The record is there for everyone to see and it is in black and white: promise on Thursday, breaking of promise on Monday. South Australians have been left wanting, South Australians who I think quite legitimately would have expected this parliament to deal with the bill in the way that the Premier first promised. I want to say something to that. Had the Premier—

The SPEAKER: Order! The time for an explanation has expired. I will give the leader a moment longer, but the leader will be brief.

Mr MALINAUSKAS: When the Premier made his promise on Thursday, that he was going to offer it at government time and do so expeditiously and immediately, that was a position I actually thought was the right thing to do. I thought—

Members interjecting:

The SPEAKER: Order! The Deputy Premier will cease interjecting.

Mr MALINAUSKAS: —that was a position that made sense. It is not yet too late for the Premier to change his mind again and allocate government time to this bill so that it will not be dealt with at 4 o'clock in the morning and will be dealt with appropriately.

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: We have a leader who is weak and impotent and has an inability to actually execute the function of leadership—and South Australians who want to see this law reform are paying the price.

The SPEAKER: Order! The motion to suspend standing and sessional orders has been put and has been carried, and there have been contributions on both sides of the house by way of explanation.

Members interjecting:

The SPEAKER: Order!

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY) (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 6 May 2021.)

Clause 24.

The CHAIR: I closed last week by reading a statement in relation to clause 24, which we are on now. I am actually going to read that again so that everybody is refreshed. My statement is that, to enable the minister and the member for Reynell to have their amendments considered by the committee, I intend to ask the minister to move her amendment No. 2 on schedule (2) in two parts. Firstly, I will ask the minister to move that all words in clause 24, up to and including the number 112A, be deleted. If this is agreed to, I will invite the minister to move the balance of her amendment No. 2; that is, to delete the remaining words in clause 24. If negatived, however, I will invite the member for Reynell to move her amendment No. 16 on schedule 3.

The Hon. R. SANDERSON: I move:

That all words up to and including '112A' be deleted.

Ms HILDYARD: What was the rationale for excluding decisions by the chief executive in relation to financial assistance from internal review?

The Hon. R. SANDERSON: One of the unintended consequences of the introduction of the external reviews is there have been a number of instances of short-term carers bringing external reviews in relation to long-term placement decisions. The reviews have in some cases been quite lengthy, lasting over 12 months. During this time, the children have been prevented from transitioning to the long-term placements, which are generally with family members. This type of situation is not in the best interests of children.

The amendments to both the internal and external review seek to balance the rights of the carers, who are an important part of the child protection system, with timely decision-making in relation to placements, which is in the child's best interest. I have continued to work with Connecting Foster and Kinship Carers as the peak body for carers in relation to the potential impacts on carers as a result of the amendment. As a result, this amendment is being withdrawn. This means that carers can seek a review in relation to all decisions where they are currently entitled to an internal

review, including decisions in relation to financial assistance to carers provided pursuant to section 112A.

The CHAIR: Before I call the member for Reynell—apologies for this—I am going to make a slight correction to my initial statement. The member for Reynell will have the opportunity, if this motion is negated, to move her amendment No. 15. I said it was No. 16; it is actually No. 15. My apologies; I needed to make that correction.

Ms HILDYARD: How will decisions of that kind now be reviewed, should a person be aggrieved by such decision?

The Hon. R. SANDERSON: I assume you are talking about a financial decision, and that will be by internal review.

Ms HILDYARD: To clarify so that I am understanding correctly, decisions by the chief executive in relation to financial assistance are now precluded from internal review.

The Hon. R. SANDERSON: No, external.

Ms HILDYARD: From external review. Just to clarify what you have just said, if there is no external review now an internal review will review an internal review; is that correct?

The Hon. R. SANDERSON: No, an internal review will review an internal decision. For example, this prevents the application for review in relation to exceptional resource funding where SACAT is not best placed to review decisions that have significant budgetary and financial implications for the department.

Ms HILDYARD: Why is the process in relation to these types of decisions different from others and were there any concerns raised about procedural fairness, given the inability to have such decisions externally reviewed?

The Hon. R. SANDERSON: There is a built-in mechanism for an internal review in the legislation and that will be applied.

Amendment carried.

The Hon. R. SANDERSON: I move:

That all remaining words in clause 24 be deleted.

This is the same as the member for Reynell's amendment also.

Amendment carried; clause as amended passed.

Clause 25.

The CHAIR: To enable the minister and member for Reynell to have their amendments considered by the committee, I intend to ask the minister to move her amendment No. 3 on schedule (2) in two parts: firstly, I will ask the minister to move that all words in clause 25(1) up to and including 112A be deleted. If this is agreed to, I will invite the minister to move the balance of her amendment No. 3 and that is to delete the remaining words in subclause (1) and insert new words. If negated, I will invite the member for Reynell to move her amendment No. 16 on schedule 3.

The Hon. R. SANDERSON: I move:

That all words in clause 25(1) up to and including '112A' be deleted.

Ms HILDYARD: Again, I am not sure if I will get a fulsome answer, but what is the rationale for excluding decisions by the chief executive from review by SACAT?

The Hon. R. SANDERSON: It is in the interests of timely decision-making and in the best interests of the child.

Ms HILDYARD: This is a question of clarification: in not allowing a party to have rights in relation to a decision made by the chief executive rather than by SACAT, how, in all circumstances, could you possibly guarantee that it would be in the best interests of the child for there not to be any review process or external review process whatsoever?

It seems that this is about decisions being able to be made by the chief executive and then the department itself reviewing the chief executive's decision. I just cannot see how that would be in the best interests of the child in all circumstances, so if you could just clarify, in relation to your answer to my first question: how on earth could you guarantee that not being able to have an external review but, rather, enabling the department itself to review a chief executive's decision, could possibly be in the best interests of the child?

The Hon. R. SANDERSON: The internal review that is part of the legislation has members who are independent from the original decision, but also independent from the department, to do that review.

Ms HILDYARD: What rights, if any, to any external arbiter, adjudicator, etc., are parties left with, given this amendment and the amendment we have just discussed at clause 24?

The Hon. R. SANDERSON: You are asking what decisions can go to an external review?

Ms HILDYARD: No, I am asking what rights to external review are parties left with in relation to what has just changed at clauses 24 and 25? This is not in relation to other matters that may be able to be reviewed by SACAT. What rights to external arbitration or adjudication or review are parties left with, given the amendments you have made to clauses 24 and 25? Obviously, I am talking about clause 25 in this case but with some reflection on clause 24.

The Hon. R. SANDERSON: In chapter 12 of the act, there are reviews of the decision under the act and an internal review is included. There is also the Ombudsman and there is SACAT for certain decisions. Just to note, the opportunity even to go to SACAT has only occurred under this government. That was not even an option prior to 22 October 2018, so this is an expansion already of the ability.

We have also introduced the contact arrangements and review panel, which is a panel, to look at contact arrangements, and we have worked with Connecting Foster and Kinship Carers, which is the peak body, in order to get the balance right on decisions because we do need timely decision-making. SACAT can delay things for up to a year. We know that children attach in that time and we need to make swift decisions that are in the best interests of children, and we think we have struck the right balance.

Ms HILDYARD: Why is the power to compel parties to attend a SACAT conference being taken away from SACAT?

The Hon. R. SANDERSON: It will still happen by consent, but it is regarding timely decision-making.

Amendment carried.

The CHAIR: Now, minister, I am going to ask you to move the balance of your amendment No. 3, and that is to delete the remaining words in subclause (1) and insert new words. The new subclauses are (1), (1a), (1b), (1c), (1d), (1e) and (1f).

The Hon. R. SANDERSON: I move:

Amendment No 3 [ChildPro-1]—

Page 20, lines 11 and 12 [clause 25(1)]—Delete subclause (1) and substitute:

(1) Section 158(1)—delete subsection (1) and substitute:

(1) Subject to this section, a person who is aggrieved by a determination by the Chief Executive under section 157 may apply for a review of the determination by the South Australian Civil and Administrative Tribunal.

(1a) Section 158(2)—delete subsection (2) and substitute:

(2) However, a determination of the Chief Executive under section 157 relating to the following decisions will be taken not to be reviewable under this section:

(a) a decision under Chapter 7 Part 4;

(b) a decision under section 77;

(c) a decision under section 112A;

- (d) a decision referred to in subsection (1) that comprises a prescribed child protection complaint (within the meaning of section 28A of the Health and Community Services Complaints Act 2004);
 - (e) any other decision of a kind prescribed by the regulations.
- (1b) Section 158(3)—delete 'reviewable decision' and substitute:
determination of the Chief Executive under section 157
- (1c) Section 158(3)(a)—after 'case of a' insert:
determination relating to a
- (1d) Section 158(3)(b)—after 'case of a' insert:
determination relating to a
- (1e) Section 158(3)(c)—after 'case of' insert:
a determination relating to
- (1f) Section 158—after subsection (3) insert:
- (3a) Despite subsection (3), a person is not entitled to apply for a review of a determination of the Chief Executive under section 157 relating to a decision made under section 84(1)(a) to (d) (inclusive) in respect of a particular child or young person unless—
 - (a) the child or young person was placed with the person under that section for a specified period of more than 6 months (regardless of the period that the person has, in fact, been caring for the child or young person); or
 - (b) the person has been caring for the child or young person for a period of more than 6 months.

Amendment carried.

The Hon. R. SANDERSON: I move:

Amendment No 4 [ChildPro-1]—

Page 20, after line 21—Insert:

- (3) Section 158—after subsection (6) insert:
 - (7) The Minister must consult with the prescribed body representing carers in relation to any regulation proposed to be made under subsection (2)(e) that, in the Minister's opinion, is likely to substantially affect the rights of carers.

Should there be further unintended consequences as a result of this new jurisdiction, which are not in the best interests of children, it is important that the government has the ability to make regulations to address these issues in a timely manner. If, at some point in the future, it becomes necessary to consider a regulation which is in the best interests of children, I have brought a further amendment which ensures that carers, through a body representing them, will be consulted in relation to the proposed regulation.

Importantly, Connecting Foster and Kinship Carers were consulted in relation to the inclusion of the regulation-making power. They understand that there have been unintended consequences at SACAT since the introduction of this new jurisdiction and, therefore, understand why the government considers it is important to include this regulation-making power. They support the amendment to consult with a peak body representing carers. Parties may still attend conferences by agreement to help resolve issues before SACAT. In many cases, it is likely that conferences will occur. It is also important to note that there are a range of mechanisms that exist to review decisions made in relation to children in care including the Contact Arrangements Review Panel and the department's Central Complaints Unit.

The CHAIR: The minister has moved amendment No. 4 on schedule (2), which is in fact consequential to amendment No. 2 on schedule (3).

Amendment carried; clause as amended passed.

Clause 26.

The Hon. R. SANDERSON: I move:

Amendment No 5 [ChildPro-1]—

Page 21, lines 3 to 7 [clause 26, inserted section 161A(2)]—Delete subsection (2) and substitute:

- (2) However, this section ceases to apply in relation to a child or young person on the death of the child or young person.

Amendment carried.

The Hon. R. SANDERSON: I move:

Amendment No 6 [ChildPro-1]—

Page 22, after line 11 [clause 26, inserted section 161A]—Insert:

- (6) In this section—
child or young person means a person who is under 25 years of age.

Amendment carried.

Ms HILDYARD: Minister, can you please explain exactly how the penalty regime was arrived at?

The Hon. R. SANDERSON: It was consistent with other provisions similar to this.

Ms HILDYARD: Can you explain, minister, exactly what restrictions on publication are different from the current regime when compared with the restrictions in this clause?

The Hon. R. SANDERSON: New section 161A is inserted to better protect the privacy of children in care to protect the right to have their status as a child under guardianship, current or historical, remain confidential. The amendment restricts publication of information that will identify that they are children in care, or who have previously been in care, but does not preclude publication of a child or young person's photograph per se. It precludes the identification of the child or young person as a child in care.

Ms HILDYARD: What is different from the current regime?

The Hon. R. SANDERSON: It just strengthens the current provision and makes it a lot clearer. New section 161A also extends the protection beyond reports of family group conferencing or court proceedings and ensures that the child and young person's privacy is protected by such, that they cannot be identified as a child under guardianship, the subject of external SACAT reviews under the Children and Young People (Safety) Act, or the subject of family group conferencing.

The CHAIR: Are you happy with that?

Ms HILDYARD: I would not say I was happy.

The CHAIR: I should rephrase that: any further questions?

Ms HILDYARD: No.

Clause as amended passed.

Clause 27.

Ms HILDYARD: Minister, could you please explain the purpose of this clause and what it actually attempts to resolve or fix and why?

The Hon. R. SANDERSON: This amendment is to give effect to the information sharing guidelines and Ombudsman's recommendations to this effect. It allows disclosure of information to lessen or prevent a serious threat to the life, health or safety of a person, and this allows for information to be disclosed about an adult.

Clause passed.

Clause 28 passed.

Clause 29.

Ms HILDYARD: Minister, what responsibility will the child bear should they not adequately be made aware of a document that has been served?

The Hon. R. SANDERSON: This provision is only about the serving of a document. All children have access to legal representation.

Ms HILDYARD: Just to clarify, I will repeat my question. What responsibility would a child bear should they not adequately be made aware of a document that has been served?

The Hon. R. SANDERSON: If the child is not aware of the document, there would be no substantive liability to the child.

Ms HILDYARD: Minister, what is the rationale in changing the age to 18 instead of 16, and with whom did you consult about that change and what was their view?

The Hon. R. SANDERSON: The age was increased to make it easier for children, and it was consulted on as discussed earlier in questioning, including with CREATE, who support children leaving care.

Ms Hildyard interjecting:

The Hon. R. SANDERSON: CREATE. The whole bill was given out for consultation to a group of concerned NGOs and stakeholders groups.

Ms HILDYARD: Minister, what sorts of issues do you expect children would be served about?

The Hon. R. SANDERSON: This section applies to the whole act, so one example might be a written directive.

Clause passed.

New clause 29A.

Ms HILDYARD: I move:

Amendment No 18 [Hildyard-1]—

Page 22, after line 28—Insert:

29A—Amendment of section 169—Review of Act

Section 169—after subsection (2) insert:

- (2a) Without limiting the matters that may be considered in the review, the review must consider and report on—
- (a) the extent to which this Act (including the administration and enforcement of this Act) is successful in protecting Aboriginal and Torres Strait Islander children and young people in this State from harm; and
 - (b) the extent to which the Aboriginal and Torres Strait Islander Child Placement Principle has been properly applied in the performance of functions under this Act (including disaggregated data in respect of each element of the principle); and
 - (c) the extent to which this Act (including the administration and enforcement of this Act) is successful in protecting children and young people from diverse cultural, linguistic, racial and religious backgrounds in this State from harm; and
 - (d) the extent to which this Act (including the administration and operation of this Act) satisfactorily recognises and addresses the special needs and complexities relating to, or arising out of, the care of children and young people referred to in a preceding paragraph in this State; and
 - (e) ways in which this Act can be improved to achieve better outcomes in relation to the care of children and young people referred to in a preceding paragraph.

I will just speak briefly about the impetus for this amendment. In doing so, I will touch on a couple of themes I have touched on previously during this debate. The reason for moving this amendment is that there are many individuals and groups who have spoken with me and with my office about their concerns in relation to this bill.

When I say 'their concerns', those concerns were always absolutely focused on what the passing of this bill would mean for particular groups of children and particularly for vulnerable children. There has been significant concern raised about various aspects of this bill and the impact, or the potential impact, on those particular groups of vulnerable children and the need for more work to be done to ensure that particular groups of vulnerable children are contemplated in any legislation going forward.

As the minister said, there is to be a further review of this act that will commence towards the end of this year. I think it is incredibly important that as a parliament we listen to those groups about the concerns they have raised about particular groups of children. This amendment is in response to those concerns that have been raised. This amendment speaks to Labor's desire to listen to those groups, and it sets out a process for a review of this act and for that review to ensure that it includes particular groups of people in our community. I recommend the amendment to the committee. With those few words, we will await any questions or feedback from the minister.

The Hon. R. SANDERSON: At great length, we went through the updates, improvements and the strengthening to the Aboriginal child placement principle as part of the legislation we have been debating. The hope is that it will pass both houses and that it will be implemented. We need time for that to be implemented to see the full consequences and what needs to be further done. I have already committed to the house a full and extensive review in 2022 with regard to all the other amendments that were put by the member for Reynell.

We also believe that this would cause a duplication, as there is the Closing the Gap target that has a review process we are already a part of. But, mostly, we have already made improvements that we are hoping will go through both chambers and become law, and then we will have time before the full review to see if they are adequate and how they are flowing through.

New clause negatived.

Clause 30 passed.

Schedule 1.

The Hon. R. SANDERSON: I move:

Amendment No 1 [Sanderson-3]—

Page 23, lines 9 to 11 [Part 2, clause 2(1)(d)]—Delete paragraph (d)

It is a consequential change.

Ms HILDYARD: Could the minister please explain exactly the purpose of this so-called consequential amendment?

The Hon. R. SANDERSON: This consequential amendment is as a result of the amendments made to sections 157 and 158. Importantly, any person who has already brought an application for external review will not be affected by this amendment.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (11:56): I move:

That this bill be now read a third time.

Ms LUETHEN (King) (11:56): I rise to support the Children and Young People (Safety) (Miscellaneous) Amendment Bill 2020, and thank the Minister for Child Protection for this important bill, her efforts and comprehensive work towards better outcomes for children in South Australia. This

bill honours the Marshall Liberal government's pre-election commitment to undertake within 12 months a review into the operation of the Children and Young People (Safety) Act 2017.

Our children in this state are our future and their protection is our priority. Unfortunately, it is a tragic fact that many children do not have a safe childhood, and not every child is able to grow up in a safe and secure home no matter how much government support a family is offered. In fact, I have read that one child is killed by a parent every fortnight in Australia, one in five children will be sexually abused by their 15th birthday and one in four children are growing up witnessing domestic violence.

The Advertiser reported recently that up to 23 children a week are being housed in emergency accommodation as families are fleeing violent households. In these situations, it is up to the government and service providers to step in and put the safety and best interests of the child first. Solutions must be continually found and reviewed and implemented to ensure our state's most vulnerable are safe and protected so that every child has every chance of becoming the best version of themselves.

The Marshall Liberal government is always working to put the rights, safety and best interests of children at the centre of our policy development to protect those who cannot protect themselves. The Children and Young People (Safety) (Miscellaneous) Amendment Bill ensures that the legislative framework for children in care in South Australia is efficient, responsive and inclusive.

As background to this amendment bill, the minister sought feedback from key government and non-government stakeholders on the efficiency and effectiveness of the Children and Young People (Safety) Act following its first year of operation. Written submissions on the operation of the act were received from a great number of stakeholders. The bill incorporates feedback from key stakeholders but is limited to critical changes to strengthen the current act, noting that there is a requirement under the act for a full review in 2022.

The key amendments include the insertion of a best interests principle as a key consideration in the administration of the act (consideration of best interests existed under the Children's Protection Act 1993); the reintroduction of the short-term investigation and assessment orders, which also existed under the Children's Protection Act; clear articulation and expansion of the Aboriginal and Torres Strait Islander Child Placement Principle; and the introduction of provisions to enable the government's adoption from care policy.

Let me expand on some of these important changes. In regard to the insertion of new section 8(4) to incorporate the best interests principle, the reference to best interests was removed from the previous child protection legislation as part of system reform intended to support an unequivocal focus on safety as a paramount consideration for the department and the courts in child protection decision-making. The inclusion of best interests as a consideration in decision-making while maintaining safety as a paramount or equal consideration was supported in the recent consultation. I am certainly a strong advocate of including best interests as a key consideration in decision-making while maintaining safety as the paramount concern.

For some stakeholders, legislating the government's commitment to the UN Convention on the Rights of the Child was seen as an important step, while others have suggested the importance of ensuring that the government's broader obligations to children and young people are enshrined.

Regarding the reintroduction of short-term investigation and assessment orders, following consultation with and feedback from the Attorney-General, the bill will reintroduce the rule requiring hearings for court orders to be commenced within 10 weeks of application. This provides the court with the ability to make short-term custody orders of up to six weeks to allow an investigation of the circumstances of a child or young person to be carried out. The Children and Young People (Safety) Act 2017 has been amended to remove potential conflict between the jurisdictions of the Youth Court, the chief executive and SACAT in relation to inconsistencies arising over the placement of children under guardianship.

The section on the articulation of the Aboriginal and Torres Strait Islander Child Placement Principle seeks to articulate that principle as a paramount consideration. It does not displace the primacy of safety but allows the ATSI Child Placement Principle to be of paramount consideration in the administration, operation and enforcement of the act as it relates to Aboriginal children.

The objects of this part include maintaining the connection of Aboriginal and Torres Strait Islander children and young people with their family and culture, enabling Aboriginal and Torres Strait Islander people to participate in the care and protection of their children and young people and expanding the participation of Aboriginal and Torres Strait Islander people and bodies in significant decision-making and policy development affecting Aboriginal and Torres Strait Islander children and young people. The five principles outlined within the bill include the elements of prevention, partnership, placement, participation and connection.

Parliamentary counsel has advised that the inclusion of the provisions of our adoption from care policy in this bill will be a more efficient way of achieving the intent of the policy, rather than trying to amend the Adoption Act 1988. These provisions will enable the timely implementation of the recently approved policy to increase adoption rates for children and young people from care. The statistics that we hear tell us that there are too many children not growing up safely. I ask everyone in our community to help us identify children at risk, to reach out for them to get help, to be a voice for those children and to help us break the cycle of abuse we have in South Australia today. It certainly does take a village to raise safe children.

Valuable state government supports include the Domestic Violence Crisis Line (1800 800 098), which can refer people to a wide range of resources to support families. I urge community members to report a reasonable suspicion that a child has been or is being abused or neglected by phoning the Child Abuse Report Line on 13 14 78. The report line is open 24 hours a day, seven days a week. Please call 000 in an emergency. There is certainly a lot more work to be done to make children and women safe in South Australia, and I commend our Minister for Child Protection for her work to improve child protection in this state. I look forward to further changes and funding.

Ms HILDYARD (Reynell) (12:05): I rise to make a few comments about this bill, some I have made during the course of the debate and others I wish to make during this contribution. First, I would like to thank the member for King for her comments, particularly for bringing the house's attention to the very startling and deeply unacceptable statistics about children in South Australia. I have said in this house on numerous occasions that I, too, have a deep passion for ensuring that every South Australian child is safe, is well and is able to be supported to thrive emotionally, physically, socially and mentally, and it is up to every one of us in this place—indeed, to everyone in our community—to ensure that is the case.

In our parliament, we all have to prosecute arguments and make decisions, and we have to live with those decisions. We also have to live with the consequences of those decisions. In relation to this particular bill, the minister will have to live with the consequences of her decisions and, sadly, children in care, vulnerable children in care, will also have to live with the consequences of her decisions.

I want to make a number of points about the consultation process in the lead-up to this bill being brought to our parliament. The minister said in the media—and I think also in this house, but I will check—she has said publicly, that all her amendments were widely consulted on. Despite those assertions, as I have said at different points in this debate, we have had numerous individuals and organisations contact us repeatedly raising grave concerns about various elements of this bill, grave concerns that absolutely have to be heard and grave concerns that have been reflected in the amendments that Labor has put forward to the bill.

I find it difficult to accept that the minister has widely and deeply consulted on the amendments she put forward through this bill, given that during the course of debate she has had to make numerous amendments to her amendment bill, as well as the fact that during the debate it has been revealed that there are multiple organisations with whom the minister chose not to consult. It has also been revealed during the course of debate, and indeed before the debate, that there is a refusal on behalf of the minister to release any findings of the consultation she says has been wide and thorough.

Again, I can say that many individuals and organisations have raised their grave concerns about various aspects of this bill. The minister will have to contemplate the consequences of the decisions she has made in relation to the bill but, sadly, vulnerable children will also have to deal with the consequences of those decisions, as will various community organisations, as will various families, as will carers and also carer representative groups.

I will turn for a short time to a point I have made before. I find it alarming that during the course of this debate the minister outlined what she sees as very significant changes to particular aspects of children's and young people's lives in this state. She talked about the huge changes that she is making, particularly in relation to adoption in this state. However, also during the course of this debate she has tried at length to assure the house that this is just a small review, a review that is a year late, that is encompassed in a bill that she first introduced at the end of last year but only just came up for debate a few short weeks ago.

I am somewhat confused about whether this is a fulsome review in the minister's mind or whether it is not the big review, as she also spoke about in the course of this debate. Nonetheless, the changes that she has put forward are significant. The amendments that she has chosen to blatantly ignore and refused to accept are significant, and we will be back reviewing this bill again, as I understand it, at the end of the year. I will now go to some specific issues that have been raised by advocacy groups, individuals and other stakeholders in relation to the bill.

Firstly, as I said in the course of the debate about the adoption provisions in the act, we would welcome a thorough and fulsome discussion about changes to adoption. We understand the benefits that that brings to many individuals, to many families and to our communities. However, we remain deeply concerned that through the changes in this bill the minister seeks to establish a two-tiered system of adoption in South Australia: one for children in state care and one for the remainder of the population, and I do think that that is problematic.

The potential problems with the stance that the minister has been determined to take on this particular issue have certainly elicited a great degree of debate from organisations and individuals who are deeply opposed to the path that the minister has set through this bill. As I said in our debate about the adoption clause, I think it would be welcomed for us to have a fulsome debate about adoption. I would see that that debate should happen around changes to the Adoption Act, not trying to insert almost another bill inside a bill relating to child protection. I would have thought that it would be more appropriate to deal with these particular matters in a debate about the Adoption Act.

It is a matter of public record now that the minister has chosen to ignore every single amendment offered up by the opposition, including those seeking to achieve a degree of much-needed procedural fairness, called for by foster and kinship carers. I spoke at length in the debate about the various issues that foster and kinship carers have raised with me, with my office and with other members of the community. All those groups sought was simply a clause to guarantee that there would be procedural fairness afforded to them in their dealings with the department.

I understand that that those groups also spoke directly with the minister, with her staff and with the department about those issues. Those issues have been well documented in survey after survey of foster and kinship carers but, sadly, the minister has decided to ignore their voices, not to listen to their voices, and refused to accept what I see as a very simple and very commonsense amendment that would actually make a great deal of difference to those incredibly generous and kind South Australians who open up their hearts and homes as foster and kinship carers. I find it extraordinary that that amendment was not accepted.

I can tell you that many foster and kinship carers are not only very angry but also very disappointed about the refusal of the minister to accept an amendment that I actually had thought would be one she would clearly support. I am sure we will be hearing much more about that particular refusal by the minister to listen to that incredibly generous group of South Australians, just to ensure a degree of procedural fairness in their dealings with the department.

The other set of amendments, or one of the other many sets of amendments, we moved related to provisions to ensure that Aboriginal and Torres Strait Islander children and their families and communities were heard and involved and leading decision-making in regard to Aboriginal and Torres Strait Islander children, in relation to both placement and all the issues that concern Aboriginal and Torres Strait Islander children.

All the amendments that we put forward, again, were spoken about with us by Aboriginal community members, by organisations that represented them. They were amendments that were absolutely about ensuring that Aboriginal and Torres Strait Islander peoples were heard and able to

lead in relation to their children. I find it heartbreaking that again there was absolutely no desire to listen to those communities or even really to consider those amendments.

You would recall, Mr Acting Speaker, that we spent some time on those amendments, and I tried with clause after clause to put those provisions forward, provisions that I think could make a difference, certainly on the advice that I had, in the lives of Aboriginal and Torres Strait Islander children, young people, their families and communities. I find it incredibly disappointing that those voices again were not heard.

Similarly, just this morning we debated a clause in relation to ensuring a robust review of the efficacy of this bill, with particular consideration of how the bill impacts and works for Aboriginal and Torres Strait Islander children and also for children from diverse multicultural communities, communities who have also made representations to me and who were specifically asking for some sort of process to ensure that their voices were heard in this process. Again, I refer back to the minister's comments about her deep and wide consultation. I am not aware of any consultation with community organisations, individuals or families representing the breadth of diverse multicultural communities in South Australia in relation to this bill.

Another issue I would draw to the house's attention in closing is that I am very concerned, as are most of the groups who contacted me—many of whom advised that they had also contacted the minister—about some of the particular powers that were moved from the courts to the chief executive. In a joint statement from advocacy groups, certainly a number of those organisations raised particular issues about the protections in relation to adoption that were being abandoned by the minister through this bill.

Of course, this bill will now go to the upper house. I do not imagine there will be a different decision at the end of the third reading. I know that my Labor colleagues will, but I urge all the upper house members to very carefully consider the children and their families who will be deeply impacted by the changes that the minister has put forward in this bill. I go back to what I said at the beginning of these remarks and say that in this place we all have to live with our decisions. We all have to live with the consequences of our decisions. In this case, the most vulnerable children in South Australia will also have to live through the consequences of the decisions we make in relation to this bill.

I urge the minister to continue—or perhaps to start—to reflect on the various amendments that we put forward. They were all amendments that absolutely, deeply responded to concerns raised from community members, from families and from community groups. I urge her and I urge other colleagues in the upper house to think about those amendments and to think very carefully about the children who are at the heart of those amendments and indeed at the heart of the consequences of this bill. As I said, obviously the bill will pass. I do again strongly encourage consideration of the amendments that I have just briefly outlined again now.

Finally, in closing, I did want to say thank you to parliamentary counsel for their work on the bill and also for responding in a very timely way to the many amendments that I put forward and the amendments to the amendment bill that the minister put forward. I thank parliamentary counsel for working with both of us to put all those amendments together. Thank you, Mr Deputy Speaker, for taking us right through this debate, as have other parliamentary staff, and thank you also to the departmental staff who have also been present and engaged in these discussions.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (12:21): I just wish to make a few brief remarks in applauding the development and progress of this bill. Importantly, in the near 20 years I have been in this place, there have been quite significant reviews and reforms in relation to child protection and children's safety in this state, some of which have been useful and some of which have failed.

We are today considering in the concluding period the Children and Young People (Safety) (Miscellaneous) Amendment Bill, which amends a body of work that passed this parliament back in 2017. Some of it was effective, some of it was quite novel. Some aspects—for example, the issue in relation to confessions in a religious context—became controversial but, ultimately, were indeed supported by the national royal commission into institutional sexual abuse of children.

With that, there were errors in relation to some aspects that needed to be remedied. The first one I want to mention is one on which I applaud the minister for incorporating in this bill because it is a matter that ultimately was causing havoc in the timely progress of child protection cases in our

Youth Court. I met with Judge Penny Eldridge, a District Court judge and also head of the Youth Court in South Australia, soon after coming into government.

She explained to me what appeared to be a genuine attempt to deal with the progression in a timely manner of child protection cases, which used to work on the old 10-week rule, to ensure that whether there are prosecutions but in particular in relation to child protection matters in those courts, they be dealt with as promptly as possible.

A new mechanism was introduced and it clearly failed. This was identified as something that was a weakness in relation to that attempt, well intentioned as it may have been, and it needed to be fixed, so I appreciate the minister bringing this to the attention of the parliament to remedy it. It will enable us to fix the problem.

The problem at present in the trials—that is, the contested hearings in relation to these matters, leaving aside the interim arrangements—is if they are listed. If it takes more than a day for oral evidence to be given in these trials, it then becomes a part-heard matter and, except in exceptional circumstances, cannot proceed to be concluded the next day or the day after that until it has finished. It can be put off for some weeks or months ahead. This is a massive disruption to the orderly management of these cases and of course the prompt attention to these matters, so I thank the minister for bringing this into her bill.

I know that the judge of the Youth Court, Judge Eldridge, will be pleased. She is already trialling some amazing things in that court and I commend her and her team for that. During COVID, we probably had a little bit of a relaxation of criminal cases going through our criminal courts, including in the Youth Court, but child protection continues to be there and we need to be able to have a court that understands the sensitivities and protective requirements for these children. That is one aspect that has been well received and I know will be greatly appreciated.

I want to place on the record my appreciation to Her Honour for establishing a pioneering new program, and that is her Reunification Court, as she calls it, where she identifies cases where there may be some opportunity for family reunification. She takes a direct and personal role in the conciliation with department and family members, who are often parents, to try to bring families together. That is about to be reviewed and I am awaiting a report on that. I am very pleased about the work that is going on there.

Secondly, I make a point in relation to adoption. This is novel, it is reformist and it is an aspect that, frankly, in the royal commissions that I have read from, particularly those involving retired Judge Mullighan and retired Judge Nyland, repeatedly confirm to us what most of us already know, and that is that children who have a parent or parents who are unable or unwilling to look after them or provide protection for them, for which the state undertakes a role to provide protection to them, and who have access to residential care or foster care or some other kinship arrangement, are children who beg repeatedly at these inquiries that they have a chance to be part of a family, that they have some permanency in their residential arrangements and that they have a family they can say yes to, who welcomes them into their family and legally adopts them.

Of course, we also know of the sensitivities around decades of public policy, some of which was appalling in relation to the removal of children in Indigenous families. We understand that. That is a sensitivity that is acknowledged in the progress of this legislation as to not apply to Indigenous children, but let us not hear the eternal plight of children who are lost in that sea of being unloved and uncared for and unprotected by a family and give them that chance.

I commend the courage of the minister for taking up this issue in public, amongst the welfare agencies and amongst the families that are willing to offer that to these children. I commend her for that. It does take some courage because, unlike the member for Reynell's plight about not listening to her ideas or her amendments—and I will come to that in a moment—what concerns me about the member for Reynell is that she is suggesting that some people will never accept adoption law in this category. That is fine. That is their view. I do not agree with it. I think that it is wrong, but that is their view and I respect that.

But do not expect that all those naysayers in relation to much-needed reform, who do not get their little piece in a piece of statute to be recognised, are in some way being dismissed or ignored. They have been listened to. Some aspects are not agreed to. Some of those people will never accept

what is being promoted in this legislation, but so be it. If it is the will of the parliament to put this in place, then that must be respected. This is the ultimate body that makes that decision.

In relation to amendments, some very worthy amendments are frequently put up by members in this house to improve bills. Some that are worthy do not get support, but that is an aspect of the determination of this house. The member repeatedly claims that she feels somehow or other aggrieved that she has put up worthy amendments and they have been ignored and that somehow or other she is sending a message to the other house that that is a chance for them to fix that. That may be so, but most of those amendments—and I have listened to this debate very carefully—were not even put to a vote in this house. She did not have the support of even the crossbenchers in relation to these matters.

So this house has made a decision, and every single member in it has had an opportunity to put the amendments they wished to put and to put them to a vote, if they wished to, not come back and whinge about reflecting on a vote or failing to put them to a vote at all. This is the will of this house. I utterly reject the assertion that on this side of the house there has been some refusal to consult, some ignorance of the dissenting view, some complete dismissal of ideas that have been presented just because the member's amendments, worthy as she might think they are, have not been—

Ms Hildyard interjecting:

The DEPUTY SPEAKER: Order, member for Reynell!

The Hon. V.A. CHAPMAN: —embraced by this house. I just place on the record my concern about that because any one of us can put up ideas and recommendations to improve legislation, and that should be welcomed.

Members interjecting:

The DEPUTY SPEAKER: Order! Attorney, can you take your seat for a moment, please. The member for Reynell and others on the opposition benches should not be interjecting. You know that it is out of order. You may disagree with what the Attorney is saying, but you have had an opportunity to speak a number of times and the Attorney is able to speak without interjection.

The Hon. V.A. CHAPMAN: I will conclude by thanking the minister for her work and of course members of her department. I would expect there are members in the general community who have very fixed views for and against the adoption recommendations here. I think they are worthy, and I can say that I have consistently read these reports over and over again, to deal with these children who have been left out in the cold. This minister, through her advocacy, through her presentation of this to the parliament, is going to give them a chance to be loved and protected in a family environment, and they are entitled to have the chance for that to occur, and I commend her for that. I commend the passage of the bill.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the minister, I have spotted and wish to acknowledge in the public gallery a current councillor and a former mayor of the District Council of Elliston, Mr Kym Callaghan OAM. Welcome, Kym, enjoy your stay.

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY) (MISCELLANEOUS) AMENDMENT BILL

Third Reading

Debate resumed.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (12:31): I would like to thank the members who have made contributions, particularly the Attorney-General and the member for King, and also the member for Reynell, who is obviously very passionate about this area and who I know has put a lot of work into this. I also thank the Deputy Speaker—who was the Chair—for the very long debate that we had, but it is a very important piece of legislation, so I was more than happy to answer the questions that were required.

The member for Reynell makes a few assertions, one being that we delayed the bill. The reason for the delay with respect to bringing this forward was actually due to the COVID emergency. All the COVID emergency bills clearly took priority in this house. However, it did allow more time for consultation and people to come forward with their views so, as far as consultation is concerned, that was an advantage because there was even more time.

Regarding the adoption part of this bill, which is probably the most controversial or the part that the Labor Party has not supported, which is very sad, this party, the Liberal Party, myself—

Ms Hildyard interjecting:

The DEPUTY SPEAKER: The member for Reynell is called to order! You will not interject.

The Hon. R. SANDERSON: I announced our intent to bring adoption to this house in September 2019. Since then there has been ample time for people's voices to be heard. We held a forum. We have met with people. We have gathered the information and thoughts from foster carers, from children in care, from children who had been in care, from people who had been adopted previously, from our department—from many different sources and groups of people.

As the Attorney-General points out, there will be people who will be adamantly against or for this no matter what. There are people who have had negative adoption experiences, just as there are children who have had very negative experiences with their biological family, hence the reason 4,500 are in care. There are no guarantees, whether you are adopted or born to a family, that you are going to have an idyllic life.

What we are doing is recognising the hard work, the commitment, the love, the care, everything that foster carers are providing to children in their care, and we are saying that we know that statistically, and research shows, permanence, a loving home and a caring family that is forever are significant and important for children and for the carers. We are saying for the first time as a government that that should be an available option for these children.

The reason this will be in the Children and Young People (Safety) Act is that this only applies to children who have already been removed from their families. This is the relevant act that pertains to those children. That is why it is not in the Adoption Act—because it is only for children who a court has already determined on the basis of facts and the evidence are no longer safe to live with their biological family. That often requires several court trips. There might be an assessment order that the court determines; there might be a short-term order while we are working on reunification with a family, if that is at all possible; and then there will be a further order that is to guardianship to 18.

So these children have already gone through all those processes. These children are already with a foster family, and we have put in the extra safeguard that they need to have been with the foster family for two years so that we already have an established relationship. Of course, if there is a subsequent sibling born who is a biological sibling to one child the family has had for over two years, there will be exceptions where there might be adoption sooner than the two years.

However, we have done our best to have an ideal adoption. So it is an integrated birth certificate so the biological family and the new family are both recognised. It is an open adoption: everyone is aware of what is going on. Of course, the families would most likely be known to each other already. Being foster carers, often there is contact arrangements with biological families.

Some foster carers and biological families are pretty amazing; I have met some who even have WhatsApp groups with family members on both sides—the mum's side, the father's side—and they put up photos of significant things or sports days. I think it can be done really well. There might be times when the adoption does mean there will be less contact with the family, but wherever possible that contact would continue.

The member for Reynell questions the consultation. I just want to remind the member of the consultation under the former Labor government, when John Rau, the member for Enfield at the time, did his consultation on the principal act. Then, I was in opposition and I was the one actually meeting with all the stakeholder groups, the same stakeholder groups I met with in government and asked again because I knew they were very involved in this legislation right from the beginning, back in about 2017 when it was brought in or even earlier when it was proposed; I think probably earlier.

The original bill, the Children and Young People (Safety) Bill, was brought in as a result of the Nyland royal commission. The draft bill went out for consultation to the sector on the YourSAy website around December, right on Christmas, right when all the NGOs and everybody are not really engaged, no-one is really thinking about work, everyone is thinking about Christmas.

It was consulted on over the December-January time period, and possibly November, but I am not sure. I just remember getting the feedback from all the non-government organisations to say that they had intended to have holidays or a break or relax, but they were all back in the office putting in these massive proposals on a huge, brand-new piece of legislation they had to then consult on.

They all changed their plans and did not go on holidays. They all came back into work over Christmas to put in extensive feedback, which I read every single word of—I still have a folder with all that information in it—and which I also had at the back of my mind when we were drafting all these amendments. Those submissions were given to the member for Enfield at the time, the deputy leader or Minister for Child Protection Reform, John Rau, and when you read the final bill you could say he possibly ignored every single piece of feedback because there was nothing in there that looked remotely like any of the feedback I had read.

Not only did he pretty well possibly ignore all the feedback that all the NGOs had given up their Christmas holiday breaks to present as their case but he introduced the bill through moving to suspend standing orders and brought it in forthwith. I did not even get to see the final bill. The final bill was not consulted on by the NGOs who put in their original feedback—nobody saw it; I did not even see it. It was moved at 11 o'clock in the morning and I had to speak immediately after the member for Enfield had spoken. I had to speak immediately after that without ever having seen the bill. That was how consultation was done under the Labor government.

Coming into government, I knew that I did not want to be like the former government, and that is why we did consult. I already knew who the people were who were engaged with this issue. They were the same people I had met with when in opposition, the people I had breakfast meetings and forums with and to whom I showed my bill. We then also showed the final draft of the bill, so we did two lots of consultation because I did not want to be anything like the Labor government when they were in power. They were shocking at consultation, and that is why I went to every effort to consult on not only the draft bill but the final bill. We met in person, I had forums and we did everything possible to do a full and thorough consultation.

The member for Reynell then, after all that consultation, brought in amendments with no notice. I had no idea who she met with—she would not say—or why we even needed the amendments. I did not feel that we needed to bring them in. I did say that we would look at all of those again. There will be a full review in 2022, as required by legislation. This was not intended to be that full review because the full review is required four years after the implementation of the act, which is in October 2022.

We can put it on the YourSAy website. We will put it everywhere. Everyone can have their say and we will take our time and do a full and thorough review. That is not what this was. These were amendments to bring through a Liberal government policy commitment for adoption and permanency for young people in care. It was to improve and embed the Aboriginal child placement principle to give it more importance. It was to bring back the best interests of the child, which was important.

There were many important things that would change in this legislation. There were things that would change as a result of feedback from the courts, from the Attorney-General and from other people. You really need to see a piece of legislation working before you can really make changes because there will be things that need refining and updating. Four years after the bill is a good time to look at everything and plenty of time for it to go through and be embedded, so we will absolutely be doing that. I think the bill strikes the right balance. I think it is a great effort by all the people who have committed their feedback and their time.

I thank the staff at DCP, in particular Elizabeth and Fiona, who have sat through hours and hours of debate, prepared my folder and really helped in the understanding of all the technical sides of this bill. I thank also my staff, particularly those who have shared their personal stories in relation to adoption, and those in care, those who are carers, those who wished that adoption had been available for them, and those who have been adopted and who see that this is so important.

They have had wonderful opportunities and wonderful lives as a result of being adopted and think it should be available for these children a court has determined unfortunately cannot go home because it is not safe to do so. I have listened, and we have made the relevant changes, and I commend this bill to the house.

Bill read a third time and passed.

**STATUTES AMENDMENT (FUND SELECTION AND OTHER SUPERANNUATION MATTERS)
BILL**

Final Stages

Consideration in committee of the Legislative Council's amendments and suggested amendments.

The CHAIR: For the information of the committee, we have from the Legislative Council five amendments and 19 suggested amendments.

The Hon. V.A. CHAPMAN: I move:

That the Legislative Council's amendments and suggested amendments be agreed to.

I note the amendments to the bill presented from the other place and indicate that on this side of the house we accept the amendments.

The Hon. S.C. MULLIGHAN: I rise to make a few brief remarks about these amendments and what they seek to do to the bill, which has been considered initially here and then in the other place. As we have previously canvassed in this place, this bill seeks to provide a limited amount of choice for superannuants who are employed in the public sector. By its very nature, not just because it involves superannuation but because the employees affected by this bill have very different remuneration and superannuation arrangements, this bill has needed to be quite complex and technical in order to give the desired effect of the government's proposal.

You would recall, Chair, that the government's proposal in this regard is to allow a member of the public sector, as specified in the bill, the opportunity of taking their employer's mandatory superannuation contributions and investing them with an alternative superannuation fund other than the Super SA funds that are available. This has received a mixed response not just in this place but also amongst public sector employees. It has been greeted by some public sector groups quite warmly.

Perhaps the best example I can give of that is nurses, of course, because many thousands of nurses are not just employed in the public sector by public health institutions but are also employed in other capacities in other private health institutions and out of necessity under the existing arrangements they have had more than one superannuation fund—one administered by Super SA and one administered outside Super SA by virtue of their private employment. This gives those employees, for example, the opportunity to consolidate their arrangements, if they wish, outside Super SA.

The bill has had to be amended to make clearer the arrangements by which somebody can both elect that their compulsory superannuation contributions from the public sector as an employer can be directed to an alternative outside fund and try to set out some more specific arrangements for other public sector groups that have specific arrangements. This is where the bill enjoys less support than perhaps from those health workers I just mentioned. The best example of this is police.

Over past years, police have had remuneration arrangements whereby through their superannuation they were afforded more comprehensive insurance arrangements for their income and for their employment, quite obviously because of the dangerous nature of their job. The concern is that, if a police officer were to take advantage of the regime provided for in the bill and choose to have their superannuation contributions directed to a fund outside the public sector, they might not have sufficient contributions remaining within Super SA so that they can continue their insurance coverage should something happen to them in the line of duty, so to speak.

That has been a significant point of consternation between the Police Association and the government around the bill. The government has attempted, as far as I can understand, to better particularise and articulate how exactly that mechanism is meant to work.

As far as I understand it—and this is a question that I will have for the Deputy Premier so I can effectively talk about it now and she can take it on notice—there is a concern amongst police officers and their representatives that there is no requirement for Super SA to proactively notify a police officer whether they have a sufficient balance in their Super SA account in order to maintain that insurance coverage.

If a police officer elects to have their mandatory contributions provided to an outside superannuation fund, the idea would be that some balance is retained within Super SA in order to pay for the insurance premiums so that they could have appropriate insurance coverage to protect them as they carry out their duty.

It would be very difficult, of course, for a police officer to try to estimate how much money should be retained within Super SA in order to maintain that insurance coverage and then work out how much money could be directed outside of Super SA to another complying superannuation fund in the private sector and how much should be retained in Super SA. There has been an ongoing concern from police about whether Super SA will be obliged under the bill, as it is to be amended, if these amendments are supported, to notify police officers on a regular basis—for example, perhaps annually—how much money needs to be retained in a Super SA account in order to maintain that insurance coverage. That is a critical issue.

I have to say that the broader public sector union, the Public Service Association, seems somewhat resigned to this change, given that the government is supporting it and there is obviously sufficient crossbench support in the other place to support this measure. Of course, there is a very great risk for the public sector association, or should I say for its members, that a move to allow Super SA not only to allow members to leave but also to allow members to consolidate their external holdings from outside the public sector superannuation environment from a private fund into the public environment, may elicit the interest of the commonwealth government.

Chair, you may be aware that South Australia, as far as I am able to tell, is the last parliament and the last public sector regime around the country—other than for some discrete funds, such as judges, etc.—that enjoys what is called constitutional protection, and that is protection from the regular taxation environment of superannuation contributions as they are paid by an employer. To put that into slightly better and more succinct English, currently all public servants in South Australia are not obliged to pay the 15 per cent contributions tax on superannuation contributions.

That is very different from what happens for private sector employees in South Australia and around the rest of the country. There is a great concern that moving in this area to allow choice of fund out of the fund, but also to allow consolidation in private funds into the fund of active contributors to Super SA, may mean that the federal government is finally agitated enough about the issue to remove South Australia's much appreciated tax-free environment.

What would that mean, roughly? If the \$8½ billion or so that is spent across the public sector on employee expenses were to be taxed for superannuation contributions, in very rough terms that would equate to an increased tax burden on more than 100,000 South Australians of about \$100 million a year.

That would obviously be a very big hit to prospective South Australian retirees' retirement incomes in the future and, of course, not a bad little revenue boom if you are a federal treasurer. The only thing that bestows constitutional protection is the fact that South Australia's schemes are listed in a schedule, which is subject to some federal regulations regulating superannuation arrangements. That is to say that it can be done by the stroke of a pen of a federal Treasurer, assistant treasurer or minister for finance, who may have carriage of these matters, to change those regulations and remove that constitutional protection and have it laid before both houses.

The claim being made in the other place by Rob Lucas is that if that were ever to happen to South Australia—and of course it has happened around the country for all of the other states—those regulations could be disallowed. Grateful as we are to have representation in both houses of federal parliament, I cannot see the majority of members from other states and territories in both chambers thinking, 'I should really stick my neck out for those South Australians who are enjoying the last of

the tax-free environments.' I cannot see that happening and I certainly cannot see it happening where it is done by a government, which enjoys a majority in the lower house, or, even if they did not enjoy a majority in the Senate, that the Senate would want to do that.

This is a risk. It is a risk that we have continued to raise. We have resisted successive treasurers over the last 20 years as they have come looking for this. We have had to negotiate agreements with federal treasurers not to do this and the quid pro quo of their not doing this is not messing around with our superannuation arrangements.

I do not detract from the choice that this bill seeks to give South Australian superannuants who are employed in the public sector. Of course, that is going to be attractive for some people. Of course, many people take the view that they are better off in charge of their own superannuation funds, their own retirement moneys, themselves. I respect that view. But the risk to the rest, the risk to more than 100,000 South Australians, is that we may lose this constitutional protection.

I will not stand in the way of these amendments. I am happy to let the government in this place progress them and get them through because I think we have read the room with regard to this, but I do want to continue placing on the record that concern. In the very brief time that is left to us before the break, if the Deputy Premier were able to answer the first query that I raised about providing information to police officers, I would be most grateful.

The Hon. V.A. CHAPMAN: I do not think any new matter has been raised by the member, but I am happy to go through it, although there will not be sufficient time before lunch to be able to do that.

It is accurate to say that the union representing the Police Association has raised a number of matters during the course of the debate and the progress of this bill, because obviously police officers, for the reasons that have been explained, enjoy a number of extra entitlements and have special arrangements, so it is not surprising that their union or their association would want to make sure that there are protections for their members. We fully understand that. But they have been traversed at length in the other place.

I know the member again raises a concern about the obligation to notify and how often it should be in relation to a member's entitlement and obligation to be able to keep sufficient balance for the purposes servicing the liability that he has referred to. These matters have been well and truly canvassed. I do not think I can actually add any more. He raises concerns about the fragility of having a regulation disallowance process. I cannot make that any clearer, and I think the Treasurer has made a comment about that in the other place as well.

I thank the member for his contribution and indication of support of the amendments. There is merit, as he suggests, in relation to allowing the members here to have a choice. This bill will effect that. I thank the opposition for their indication of support and move that the amendments be accepted.

Motion carried.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

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

Regulations made under the following Acts—

Bills of Sale—Fees Notice

Community Titles—Fees Notice

Land and Business (Sale and Conveyancing)—Fees Notice (No. 2)

Real Property—Fees Notice

Registration of Deeds—Fees Notice (No. 2)
Roads (Opening and Closing)—Fees Notice (No. 2)
Strata Titles—Fees Notice (No. 2)
Valuation of Land—Fees Notice (No. 2)
Worker's Liens—Fees Notice (No. 2)

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

Regulations made under the following Acts—
Education and Children's Services—Fees Notice (No. 4)
Teachers Registration and Standards—
Amendment of Schedule 1 of Act
General
Saving and Transitional Provisions

By the Minister for Infrastructure and Transport (Hon. C.L. Wingard)—

Regulations made under the following Acts—
Harbors and Navigation—Fees (No. 2)
Motor Vehicles—
Fees (No. 2)
National Heavy Vehicles Registration Fees (No. 2)
Passenger Transport—Fees Notice (No. 2)

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

Regulations made under the following Acts—
National Parks and Wildlife—
Fees Notice—Wildlife (No. 2)
Fees Revocation
Wildlife Fee Notices

VISITORS

The SPEAKER: I draw honourable members' attention to the presence in the Speaker's gallery today of the Hon. Tom Gray QC, former Justice of the Supreme Court of South Australia, who is my guest. Welcome.

Question Time

HOSPITAL BEDS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:03): My question is to the Premier. Has the Premier sought any assurances that all beds and wards across major hospitals are actually being used?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:04): I thank the member for the question. All beds and all wards across all major hospitals in South Australia was the question, as I understand. I will seek information from the Minister for Health and bring back an answer to the house.

HOSPITAL BEDS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:04): My question is to the Premier. Why hasn't the Premier sought assurances that all beds across the hospital system are open and being used?

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order: the question contains argument and offends standing order 97.

The SPEAKER: And proceeds on a premise that has not been established by leave or otherwise. I don't know if the leader wishes to seek leave, otherwise I will move on, but I uphold the point of order.

HOSPITAL BEDS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:04): My question is to the Premier. Why won't the Premier tell the house—

The Hon. S.S. Marshall: Get somebody to write your questions.

The SPEAKER: Order! The Premier will cease interjecting.

Members interjecting:

The SPEAKER: Members on my left! The leader will resume his seat. The Minister for Energy and Mining on a point of order.

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, the question, 'Why won't the Premier,' is an argument from the first three words.

The SPEAKER: What I propose to do is to hear out the leader for just a moment longer in terms of framing the question. The leader has the call.

Mr MALINAUSKAS: My question is to the Premier. Will the Premier assure the people of South Australia that all beds within our hospital system are currently being used and, if not, why not?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:05): I thank the Leader of the Opposition for his question. What we have done since coming to government is to listen to the people within SA Health about the types of resources that they require, and we have provided those resources. In fact, I am very proud to be leading a government which has put more than \$2.1 billion worth of new money on the table for SA Health, not just money which has been required for the very successful response to the coronavirus in South Australia but money to actually fix the mess that we inherited from those opposite when they were in government with their failed policy of Transforming Health.

Members interjecting:

The Hon. S.S. MARSHALL: They hate us talking about Transforming Health. I anticipate that somebody is going to jump up any time now and say, 'Don't mention Transforming Health.' That's what they have been told in the caucus and that's what they have been told in their media briefing: 'Don't go near this issue.' But we can't move away from this issue because Transforming Health was a failed policy which has seriously undermined the ability of our state to respond—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —to the surges that come from time to time. That's why, in addition to the \$2.1 billion worth of new money which has gone into the health budget in South Australia, I am very proud to lead a government which is putting in more than \$1 billion worth of new money to upgrade our facilities in South Australia.

What those opposite did when they were in government, of course, was to close a hospital—they closed the Repat hospital. The Leader of the Opposition should hang his head in shame for the damage that he and his government inflicted upon the health system in South Australia. What have we done by contrast? More doctors, more nurses, more paramedics, more beds, and more beds being built as we speak—

Members interjecting:

The SPEAKER: Order, leader!

The Hon. S.S. MARSHALL: —more beds being built as we speak. Only a few weeks ago, I was fortunate enough to head down to the Flinders Medical Centre. This is the busiest emergency department in our state. Very soon it will be the largest emergency department in our state. In fact, on Friday this week, my understanding is that we will open a further six treatment bays in that hospital, and by the middle of the year we will have had a 50 per cent increase in the treatment spaces at the Flinders Medical Centre.

Those opposite presided over the downgrading of nearly all our hospitals in South Australia. They were downgrading Noarlunga Hospital, they were downgrading Modbury Hospital, they were downgrading The Queen Elizabeth Hospital, and of course—

Mr Malinauskas interjecting:

The SPEAKER: The leader!

The Hon. S.S. MARSHALL: —they closed the Repat. That is their heritage, their result. By contrast, what we're doing is reinvesting in our health services in South Australia and, to the credit of SA Health, they have had their foot to the floor trying to undo the mess of the previous government whilst dealing with a global pandemic.

South Australia has responded very professionally to a pandemic which is gripping the world. I think South Australia compares extraordinarily favourably with just about any other jurisdiction in the world, certainly any other jurisdiction in this country, but they haven't lost sight of the fact that they still need to significantly improve the health system that we as a government inherited from those opposite three years ago.

With more than \$2 billion worth of new money into the health budget, more than a billion dollars going into infrastructure upgrades, much of that work is being done at the moment. That includes work at the Lyell McEwin Hospital, the Flinders Medical Centre, The Queen Elizabeth Hospital, the Modbury Hospital, the Mount Barker hospital, the Gawler Health Service, the Southern Fleurieu Health Service, and the Murray Bridge hospital promised and already delivered.

I was up there the other day with the member for Hammond, and I tell you that the people in Murray Bridge and the surrounding districts are very, very happy because those opposite were neglecting health—especially country health—in South Australia, and what they have now is just chalk and cheese, and there is plenty more to be done.

The SPEAKER: Before I call the leader, I call to order the member for Hammond. I call to order the member for Cheltenham, the member for Hurtle Vale, the Minister for Infrastructure and Transport, the member for Playford and the member for Kaurana.

HOSPITAL BEDS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:10): My question is to the Premier. Has the government reopened all flex beds? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr MALINAUSKAS: On 27 November 2018, the Premier told this house in answer to a question about bed closures, and I quote:

The reality is that all hospitals should have some flex capacity, but we certainly shouldn't be keeping hospital beds open when there is no requirement for them. If we have no requirement, then they will remain flex beds.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:10): I thank the member for the question. With respect to the detail in the original question, I will check with the Minister for Health and bring back an answer to the house.

EMERGENCY DEPARTMENTS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:10): My question is to the Premier. Why are there as at 12.30pm today 110 people stuck in emergency departments waiting for a bed, with 77 people in emergency waiting for over eight hours?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:11): The reason why there is an unacceptable level of delay in our hospitals is twofold: first, because we are experiencing unprecedented demand at the moment. As I outlined to the house last week, this is something not peculiar to South Australia: in fact, it is a nationwide phenomenon at the moment. It was something that was discussed at the national cabinet last week. It will be something that will be discussed at the next national cabinet meeting.

We are seeing an unprecedented surge in presentation, whether it be mental health presentations or emergency department presentations, right across the nation at the moment. Some

people say that this is a lag effect of last year having a lower than normal presentation level, either within the GP arena or, of course, in our hospitals right across the country. Whatever the reason, we are experiencing unprecedented demand at the moment.

The second reason that we are having an unacceptable delay at the moment is that those opposite left the health system in South Australia in a perilous state where we did not have the number of doctors, nurses, paramedics and treatment areas that we actually require. We saw very clearly last week when I read into *Hansard* those notes from John Hill, a former Minister for Health, who said that there was a design flaw at the Flinders Medical Centre.

Well, that is exactly the design flaw that we are trying to address with a very, very significant increase in the budget for the southern system. In fact, the Flinders Medical Centre had 56 treatment areas when we came to government. By the end of July this year, it will be up to 86. That's a very significant increase. The Lyell McEwin will go from 39 to 72, and I can go through the list.

What we are doing is putting more capacity into the system, and we are doing it at exactly the same time that we are dealing with the coronavirus pandemic. Most importantly, though, we are developing this increased capacity in concert with the people within SA Health and consumer representatives. We have done that down on the Repat site with the redevelopment of Ward 18, which will now take tier 6 and tier 7 older persons with mental health issues. I have been down there. I have visited it.

The people in South Australia who have been affected, the consumers and their families and their communities, have been consulted about what best practice looks like for them. We have done it in terms of what we are doing down at the Repat site with the brain and spinal injury rehabilitation facility. It will be chalk and cheese with what we inherited down there from those opposite.

They love to say, 'Well, we were going to do it anyway.' They sold the Repat. They couldn't do it. They had completely and utterly neglected it. They had vacated the field when it came to this type of improvement to health services in South Australia. We haven't vacated the field. We got onto the field and we are working as hard as we possibly can to unwind the mess that we inherited from those opposite. In answer to the leader's question—

Mr Malinauskas interjecting:

The SPEAKER: Order, the leader!

The Hon. S.S. MARSHALL: —I want to make it clear that there is an unacceptable delay in our hospitals at the moment, and that is a function of increased demand and inadequate facilities. But asked this morning on radio what the Leader of the Opposition would do, what did he say? He said there had been cuts put in place by this government. This is just simply not true. There are more doctors, more nurses, more paramedics—read the Auditor-General's Report—and of course more beds, more hospital facilities, more money in the budget.

The Leader of the Opposition loves the hot air. He loves getting it out of the system, but the reality is that we have still seen no policies, no health policies whatsoever, just whingeing, whining, carping, complaining. But, unfortunately, that will not do. The people of South Australia want a government which is going to fix the problems. That's precisely what we are doing in government.

The SPEAKER: Before I call the member for King, I warn the member for Playford and I call to order the member for West Torrens.

LISTENING TO SOUTH AUSTRALIANS

Ms LUETHEN (King) (14:15): My question is to the Premier. Can the Premier please update the house on the importance of listening to South Australians?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:15): I thank the member for King—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —for the very important question. We are all elected to come into this place to represent the people of South Australia and to listen to the people who elected us, not just the narrow—

Members interjecting:

The SPEAKER: The member for West Torrens is warned.

The Hon. S.S. MARSHALL: —interests represented by those opposite. We know that the people of South Australia have an interest in different pieces of legislation before—

Members interjecting:

The SPEAKER: The member for Cheltenham is warned.

The Hon. S.S. MARSHALL: Last week—

Members interjecting:

The SPEAKER: Members on my left!

The Hon. S.S. MARSHALL: Last week, I formed the opinion that a piece of legislation which was important to the people of South Australia was in danger of not being progressed through this chamber and this parliament, and that is exactly and precisely why we have moved, like we have, to create additional time to address this particular issue. Because we are listening to the people of South Australia, we know there is an overwhelming interest in making sure that we can respectfully address this complicated, complex and, at times, emotional issue. We did not want that language, like we saw time and time again—

Members interjecting:

The SPEAKER: Members on my left!

The Hon. S.S. MARSHALL: —from those opposite. We are also listening to people when it comes to issues like the deregulation of shop trading hours. We went to the last election saying very clearly that we supported further deregulation of shop trading hours. Let me tell you, sir, the people of South Australia want further deregulation of shop trading hours; they voted for further deregulation of shop trading hours. But have they had them?

Honourable members: No.

The SPEAKER: Member for Playford!

The Hon. S.S. MARSHALL: No, because the Leader of the Opposition and his trade union mates have decided they don't want them. It's not good enough—

Members interjecting:

The SPEAKER: Members on my left, order!

The Hon. S.S. MARSHALL: —for the people of South Australia to decide. Even before the bill is before the house, the Leader of the Opposition has ripped it up. He has torn up the contract. Don't worry about listening to the people of South Australia. Don't worry about creating more jobs here in South Australia. Don't worry about the disadvantage that we are at here in South Australia compared to other parts of the country—no interest to the Leader of the Opposition whatsoever. He's just listening to his trade union mates. Well, that's not good enough.

He has form. Is this the first time he hasn't listened to the people of South Australia? Not likely at all. The Repat—over 100,000 people said they didn't want the Repat closed. They camped on the steps of the parliament for more than 100 days in the middle of winter, taking a very clear stand. Did the Leader of the Opposition listen then? He didn't care whatsoever. He closed that hospital.

Members interjecting:

The SPEAKER: The leader!

The Hon. S.S. MARSHALL: He dealt a devastating blow to the aspirations of so many people who know that the Repat has been such an iconic centre of excellence over a long period of

time, and he of course simultaneously cut a real hole in the capability of the southern suburbs, but he didn't care. He wasn't listening. We are listening. We listened to the people with regard to the Repat hospital and now we can see the consequences. We are continuing to listen to the people of South Australia who want to see further deregulation of shop trading hours. It begs the question: what would it take with those opposite to not listen to the—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —the guy who is under the thumb of the trade union movement?

Members interjecting:

The SPEAKER: Member for Lee!

The Hon. S.S. MARSHALL: What would it take for them to actually make a decision in the best interests of the people of South Australia? More than 75 per cent of South Australians want this to go through. Do they want to listen to that? No. What would it take: 80 per cent, 85, 90 per cent, or is it just the trade union movement? Do we just need one person, one person to say, 'It's okay'? It's not good enough. It's time for the opposition to start listening to the people of South Australia.

Members interjecting:

The SPEAKER: Order, members on my left! The time for answering the question has expired. Before I call the leader, I call to order the member for Chaffey, I warn for a second time the member for Cheltenham, I warn the member for Hurtle Vale, I call to order the Minister for Trade and Investment and the member for Wright, I warn for a second time the member for Playford and I call to order the member for Reynell, the Minister for Education and the member for Lee.

HOSPITAL BEDS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:20): My question is to the Premier. Why, as at 1pm today, does SA Health's dashboard show 105 unoccupied beds at the RAH, 44 unoccupied beds at The QEH and 13 unoccupied beds at the Noarlunga Hospital?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:20): I thank the member for the question. Obviously, he has identified a point in time—a very recent point in time—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. J.A.W. GARDNER: —I gather from the question—and of course the circumstances relating to the presentations at the hospitals, as the member has identified. I will seek an answer from the Minister for Health that is relevant to the context for that and bring it back to the house.

NURSE REDUNDANCIES

Mr PICTON (Kaurua) (14:21): My question is to the Premier. Exactly how many nursing positions have been made redundant in our public hospitals over the past three years?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:21): I don't have the specific details of the targeted voluntary separation packages that have been offered, but we do know that in total we have more nurses in the system now than we had when we came to government. It's an important reinvestment into the health service in South Australia. Those opposite of course left the health system in South Australia in a perilous state. Since then, we have been providing more doctors, more nurses, more paramedics, more facilities and, indeed, a much greater budget for SA Health than we inherited from those opposite.

While the Leader of the Opposition loves to talk about his footy career, he hardly ever tells us about his career as the health minister in South Australia and how he was downgrading and closing hospitals in South Australia.

Mr Malinauskas interjecting:

The SPEAKER: The leader!

The Hon. S.S. MARSHALL: Lots of talk about playing for the Adelaide University Football Club, not much talk about the job that he was doing immediately before the last election—downgrading those services. Of course, what we have done in total since then is more doctors, more nurses, more paramedics, more beds, and more beds to come, with a massive investment in the infrastructure—over a billion dollars of work—underway at the moment. In addition to that, another \$2 billion has gone into the overall health budget, and that was necessary.

Because we have been able to deal with the very significant underinvestment made by those opposite, that's one of the reasons why we have had a successful approach to dealing with the global pandemic. We know that this has confounded many other jurisdictions around the country and around the world where they have been on the back foot but, because we as a government have very significantly invested in the deficit that we inherited from those opposite in terms of health services in South Australia, we have been in a much better position.

Of course, we have been informed by clinicians and we have been informed by the general public—the consumers within the health service—to create the health system that we need for the future. Whilst those opposite can whinge and whine and carp and complain, I would just say that this is a work in progress. At the moment, we do have a very significant increase in demand. Imagine where we would be if we had kept the same arrangements that we had from those opposite: underinvesting in facilities, underinvesting in our personnel in South Australia and of course we would be without the fantastic facility at the Repat—

Ms Cook interjecting:

The SPEAKER: Member for Hurtle Vale!

The Hon. S.S. MARSHALL: —which is taking the pressure off the Southern Adelaide Local Health Network and, ultimately, the other networks in South Australia as well.

I am looking forward to the next couple of months as we expand the capacity overall for our emergency departments and our health services in South Australia. This is going to address the problems that we inherited from those opposite. The Flinders Medical Centre is the busiest emergency department in the state, and when it is busy it puts undue pressure on the Central Adelaide Local Health Network, which is, of course, the Royal Adelaide Hospital and The Queen Elizabeth Hospital. If we can fix, with a massive expansion, the capacity within the Flinders Medical Centre emergency department, then we will go a long way to rebalancing that entire system.

It is a pity that those opposite didn't look at this as an entire system when they were in place. It is a pity that those opposite—who are shaking their heads in frustration at the moment—were not, when they were in government, complaining to the Leader of the Opposition about the closure of the Repat or the downgrading of the Noarlunga Hospital or the downgrading of the Modbury Hospital, the downgrading of our health system in general across South Australia.

They weren't, so it is a bit rich for them to come in here now and complain while we are investing money in creating an expanded emergency department capacity in South Australia and fixing the mess that we inherited.

PUBLIC HOSPITAL NURSES

Mr PICTON (Kurna) (14:25): My question is to the Premier. Why does the most recent Auditor-General's Report show that between July 2019 and July 2020 there was a reduction in the number of nurses of 112 over that year?

Members interjecting:

The SPEAKER: Order, members on my left! The Minister for Education has the call.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:25): The member for Kurna has been taking hints from the Leader of the Opposition and cherry-picking the information that suits whatever story they are telling. The fact is this is a government that has invested more than \$2 billion extra in the health system.

Mr Picton interjecting:

The SPEAKER: The member for Kaurna is warned.

The Hon. J.A.W. GARDNER: This is a government that has invested more than \$1 billion extra in infrastructure. The situation we received from the Labor Party when they departed office—when they departed the treasury bench, when the member for West Torrens ceased to be the Treasurer, when the member for Kaurna ceased to be the assistant minister for health—was that, were they to deliver on the settings then in place, there would now be \$2 billion less in the health system and \$1 billion less in infrastructure upgrades currently underway.

The member for Kaurna can pick and choose from where he draws the numbers, but the fact is that there are more doctors, more nurses, more facilities and more budget in the health system. There are more ambulance officers in the health system. There is, indeed, an increase as a result of this government's work. The Minister for Health is doing a very, very sterling job in this area and this government is proud of the record of what we are creating—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —in the context of dealing with the global pandemic on the one front and also—

Members interjecting:

The SPEAKER: Member for Mawson!

The Hon. J.A.W. GARDNER: —equally in the context of dealing with the situation, the system, that was left to us by our predecessors. It is impossible to detach the circumstances in March 2018, as a result of 16 years of Labor administration of health in this state, from the reality that we are in now.

Of course, with the introduction of the increased investment this government has put in, the introduction of increased investment in infrastructure, and the expansion of pretty much, I think, every single emergency department in the network—

Mr Malinauskas interjecting:

The Hon. J.A.W. GARDNER: The Leader of the Opposition says, 'No worries,' as if he was not part of the government that was selling off the Repat, as if he wasn't—

The SPEAKER: The minister will not respond to interjections.

The Hon. J.A.W. GARDNER: —the Minister for Health in a government that presided over a decision to have an emergency department at Flinders Medical Centre that the former minister has identified was too small.

Members interjecting:

The SPEAKER: Order! The minister will resume his seat. The member for West Torrens on a point of order.

The Hon. A. KOUTSANTONIS: Standing order 98: the minister is debating the answer. The question was very specific about reductions listed in the Auditor-General's Report, so if he could come back to that, about the reduction in nursing numbers, as stated in the Auditor-General's Report.

The SPEAKER: Whether with or without, properly, the benefit of leave, the question was accepted by the minister, and it asked a question in relation to a stated reduction of 112 between July 2019 and July 2020, according to that report. I am listening carefully to the minister's answer, which is responding directly to that question and, in my view, is providing relevant context for the time being. I do not uphold the point of order. The minister has the call.

The Hon. J.A.W. GARDNER: Thank you, sir. The government came to office in 2018, and in the time from 2018 to 2020 there was an increase of well in excess of 286 more nurses and

midwives from when we came to office. So from when the Leader of the Opposition was the health minister and from when the member for Kurna—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: He doesn't want to hear this part of the answer because he was the assistant health minister. I corrected the record last week when he was offended that I called him the adviser for Transforming Health; it turns out he was actually assistant minister. From that time until 2020, the date the member chooses, there was an increase of more than 280 delivered under this government as opposed to when they were in office. The Labor Party are terrified of anybody having a look at their record on health. Sixteen years they were in government, yet the Labor Party's leader has been protected again. It's like they are ashamed that they were ever in government.

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: The minister will resume his seat. The member for West Torrens on a point of order.

The Hon. A. KOUTSANTONIS: Again standing order 98: I think it's clear now that the minister is debating the answer.

The SPEAKER: The member for West Torrens again raises a point of order on debate, relying on standing order 98. I have ruled in relation to the relevant context within which the minister is providing the answer. In my view, the minister continues to be providing an answer that is both relevant and responsive to the questions, so I don't uphold the point of order. The minister has the call.

The Hon. J.A.W. GARDNER: Once again, the member is cherrypicking where he would like his data to come from. I think it is entirely relevant to identify that this government came to office in 2018 and we were confronted with a set of circumstances that we have worked day and night for three years to address to improve the situation of the health system for the people of South Australia, just as in every other range of government services.

We have done it at a time of pandemic. We have done it at a time of extraordinary disruption and we have done it despite the fact that those opposite tried to destroy the health system with their Transforming Health agenda and then left us in a situation that needed significant remedy. That is the work that we are doing, that is the work that we continue to do and that is the work that we are proud of. Yes, there is more work to do, but we were left with a hell of a lot of work when we came in in 2018.

NURSE REDUNDANCIES

Mr PICTON (Kurna) (14:31): My question is to the Premier. Why did the government make three nursing positions in emergency departments redundant in June 2020, and with your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PICTON: FOI documents from the Central Adelaide Local Health Network reveal three nursing positions in emergency departments were made redundant in June 2020, with a total redundancy payout of \$193,000.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:31): As the member would know, these are decisions that are taken at the local health network level. I might invite the member to turn his mind back to June 2020. We were in the midst of the global pandemic—

Mr Picton: So why did you cut nurses?

The SPEAKER: Member for Kurna!

The Hon. S.S. MARSHALL: The member might recall that we did have a very different situation in our hospitals at that time. The year 2020 was a very different year in terms of the presentation levels that were there—

Mr Malinauskas: So why would you make them redundant?

The SPEAKER: The leader will cease interjecting.

The Hon. S.S. MARSHALL: —and ultimately those decisions are made by the clinicians and the management within the Central Adelaide Local Health Network. What I can say, though, is that it's an odd question to ask. The member is asking a question about something that occurred I think 10 or 11 months ago, when we were in the midst of a pandemic, when we didn't have the emergency department presentation rates that we are at at the moment. What I can tell the member—

Mr Malinauskas: Redundancy means they don't come back.

The SPEAKER: The leader will cease interjecting.

The Hon. S.S. MARSHALL: —is that since coming to government the most recent reported figures were a very significant increase in the nursing staff here in South Australia: an additional 286 nurses and midwives between June 2018 and June 2020. We are only a few weeks away from getting an update, of course, on what those levels are at the moment.

But what I can assure this house is that, since coming to government, we have very significantly increased the budget for the Central Adelaide Local Health Network and SA Health overall. They ultimately make the decision as to where those resources are best applied. There may be some experts on the opposition bench; I doubt it, but let's just say there were. They had 16 years to implement their ideas. It didn't work particularly well. That's the reason—

Mr Malinauskas: But ramping was half what it is now.

The SPEAKER: The leader is called to order.

The Hon. S.S. MARSHALL: The Leader of the Opposition shouts and yells and carps and complains. He doesn't recognise that we are in a very different situation now than when they were in government. We are dealing with a global pandemic. We are dealing with a nationwide surge in presentations. We have significantly increased our budget, increased our capital budget, increased our doctors, our nurses, our paramedics and our hospital beds and we are continuing. When we bring the budget down in a few weeks' time, you will see a further increase in expenditure in critical areas to fix the mess that we inherited from those opposite.

But it's not clever to find a set of statistics that are subject to movements up and down, in terms of presentation levels, due to the coronavirus. It's not clever. It's not clever not to present the people of South Australia with any other alternative.

Members interjecting:

The SPEAKER: Member for Lee!

The Hon. S.S. MARSHALL: It's not clever to undermine the confidence that the people of South Australia have in an excellent health system in South Australia. But it is a health system that I admit—

Members interjecting:

The SPEAKER: The leader is warned.

The Hon. S.S. MARSHALL: —is under extreme pressure at the moment. But again I make the point to you, sir, that ultimately we are experiencing unprecedented demand at the moment, like the rest of the country is. Where would we be if we had left the settings that we inherited in place? We would have tragedy across the system. I appreciate that the system is stretched at the moment, and that's why we are working overtime—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is warned.

The Hon. S.S. MARSHALL: —to refine the resources to a systems-wide improvement in what we inherited. There is more work to be done. But at the moment we have capital works

underway at the Lyell McEwin Hospital, the Flinders Medical Centre, The Queen Elizabeth Hospital, the Modbury Hospital, the Mount Barker hospital, the Gawler health system, the southern Fleurieu health system and the Murray Bridge hospital. We are looking at a massive increase in our capacity. There is much more work to be done.

The SPEAKER: I will give the call to the member for Kurna once more. I just remind members who are seeking the call to do so once the minister has completed his answer.

NURSE REDUNDANCIES

Mr PICTON (Kurna) (14:36): My question is to the Premier. Is the government currently offering redundancy packages to frontline nurses in public hospitals?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:36): I thank the member for the question. Obviously, details in relation to any particular areas where there may be—

Members interjecting:

The SPEAKER: The interjections on my left will cease. The minister has the call.

The Hon. J.A.W. GARDNER: I thank the member for the question. There is a level of operational detail at the local health network level that I think needs to be explored. I will seek a response from the Minister for Health, who I am sure will provide that answer to me, which I will share with the house.

Mr Brown: You should know the answer; it should be no.

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

The honourable member for Playford having withdrawn from the chamber:

TRANSPORT AND INFRASTRUCTURE FUNDING

Mrs POWER (Elder) (14:36): My question is for the Minister for Infrastructure and Transport. Can the minister please update the house on how the Marshall Liberal government is working with the commonwealth to deliver record funding for roads and more jobs for South Australia?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (14:37): I thank the member for Elder for her question. Nothing would give me greater pleasure than to talk about how South Australia is punching above its weight when it comes to securing record levels of funding to build the infrastructure that matters to the people of South Australia.

Yesterday was another happy day for South Australians when we opened up the paper and saw the great partnership we have forged with the Morrison Liberal government, the federal government, and their delivering \$3.2 billion to help build what matters in our great state. This adds to our \$16.7 billion of infrastructure that we are already rolling out, of course, and what happens with that? That delivers jobs for South Australians.

The federal government was very welcoming and very engaging when we negotiated this with them. The \$3.2 billion injection into our economy will create some 5,000-plus direct and indirect jobs, which is a great win for South Australia. Again, as I pointed out, we are punching above our weight, and we should be incredibly proud of that. We have just secured more than \$3 billion of funding so far, and that is more than Victoria, more than WA, more than Queensland, more than Tasmania, more than the NT, and we are only second to New South Wales, so really South Australia is doing an outstanding job.

I know that on that side they have been very negative. The only people who could be negative about getting \$3 billion dollars plus from the federal government is South Australian Labor. They have been whingeing and carping like you wouldn't believe, but it's interesting: SA Labor complains about the \$3 billion; Queensland Labor says we got too much. I don't know—they don't know what the left hand and the right hand are doing. They are a very divided shop.

I would like to thank the Prime Minister, Scott Morrison. I would like to thank the Deputy PM, Minister McCormack—

Members interjecting:

The Hon. C.L. WINGARD: They are waking up now—they are waking up about half an hour late. Goodness me! That's how asleep they are over there: they do not care.

Members interjecting:

The SPEAKER: Member for Giles!

The Hon. C.L. WINGARD: We are getting on with the job, delivering \$3 billion into our economy and they are just cracking gags on that side. I mentioned the Deputy Prime Minister—

The Hon. L.W.K. Bignell: They have taken the knives out of the Balcony Room.

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

The Hon. C.L. WINGARD: —Minister Fletcher as well, and, of course, Minister Birmingham, who were great to deal with to secure this massive amount of funding. There are no fights with Canberra on this side. This is what good negotiation and good teamwork do to get projects delivered for our state. I know this would keep the member for West Torrens awake at night. He would hate the fact that South Australia is doing so well, but it's what a good government does.

Members interjecting:

The Hon. C.L. WINGARD: Here we go—he doesn't like it.

The SPEAKER: The minister will resume his seat.

Members interjecting:

The SPEAKER: Order, members on my right! The member for West Torrens on a point of order.

The Hon. A. KOUTSANTONIS: I take offence at that comment. I am always pleased when South Australia does well—withdraw it.

Members interjecting:

The SPEAKER: Order! The Deputy Premier will cease interjecting. I invite the minister to withdraw, the member having taken offence.

The Hon. C.L. WINGARD: I will withdraw but make the point that he was the one who was out carping and complaining about the \$3 billion plus and saying it wasn't enough. But let's run through some of the projects that we are going to be delivering for South Australia. The Augusta Highway, again a project that for 16 long years under Labor was ignored. It was called for by many people but Labor ignored this.

Mr Hughes interjecting:

The SPEAKER: Member for Giles!

The Hon. C.L. WINGARD: In fact, they ignored the regions across the board. The RAA, the CCF and of course the Freight Council, as well as regional communities, have been calling for this project for a long period of time. From a safety point of view and from an economic point of view, this will increase productivity and be a great thing for the regions.

Of course, there are other projects as well. I talked about stage 2 of the Augusta Highway up to Lochiel as being a great result. We can talk about the Truro bypass as well, Mr Speaker; I know this is a project dear to your heart. We have started with \$12 million to upgrade the road there. That was the COVID stimulus funding. Now we are going to be doing more to help improve that greater freight bypass around the top, heading onto the Sturt Highway and the Northern Connector. We know how important it is to get freight moving and get freight off the South Eastern Freeway as well.

We are upgrading roads on Kangaroo Island, the Strzelecki Track stage 2, the Heysen Tunnel stage 2, and also Sir Donald Bradman Drive and Marion Road, an important intersection that needs to be decluttered. That \$3.2 billion is a great windfall for South Australia and we should be incredibly proud. There's the Eyre Highway and greater freight bypass, the planning works that we

are going to be doing, and of course the \$2.6 billion for the north-south corridor, which is an incredibly important project that we are getting on the table and getting on with to deliver for the people of South Australia.

The SPEAKER: Before I call the member for Kaurna, I call to order and warn the member for Giles and I call to order the member for Light.

Members interjecting:

The SPEAKER: When there is silence, I will call the member for Kaurna.

ROYAL ADELAIDE HOSPITAL

Mr PICTON (Kaurna) (14:42): My question is to the Premier. Premier, why did a woman with a blood clot have to wait eight hours to be moved to a room at the Royal Adelaide Hospital last week and three hours before notes from her GP were looked at by a doctor? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PICTON: *The Advertiser* today reported about a woman, Robyn Adams, and her husband, who have written to the minister about Robyn's treatment at the Royal Adelaide Hospital on 5 May. After receiving a vaccine, her GP identified blood clots that were confirmed by a scan, and the GP recommended urgent treatment at the Royal Adelaide Hospital emergency department. It took five hours for a doctor to take notes, two more hours before they were able to be told she would stay overnight, and it took eight hours, full stop, to move to a room. Before that, Robyn had to use her coat wrapped in a towel as a pillow. The letter to the minister today said, and I quote:

... I assumed this was a case of media exaggeration... Now it is clear that the situation is quite possibly worse than reported.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:43): I have just received a briefing on this case and I, too, would like to apologise to this patient and her family for this very significant delay. I am sure it would have been extraordinarily distressing for her. I note that the CEO of CALHN, Lesley Dwyer, has issued an apology. My understanding is that the patient has now met with clinicians within the specialist vaccination clinic. My understanding is that the situation is that there have been no adverse reactions to the AstraZeneca vaccination here in South Australia. This patient will continue to receive support from that vaccination specialist clinic which is there.

At the moment, as I was saying, we have seen reports around the world with regard to the AstraZeneca vaccine that there have been some adverse effects causing what is referred to as thrombosis or TTS. We haven't had any of those. Of course, if we did, we would immediately report them to the TGA, the Therapeutic Goods Administration, in South Australia. That hasn't been the case in South Australia to date. But, as I said, I have only just received a very short briefing before coming in to question time. We regret this unacceptable delay. The hospital has issued an apology. I am sure it would have been very distressing for the family.

SA AMBULANCE SERVICE

Mr PICTON (Kaurna) (14:45): My question is to the Premier. Premier, why was a schoolchild suffering a seizure yesterday left to wait for more than two hours for an ambulance yesterday morning? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PICTON: This morning the child's father, Geoff, phoned ABC radio, when the Premier was being interviewed, revealing his son had a seizure at school yesterday morning. An ambulance was called but the son was left to wait two hours and 13 minutes for an ambulance to arrive.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:45): I thank the member for the question. The member has raised an incident, obviously. The member has identified that it was reported on radio this morning. I will seek information from the Minister for Health as to what is appropriate to share in relation to the details of that incident, if there are any particular matters that are relevant to that particular case that are appropriate for sharing with the house and I will bring back that answer to the house.

SMALL BUSINESS

Dr HARVEY (Newland) (14:46): My question is to the Minister for Innovation and Skills. Can the minister update the house on how the Marshall Liberal government is delivering better services to small businesses?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:46): I thank the member for Newland for his question and his support for small business in his electorate. The contribution small business makes to the economy in South Australia is extraordinary, and small business has a friend in this government.

The Marshall government is ensuring that the 148,000 small businesses which form the backbone of our economy have access to better services now and in the future. We have innovated how businesses access government information with the development of the business app, providing up-to-date information on state and federal financial support for businesses in all sectors and available on the go.

We are ensuring that small business is competitive and we have ensured that businesses with a payroll of less than \$1.5 million in wages are exempt from payroll tax. It was one of the first things we did when coming to office. As you recall, \$600,000 was the threshold before businesses had to pay payroll tax. It has now lifted to \$1.5 million. Of course, if they take on a new apprentice before 30 June this year, they will be exempt from payroll tax calculations, whether they are paying payroll tax or not. We have also increased the tax-free threshold and we have reduced the rates on land tax.

In the wake of the global pandemic and the bushfires, the Marshall government has consistently delivered better, more timely services for small businesses in South Australia. The Marshall government has partnered with the Morrison government, offering financial assistance to small businesses impacted by the bushfires. The Small Business Bushfire Recovery Grant provided up to \$50,000 to small businesses directly affected by the Black Summer bushfires to assist in the clean-up and the re-establishment of those businesses; 160 grants were approved for a total of \$5.5 million. The small business support grant provided \$10,000 to eligible small businesses to recover from the bushfires; 582 applications were approved at a total value of \$5.8 million.

The South Australian Disaster Small Business Transformation and Growth Program is delivering a range of measures. These include a Kangaroo Island business hub, which has been extremely successful in engaging and networking for businesses in Kangaroo Island; the establishment of a collaborative business network in the Adelaide Hills; access to export and investment advice; access to financial counselling, coaching and mentoring services—all very important when you are in small business, when sometimes you do feel very alone, particularly in periods of significant change; and a reduction in water and sewerage costs for the average business of \$1,400.

Remember the con that those opposite placed on the people of South Australia for years and years, artificially inflating the assets of SA Water so that they could pull a swifty with ESCOSA and charge water payers more money than was justified? That came to an end with the election of the Marshall government. It came to an end when that fraud was discovered and rectified, and the average small business is saving \$1,400 a year, not to mention the hundreds of thousands of retail ratepayers who are also benefitting significantly from the removal of this fraud placed on the people of South Australia by the Labor Party.

And, of course, there is \$250 million in \$10,000 cash grants—2,097 businesses received those cash grants which kept people in business and kept them employing their staff—and \$5 million in a small business advisory service program that is a partnership with businesses, seeing \$10 million spent on consulting services on improving businesses' capability here in South Australia.

AMBULANCE RAMPING

Mr PICTON (Kaurna) (14:50): My question is to the Premier. Can the Premier explain why 93-year-old Agatha was left to wait yesterday for three hours on the ramp at the Royal Adelaide Hospital, the second time she was ramped in a month? With your leave, and that of the house, sir, I will explain.

Leave granted.

Mr PICTON: Yesterday, the daughter of Agatha, Annalisa, phoned ABC radio to reveal that her mother was, for the second time in the past month, ramped outside of an emergency department. Annalisa said of her mother, and I quote:

She's not doing very well, she says she's had enough and she just wants to die because she's got to wait in an ambulance...What is it going to take for them to actually do something about it and open up some more beds?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:51): I thank the member for the question. This is a matter on which I have received some information. I understand that the health minister, and I join him in doing so, apologises unreservedly to the patient and her family for the deeply distressing experience that she had yesterday morning.

Without going into all of the details as identified by the member, I am pretty sure I have identified the case in question, and in this case, the Central Adelaide Local Health Network's chief executive officer has also apologised on behalf of the network for this experience.

I am advised that at the time of her presentation to the Royal Adelaide Hospital, approximately 80 patients were present in the emergency department. This surge of patients also included several urgent walk-in cases, some of which required resuscitation and cath lab intervention, several code stroke patients, and a patient suffering from an aneurysm. Notwithstanding this surge, we understand the anger and the concerns expressed by the patient's family and, indeed, share those concerns.

The house may be interested to know that the Central Adelaide Local Health Network's chief executive officer, I also understand, will be reaching out to the patient and the family personally to apologise on behalf of the network.

MTX GROUP

The Hon. Z.L. BETTISON (Ramsay) (14:52): My question is to the Minister for Trade and Investment. What incentives were provided to MTX Group to establish a service hub in Adelaide?

The Hon. S.J.R. PATTERSON (Morphett—Minister for Trade and Investment) (14:52): Finally, finally, I get a question—10 months since I have had a question. The opposition obviously do not have a trade policy at all and that's why they're scratching around thinking, 'Why would such a company come to South Australia?'

Members interjecting:

The SPEAKER: Order!

The Hon. S.J.R. PATTERSON: Well, let me tell you why, Mr Speaker.

Members interjecting:

The SPEAKER: Members on my left!

The Hon. S.J.R. PATTERSON: Let me tell you why. Since day one in 2018 since coming into government here, we have been setting up South Australia to be future focused, globally focused.

Members interjecting:

The SPEAKER: Order!

The Hon. S.J.R. PATTERSON: That's why we have been setting up centres of excellence right here in South Australia.

Honourable members: Hear, hear!

The Hon. S.J.R. PATTERSON: Hear, hear! The Australian Institute for Machine Learning—

The Hon. C.L. Wingard interjecting:

The SPEAKER: The Minister for Infrastructure and Transport!

The Hon. S.J.R. PATTERSON: —is one of the top two artificial intelligence institutes in the world. That's a fantastic place to have right here in Adelaide. That's attracting people. In fact, MIT,

one of the world's leading institutions in this field, has also set up here. Only three places outside of the US—

Members interjecting:

The SPEAKER: Member for Cheltenham!

The Hon. S.J.R. PATTERSON: —where MIT is based, and it's based right here in Adelaide. That's building out a high-tech ecosystem. We have seen Accenture come here.

Members interjecting:

The SPEAKER: The minister will resume his seat.

Members interjecting:

The SPEAKER: Order, members on my right!

Members interjecting:

The SPEAKER: Members on my left! The member for West Torrens on a point of order.

The Hon. A. KOUTSANTONIS: Standing order 98: the question was very specific, sir—what incentives were provided to MTX—and we had an extraordinary response by the minister. Let's get back to the question, sir.

The SPEAKER: There is no point of order. The minister has the call.

The Hon. S.J.R. PATTERSON: It may be extraordinary for those opposite, but for us on this side it is plain as daylight: setting up South Australia as a future-focused, high-tech ecosystem. That has brought Accenture and 2,000 jobs here, based in defence and cyber. I reported to you not long ago about AWS, the second largest company in the world set up right here in South Australia, bringing jobs to South Australia. Hot on their heels, we have had Google come here, one of the world's big companies. If I could just quote Mr Michael Grantham, the director of Google—

Members interjecting:

The SPEAKER: Member for Cheltenham!

The Hon. S.J.R. PATTERSON: —and what he's got to say about it. He said:

Adelaide has a unique environment that has been created here by the government that's enabled them to attract a lot of tech companies.

I shall go on:

The opportunity to become a part of Lot 14 and the strategy for South Australia and the tech sector is very exciting for Google...

If I can just finish as I wind back, artificial intelligence and machine learning, these are the things not really taught in schools today. Adelaide is at the forefront of developing this future workforce. So, not only are we bringing these companies here, it is the workforce that goes with it. Of course, MTX, one of the biggest companies—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J.R. PATTERSON: —is based out of Houston, and it is no coincidence that our trade office is there. They know what is going on over there because of our trade office. MTX, of course—

Members interjecting:

The SPEAKER: Order! The minister has the call.

Members interjecting:

The SPEAKER: The member for Cheltenham will cease interjecting. The minister has the call.

The Hon. S.J.R. PATTERSON: MTX, as I said, a global tech firm, is transforming the way things are done. They are doing great work in the US in terms of how they roll out their coronavirus response, and of course they need around-the-sun support—

Members interjecting:

The Hon. S.J.R. PATTERSON: —24 hours, follow the sun. And, of course, where have they set up? They have set up right here in a global-leading—

Members interjecting:

The SPEAKER: Order!

The Hon. S.J.R. PATTERSON: —high-tech state, South Australia, that is—

Members interjecting:

The SPEAKER: Members on my left!

The Hon. S.J.R. PATTERSON: —bringing 500 jobs right here—500 jobs in South Australia. That is the reason they have come to South Australia.

Members interjecting:

The SPEAKER: Order! Before I—

Mr Malinauskas interjecting:

The SPEAKER: The leader! The member for Ramsay is seeking the call. Before I give the call to the member for Ramsay—

Mr Malinauskas interjecting:

The SPEAKER: Does the leader wish to continue interjecting? Before I call on the member for Ramsay, I warn the member for Hammond. I warn the member for Chaffey. I warn the member for Mawson. I warn for a second time the member for Hurtle Vale. The member for Cheltenham can leave for the remainder of question time under 137A.

The honourable member for Cheltenham having withdrawn from the chamber:

The Hon. C.L. Wingard interjecting:

The SPEAKER: I warn the Minister for Infrastructure and Transport.

MTX GROUP

The Hon. Z.L. BETTISON (Ramsay) (14:58): Supplementary, Mr Speaker: did the government offer any incentives to the MTX Group to come to Adelaide?

The SPEAKER: The Premier.

Members interjecting:

The SPEAKER: Order! the Premier has the call.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:58): I want to advise the parliament on our approach to bringing companies to South Australia. It is a whole-of-cabinet approach. Our desire since coming to government has been to make this a more attractive place to invest and to start businesses, and I want to commend the Minister for Trade and Investment for his role. He works very closely, of course, with the Minister for Innovation and Skills.

One of the things that really attracted MTX, like many tech companies, is the focus that we have on developing strategies to develop our workforce, and this is extraordinarily important to many of these larger companies. There is a massive skills shortage in the tech sector right around the world. Take for example cyber. We know that there is a major, major skills shortage right around the world. We know there is a massive threat. We also know that there is a massive requirement for skills, yet the whole of the world is scrambling for those skills. What we have in South Australia is a joined-up approach across cabinet to attracting those companies to South Australia.

We unashamedly work with companies like MTX, like Accenture, like Google, like PricewaterhouseCoopers, if they like, and we present to them opportunities to develop a skilled

workforce in South Australia. Whilst no specific deal has been struck with MTX, we are very keen to talk to them about the possibility of taking apprentices and trainees studying for a digital qualification into their organisation.

This is very important to develop that skilled workforce for the future. If you are not doing that type of work, then ultimately what tech companies are doing is taking people from one company to join the next company. That is not adding any additionality. So what we have decided is to put money, via our Skilling Australians approach, into apprenticeships and traineeships. There are a large number of them in the technical and trade area, but there is also a large number of them now going into these digital areas.

In fact, I think to date we have signed up more than 37,000 apprentices and trainees since coming to government, and what we are going to see is more of those. I am hopeful that companies like MTX will take advantage of that opportunity. The reason why we want them to take advantage of that is because that will be keeping young people here in our state. What we have seen since we came to government is a complete reversal of the trend for this exodus of capital and young people out of our state; in fact, it's quite the opposite now.

We've got capital flowing into South Australia and we've got young people not looking elsewhere—not looking elsewhere. We saw this trend start before the coronavirus hit, and what we have seen is that it has accelerated since, and the reason why it has accelerated is because we are now offering opportunities to the next generation. If they want to work for one of the world's largest global consulting firms like PwC or Accenture, they are growing their operations here in South Australia. If they want to work in the creative sector, they want to be making movies in South Australia, they are getting those opportunities in South Australia.

With our gaming rebate, we are now making this the most attractive place in the country, working with the federal government with their 30 per cent rebate, to bring game developers here to South Australia. What we have recently seen is a very successful IPO from Mighty Kingdom in South Australia. There is no doubt that part of the success of that company's IPO was due to the environment which we have created. We are very happy to continue to support companies coming to South Australia by creating an environment which recognises that they need lower costs of operation and they need skill availability. That's our focus in government.

PROJECT ENERGYCONNECT

Mr PEDERICK (Hammond) (15:02): My question is to the Minister for Energy and Mining.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned for a second time. The member for Hammond has the call.

Mr PEDERICK: Can the minister advise how Project EnergyConnect will cut electricity prices for South Australians?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:02): Thank you to the member for Hammond for the question—and, yes, I can. Our policies are multifaceted with regard to making electricity in South Australia cleaner, more reliable and cheaper. One of the key planks of our energy policy is Project EnergyConnect, an interconnector between South Australia and New South Wales.

Progress towards that project becoming a reality took a very important step forward just recently, with ElectraNet and TransGrid putting their final costings into the AER for approval. The Australian Energy Regulator (AER) still does have the final right to approve or assess and approve and put its opinion forward on its project—but another very important step forward. This interconnector is important for a range of reasons.

Those opposite have a very narrow view of energy policy, and that's one of the reasons that they were one of the worst governments in the history of the state with regard to energy policy. That's why they delivered a statewide electricity blackout and that's why they delivered ever-increasing electricity costs for South Australian households and businesses. We are turning that around. We

have already, in partnership with industry, provided \$269 average per year savings per household electricity. Emissions are reducing and reliability is improving.

Those opposite would see an interconnector as just a conduit to get electricity. How wrong they are. An interconnector with New South Wales of course will deliver electricity into South Australia at times, but we will export far more renewable energy from South Australia into New South Wales than we will import. That will create jobs. We have about \$3 billion worth of projects on the books at the moment, and there's approximately \$5 billion worth of energy projects to be developed in South Australia waiting on the delivery of this interconnector. This is a huge opportunity.

Those opposite also would be unaware of the fact that an interconnector provides enormous benefits with regard to stability of the grid—the ability to quickly import, quickly export electricity to help with voltage and frequency control. So, as the former Minister for Energy sits on the other side of the chamber and laughs, what he's actually trying to do is hide his shame. He's trying to hide his shame. He was the one in charge at the time when electricity prices skyrocketed and all South Australians suffered.

We take every day very seriously with regard to electricity policy. We were left a mess. We are doing everything we possibly can to deal with it, and the interconnector will be a huge plus. We have invested money in early works so that, when the go-ahead is provided by the AER, we are on track with regard to the development of this very important project and we can bring the time line forward.

It wasn't that long ago that those opposite thought the interconnector was a good idea. When they were in government, they liked it. Then, when we announced it from opposition as part of our energy policy, they didn't like it. Now our energy policy is going pretty well, they then said, 'Actually, we didn't oppose it.' So those opposite are at sea when it comes to energy policy, they are at sea when it comes to their position on the interconnector, they are at sea with their energy policies to the point where, in the one poor uncostered policy—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

The Hon. D.C. VAN HOLST PELLEKAAN: —the generator that they wanted to deliver, which is in exact opposition to their logic before the last election—

Mr Brown interjecting:

The SPEAKER: Member for Playford!

The Hon. D.C. VAN HOLST PELLEKAAN: —they are using our jobs figures to support their energy policy. We wait for the AER's decision.

Members interjecting:

The SPEAKER: Order! The time for answering the question has expired. Before I call the member for Frome, I warn the member for Hammond for a second time and I warn the member for Lee for a second time.

MORGAN SAWMILL

The Hon. G.G. BROCK (Frome) (15:07): I'm glad to see we lost three minutes of our time allocated to the crossbench; however, my question is to the Minister for Regional Development. Can the minister update the house on whether ForestrySA no longer intends to supply sawlog to the Morgan Sawmill in Jamestown from 30 June this year? With your leave, and that of the house, sir, I will explain further.

Leave granted.

The Hon. G.G. BROCK: I have been advised today that the Morgan Sawmill in Jamestown has been informed by ForestrySA that its tender for sawlog from the Adelaide Hills plantations has been unsuccessful and that, when its contract for supply ceases next month, it will not be renewed.

I have also been informed that if the Morgan operation in Jamestown is unable to source sawlogs, it will have to close its business, with a considerable loss of jobs in the region, and I am advised it's up to 75 jobs. This will come at a time when the nation is experiencing a shortage of

timber to meet construction demand at home while governments are allowing mass shipments to overseas, and this must stop if we intend to prioritise local businesses ahead of hostile foreign businesses.

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (15:08): I thank the member for his question. I had the opportunity to meet with the Morgan Sawmill representatives last week to have a discussion in relation to their concerns. ForestrySA has timber available out of the small number of trees that it currently owns after the sell-off of the South-East estate by the previous government, so there is only a small part of what used to be historically managed by ForestrySA here in South Australia available for the opportunities within the industry. What has happened in the process is that—

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: Member for Mawson! The minister has the call.

The Hon. D.K.B. BASHAM: ForestrySA have gone to the market and put out a call for tenders in relation to the next 10 years' worth of timber availability within its estate. They have gone out to the market seeking interested buyers of that timber, and my understanding is that Morgan's was certainly one of those that tendered. From what the member for Frome has outlined, they have been informed that they haven't been successful in that tender process.

I am unaware of exactly what happened in that tender process. That is managed by ForestrySA that has no ministerial influence whatsoever. It's an open tender, where bidders can put a price forward and seek an opportunity to buy the timber that is on the market. At the meeting we had with Morgan's last week, we certainly discussed, if they weren't successful, whether there was an opportunity to look at Kangaroo Island timber, for example, whether that was an opportunity for them.

We are still working with them in that discussion to see whether there is an opportunity to get access to that timber. We are also having a look at whether there is any other timber ForestrySA has that they could pursue in the short term to keep the business operational.

KANGAROO ISLAND TIMBER

The Hon. G.G. BROCK (Frome) (15:11): A supplementary: the minister indicated that he is talking to Morgan's regarding the opportunity of getting timber from KI. Can the minister update the house on how that timber would be able to get off KI and over to the mainland?

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson is warned for a second time.

The Hon. D.K.B. BASHAM (Finniss—Minister for Primary Industries and Regional Development) (15:11): I thank the member for Frome for that question. The discussion we had with Morgan's last week was that they were investigating, with KIPT, to see whether it was possible to barge timber off the island as one feasible option. That included barging it all the way to Port Pirie itself and then transporting it from the Port Pirie wharf to their facility at Jamestown.

PORT MACDONNELL HARBOUR

Mr BELL (Mount Gambier) (15:11): My question is to the Minister for Transport. Can the minister inform the people of Port MacDonnell when the Port MacDonnell harbour will finally be dredged?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:12): I don't have the detail of that; it's an operational matter. I will follow it up for the member, but I know that recreational fishing in South Australia is incredibly important. In the last budget, we put \$40 million towards looking after rec fishers, to improve jetties and boat ramps, and also \$20 million into bridges—so \$20 million into each of those pots—

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey!

The Hon. C.L. WINGARD: —because of the neglect they had been left in by the previous Labor government. We are getting on and fixing it, but I will get the detail back to member.

PEDESTRIAN SAFETY

Mr DULUK (Waite) (15:12): My question is also to the Minister for Infrastructure and Transport. Can the minister update the house on how the state government is committed to ensuring the safety of pedestrians in our community, especially on main roads such as Cross Road. Sir, with your leave, and that of the house, I will further explain.

Leave granted.

Mr DULUK: Last year, I wrote to the minister regarding the issue of pedestrian safety on Cross Road. A constituent of mine, Margaret Brown, has observed traffic volumes increasing exponentially on that corridor, with inadequate and infrequent opportunities for people to cross the busy road. I visited the site with Mrs Brown and witnessed first hand the lack of suitable pedestrian islands, which we believe are not suitable for a pram, disability access or a bicycle.

Will the government commit to installing at least one pedestrian-activated crossing on Cross Road between Fullarton Road and the South Eastern Freeway similar to the pedestrian crossing located probably 500 metres north-west of the freeway intersection on Glen Osmond Road?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:13): I thank the member very much for that question, and am happy to look at the specifics of the detail, as far as where the engineering would go and how that would work.

What I can say about Cross Road—and this has been a key, of course, being part of the outer ring road—is that we do have that on the Infrastructure Australia priority initiatives list now. We know it is an important piece of infrastructure for South Australia. We are also working on Cross Road and Fullarton Road. We have a big body of work there to improve pedestrian safety right next to the school. We are widening that intersection and we have worked very closely with the community and managed to save 18 homes in the process.

Of course, we came up with a great solution to move the gatehouse into the Waite Arboretum, near the gate there. That was an outstanding solution. It was a privilege to work with the local community and come up with a really great solution that builds the infrastructure that is important for that community. Pedestrian infrastructure, in particular around that school, is something we are incredibly proud of. We will continue to do that work.

You will have noticed, and I mentioned it earlier—as much as those on the other side scoff—that we had some \$3.2 billion towards extra infrastructure. Of course, part of that is the Truro bypass and a big focus on that is adding to the work that we have already done: the \$12 million to get freight off the South Eastern Freeway to reduce the amount of freight that comes down there. Of course, trucks will always use Cross Road. It is an access road. It always has been part of the outer ring road, but improving the Truro bypass will be another step to facilitating that great freight bypass for our state to get traffic off that road. That will help with that point as well. On the detail, I will get back to the member on that.

ROAD SAFETY

Ms BEDFORD (Florey) (15:15): My question is to the Minister for Transport. Can the minister update the house on what current controls and safety standards are in place to minimise the distraction to drivers caused by large electronic scrolling advertising, especially on highways with speed zones of 80 km/h and greater?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:16): Sorry, can you repeat the first part of that question?

Ms BEDFORD: Can the minister update the house on what current controls and safety standards apply to minimise the distraction to drivers caused by the placement of large electronic scrolling advertising on overhead passes on highways where the speed zone exceeds 80 km/h?

The Hon. C.L. WINGARD: I'm very happy to look into the detail, as far as what the framework is around those advertising signs and what would happen. I would have no doubt that a national standard would be my guesstimate on that, but I will have a look at that and see. There

would be that type of system in place right across the country. We do have advertising signs—advertising hoardings—on major roads and of course safety would be of the most paramount importance when those are put in place. I would presume that there are some standards that the department would work to, as would every other department right across the nation. My suggestion would be that they would be national standards, but again I will get the detail of that and get back to the member.

ADVERTISING REVENUE

Ms BEDFORD (Florey) (15:17): Supplementary: who receives the revenue from the large electronic advertisements placed on these freeways?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:17): I don't know the exact answer to that question. I am very happy to have a look at it. It would depend on where the advertising hoarding would be placed. I'm not sure that any have been put in place since I have been minister, so they would be retrospective. I know the point you make because I know that there is one on the Southern Expressway and that was put in place a number of years ago.

Members interjecting:

The SPEAKER: Deputy Premier!

The Hon. C.L. WINGARD: I can go back to the department and ask where that revenue does go.

Members interjecting:

The SPEAKER: Member for Lee!

BUS SAFETY

Ms BEDFORD (Florey) (15:18): My question is again to the Minister for Transport. What safeguards are in place for passengers sitting in the disabled seat who experience a road accident when riding on the bus? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms BEDFORD: One of my constituents was on an O-Bahn bus when a road accident occurred near the East Terrace tunnel. My constituent was sitting on the disabled seat and, with no seatbelts or seat in front of him, was flung onto the floor of the bus injuring his neck and he had to get a lawyer to receive compensation. The main point is: what safety measures are in place for him?

The Hon. C.L. WINGARD (Gibson—Minister for Infrastructure and Transport, Minister for Recreation, Sport and Racing) (15:18): I thank the member again for the question. I don't have the technical detail behind that, but all vehicles have standards that they must adhere to. The public transport system would have those same standards and our public transport buses would adhere to those.

As far as the specifics of this specific case—and I do appreciate the member's point—I am happy to take that on notice. We do understand and we know that, through our road safety guidelines and the work that is done in that road safety section around our Think Road Safety campaigns, seatbelts are one of the five important things we must consider. Any fixturing or harnessing has rules and regulations around it, but, as far as those specific things, as far as Metro buses are concerned, I would again have no doubt that there would be a set of safety standards that would be adhered to. I have every confidence that would be the case, but I will get the detail back to the member.

PORT PIRIE BAKERS DELIGHT

The Hon. G.G. BROCK (Frome) (15:19): My question is to the minister representing the Minister for Health and Wellbeing. Can the minister update the house on the progress of the compensation for Bakers Delight at Port Pirie for the loss of trade during the sudden three-day shutdown in November last year? With your leave and that of the house, sir, I will explain a bit further.

Leave granted.

The Hon. G.G. BROCK: On 10 December last year, I wrote to the Treasurer requesting compensation for the loss of products during the sudden shutdown, and that was fully explained in the letter. This letter was passed on to the Minister for Health and Wellbeing on 21 December last year and I asked the minister representing the Minister for Health and Wellbeing for clarity as to where this letter was on 17 March, inquiring about the decision from the Minister for Health. However, to date, I have had no response to myself nor Bakers Delight at Port Pirie regarding the request.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:20): I thank the member for the question. I will take that on notice and bring back an answer.

YAHL COUNTRY FIRE SERVICE FACILITIES

Mr BELL (Mount Gambier) (15:20): My question is to the Minister for Emergency Services. Could the minister update the house on the progress of the Yahl CFS facilities?

The Hon. V.A. TARZIA (Hartley—Minister for Police, Emergency Services and Correctional Services) (15:20): I thank the member for Mount Gambier for his question. I want to take this opportunity to, first and foremost, thank the CFS for the outstanding job they have done this bushfire season. Obviously, we had an extremely difficult season in 2019-20, but a much better season in 2020-21. After implementing the Keely review, we have gone on with investing over \$97½ million to make sure that we make our emergency services the best they can be, investing in things like thermal imaging cameras across the board and conducting a number of facility upgrades.

On the weekend—speaking of the regions and to the member's point—I was actually at another facility, in the member for Hammond's electorate, at Tailem Bend. Can I tell you that out in that part of the region at the moment you've got this electric feeling, so much excitement, because we actually opened a brand-new station.

In relation to the member for Mount Gambier's area, I have done one visit to his electorate in regard to these facilities. He wasn't there that day, but what I will do is commit to make sure that I get down to that part of the world in the not too distant future, and I am happy to have a chat about that particular facility to see what can be done.

The Hon. L.W.K. Bignell: They don't want to see you, they want to see improvements. They want to see an upgrade, not you!

The SPEAKER: Member for Mawson, order! In circumstances of the observation of the member for Frome just now, I take the opportunity to draw all members' attention once again to sessional order 5 among those sessional orders adopted on 2 March, and, notwithstanding any convention that might have arisen over the course of these short weeks, remind members of the terms of sessional order 5.

Grievance Debate

AMBULANCE RAMPING

Mr PICTON (Kaurna) (15:22): The people of South Australia know that ramping is at absolute crisis levels in South Australia, and now we have the absolute proof of that with the data that has finally been revealed by the Premier to the parliament today. This was asked for well over a month ago and was due to be delivered last week. The Premier refused to provide it to the parliament then and dropped it out to the media over the weekend. What it does show now is the true state of despair that our health system is in under his leadership, over three years into his reign as Premier of the state.

What it shows is that over the past three months we have had record after record after record of not good records: these are the worst ramping figures that we have ever had in this state. The last figures in April show 2,268 hours of ambulances being ramped in South Australia. That is over 76 hours every single day in April that ambulances were stuck outside hospitals, with patients inside who needed proper treatment in the hospital, meaning those ambulances were not able to respond to other urgent cases in the community.

How has this come about? Let's go through one very particular reason, and that is that we have cut the number of nurses in South Australia over the past year. All around the world over this pandemic period, people have been hiring more nurses for their healthcare systems. What have this government done? They have made nurses redundant during the pandemic.

We know that 120 redundancies were given to nurses over the course of the past two years, and most of those were during the middle of the pandemic, which is absolutely shocking, particularly hearing the Premier's defence of cutting emergency department nurses during the pandemic as somehow a good thing. While everybody was preparing for the worst, this government was going around cutting nurses, making their jobs redundant and not replacing them with other people.

We now have the Auditor-General's Report, which finds conclusively that over the past year 112 fewer nurses were working in our health system than the year before. What a disgraceful indictment of this government's management of the health system, and this has come about because of their cuts and their decision to put corporate liquidators, in an unprecedented way, in charge of running our hospitals.

We paid KordaMentha, corporate liquidators, \$37 million. They have therefore then paid nurses redundancy packages and other health staff redundancy packages of over \$24 million. So out of all of that we are paying \$60-odd million to have fewer staff than we did before. What absolute madness. You only have to look at the Productivity Commission, which shows that every other state and territory is increasing the amount of money they are putting into their ambulance service, except one—except South Australia where we have cut that by \$11 million over the past two years.

Now we are seeing the consequences. We saw the human face of this yesterday with Agatha, a 93-year-old woman stuck for three hours outside the Royal Adelaide Hospital with broken ribs and breathing difficulties, saying that she would rather die than be stuck in that ambulance. It is absolutely shameful. It is degrading. It is elder abuse. It is atrocious, not having toilet facilities and not having proper treatment. This is becoming a day-by-day reality for South Australians.

We had another case of a caller ringing in while the Premier was on radio this morning. His son had a seizure at school yesterday and had to wait two hours and 13 minutes for an ambulance to come after a seizure. That is absolutely shocking. That should not be happening in South Australia where we should have a well-funded and well-resourced health system.

We had another case that has just come out today of a woman who had an adverse impact from a vaccine, a blood clot, confirmed by GPs undertaking tests. She went to the Royal Adelaide, as instructed, and had to wait around for eight hours to properly be seen. She had to use her jacket and a towel as a pillow because we could not even give her a pillow in this Premier's health system that they are running at the moment under KordaMentha, their corporate liquidators. What an absolute disgrace.

There is another case that has just been reported of an 84-year-old woman who was ramped yesterday for four hours at Flinders Medical Centre following a fall. We are having a litany of apology after apology from the government to these patients who are caught up, once they get exposed in the media, but there is no apology for their cuts to nurses, for their cuts to the Ambulance Service, for their decision to put corporate liquidators in charge and to not listen to our doctors, nurses and paramedics, who are calling out to end the cuts and to invest in services so South Australians do not continue to suffer the consequences of this government's cuts.

Time expired.

SALT FESTIVAL

Mr TRELOAR (Flinders) (15:28): I would like to talk today about an absolutely brilliant festival that had its inaugural outing in 2017. It is known as the SALT Festival, which is based in and around Port Lincoln. Unfortunately, the festival had to be cancelled in 2020 due to COVID, along with many other things in this state and right around the world, but it was back bigger and better than ever in April this year.

The SALT Festival provides a platform for artists and contributors to showcase their ideas and to interact. It is an opportunity to make connections across topics and genres to build a new and innovative community. SALT celebrates the impact of people converging through creative practice in arts, innovation, culture, conferences and discussion, providing platforms for innovators and professionals to contribute and connect. That covers just about everything, but what resulted was an absolutely jam-packed program over 10 days, from 16 to 25 April, and there was something for everyone.

I was not able to get to all events, obviously, but those that I did I enjoyed immensely. I do not want to pick favourites in what was a jam-packed program, but I think the real coup for the festival was being able to host the Adelaide Symphony Orchestra in Port Lincoln. They played two events at the Nautilus Theatre at Port Lincoln. The last time the Adelaide Symphony Orchestra in its entirety visited Port Lincoln was in 1954, so that is some time between drinks as they say. Those who were able to get to that absolutely adored the performance.

The only one I was able to take active part in was the Kallinyalla Community Mural launch, which was on the final day of the SALT Festival. There was quite a long wall adjacent to the Kallinyalla nursery—of course, Kallinyalla is an ancient Aboriginal name associated with the Port Lincoln district—and it was decided to colour the wall up and tell some of the Dreaming stories from the local Aboriginal people. I was asked to contribute. I showed all my artistic flair and drew blue squiggly lines with a paintbrush and declared that it represented the ocean, so that was my bit.

An honourable member interjecting:

Mr TRELOAR: It was. It was amazing. I am going to congratulate all those who were involved with the event—the chair, Jack Ritchie; his committee; all the volunteers; the committee members; and all the sponsors. There was significant sponsorship. I will thank the Premier for his support in bringing the Adelaide Symphony Orchestra to Port Lincoln and also, for that event in particular, Roger Lang and the Lang Foundation because these things are expensive to run.

Also, I would like to thank all the artists—some local, some from further afield—who contributed and made their time available, and all the people from Lower Eyre Peninsula and beyond who attended the events because the events were really well attended. Of course, that contributes to the success of the festival. I am looking forward to next year's already.

I would just like to take the last minute of my grieve time today to offer my condolences to the family of the boy who died so tragically in Port Lincoln in the early hours of this morning. I do not know all the details, obviously; they will come out over coming days and weeks. It is certainly a very tragic and unfortunate event. My condolences go to the family and also to the broader community in Port Lincoln, particularly the operator of the truck involved in the incident. It is unfortunate. I also acknowledge SAPOL, the emergency services and all those who were involved at the time and who continue to be involved. It is certainly going to have a big impact on what is quite a tight community in the City of Port Lincoln.

SMALL BUSINESS WEEK

Ms MICHAELS (Enfield) (15:33): I rise to speak about Small Business Week, which was held in South Australia the week before last. It gave us an opportunity to celebrate South Australian small businesses, including all the entrepreneurs who take risks and opportunities for the benefit not only of their families but of the state as a whole. We are a small business state and it is important to acknowledge the contribution that small businesses make to the state of South Australia.

As the shadow minister for small business and family business, part of the job that I enjoy most is meeting with local businesspeople and talking through their issues. I want to mention in this speech going to visit Darren Brown at the Prince Albert Hotel. Darren reopened the Prince Albert Hotel after it closed very early on during COVID. His aim is to bring it back to life. It is a beautiful old building. His intention is to have 10 employees once it fully ramps up. At the moment he has Satchel, Ellie, Jordie, Georgia and Ned working there, and they provide excellent hospitality, as I witnessed firsthand.

Interestingly, Darren looked very familiar to me when I went to visit him. He told me he was previously involved in Ivy Entertainment. When I looked at him, I thought, 'I know you from somewhere,' and he said, 'Yes, I helped your son with his DJ for his 16th birthday.' He has now obviously reinvented the Prince Albert Hotel and I hope that his vision for the wonderful reinvention of that building is brought to life.

I also visited Sports Locker on Main North Road at Prospect in my own electorate of Enfield, visiting once again Don and Kay Shipway, who have been there for 40 years. Don originally started Sports Locker under the name of Robran and Shipway, two very well-known names in the South Australian sporting community, with Barry Robran at the Roosters and Don Shipway, a great name in the basketball world, who was a coach of the 36ers in its heyday.

Sports Locker is a small specialty athletics shop. Over the years, it has battled big brands and now, of course, online shopping, but Don is a fighter and he fights very passionately for providing excellent customer service and competitive prices in the athletics shoe space. He does not back away from a fight, and that taught me that we really need to do more for our small businesses in this state. We must fight for them to help them.

A couple of weeks ago, I walked through Regent Arcade to a function and sadly shopfront after shopfront said 'closed, for lease'. I think up to 14 shops in that beautiful arcade between Rundle Mall and Grenfell Street are now empty. It really is a tale of woe for our small independent retail sector, particularly given the announcement today of a potential referendum on shop trading hours. It is a sad tale that our government is trying to decimate small businesses in a quest to deregulate shop trading hours, which inevitably only helps large national and international retailers squeeze out more mum-and-dad operators. I hope the government reconsiders its position on this.

We have been trying to rebuild our state's economy. We need to do that as we crawl out of this COVID recession. We need to do more for small businesses to help them grow and thrive. We still have certain sectors that are suffering greatly—in travel, in hospitality, particularly in hospitality in the CBD—and we need to do more to help them. We have the worst unemployment rate in the country, and we are the only state to have lost jobs in this COVID pandemic. We really must do more to help small businesses grow, continue to hire South Australians and, as a small business state, support our small businesses.

As the shadow minister, I want to extend my gratitude to small businesses and family businesses throughout the state that have been fighting hard in the last 12 months during the COVID pandemic and wish them well.

EMPLOYMENT OPPORTUNITIES

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:37): I am really excited to be able to talk about the Adelaide Film Festival Youth competition today, and it is part of a significant body of work around South Australia in the creative industries and in the high-tech industries that is encouraging our young people to a state of optimism like they have never had before about not only their future but also their present.

I note the unparalleled business confidence our businesses are seeing in South Australia right now and reporting to the agencies that report on these matters, and I note the confidence that young people have in their future in South Australia and that they are demonstrating that confidence by coming back to South Australia when once they were leaving. Indeed, in the last year of Labor, I think more than 7,000 South Australians, a large proportion aged in the 20 to 35 age bracket, left South Australia. Last year, certainly for the first time since I have been an adult, since the early nineties, more young people are coming back to South Australia than are leaving.

We are creating an opportunity for our young people in our schools—our best and brightest—to think that they, too, might have a future in South Australia, whether they want to work in the space sector, the creative industries or cybersecurity and in the tens of billions of dollars worth of defence contracts that are available. The cybersecurity world, as the Premier outlined in question time today, is where there is significant growth in the requirement for jobs, and we have excited companies coming here because they know that this government is investing in our young people, giving them the opportunity to do those courses.

There is this connection between the opportunities for young people, in terms of not only their jobs but also the things they are excited about now, and the creative industries, and particularly where tech is involved it is a very good sweet spot for South Australia.

I was launching the virtual reality master's course at Adelaide University just a few weeks ago at a time when *Mortal Kombat* had just come out. I was able to report the opportunity that was there for those young people thinking about their futures right now, that South Australia at that time, three weeks ago, had the No. 1 film in the US box office in *Mortal Kombat*. It was filmed here, substantial work was done here and hundreds and hundreds of jobs were done by young people and professionals here in South Australia across a range of industries contributing to that film.

So far this year South Australia has also had the single largest arts festival in the world in the Adelaide Fringe, and indeed we did so last year as well. That is a testament not only to our solid handling of the coronavirus pandemic but also to the extraordinary reputation and the extraordinary level of quality artistic production in South Australia. The Department for Education this year, joining the Department for Innovation and Skills and the Adelaide Film Festival, is very pleased, I advise the house, to celebrate the Adelaide Film Festival Youth festival taking place between 26 July and 30 July, with screenings, workshops and creative industry programs.

This festival for young people in South Australia is an extraordinarily exciting time for young people who might enjoy the opportunity to participate and view the films that are made by young people in our schools across South Australia. It is indeed a spectacular opportunity for young filmmakers, whether their focus is on the creative or the technical, to ply their trade. They have right now a filmmaking competition they can enter by 24 May.

Young people and students in our schools who want to can submit a film they have made or their school or their class has made; if selected, it will screen at the Adelaide Film Festival Youth festival in July as well as be in the running to share in a prize pool of \$2,500. There is also a Creative Industries Expo on 28 July at Lot Fourteen as part of the AFF Youth Festival, giving students exclusive access to those incredible burgeoning South Australian creative industries in the form of an interactive expo at Lot Fourteen.

Exhibitors include major companies, such as Rising Sun Pictures (which has contributed to pretty much all the recent *Marvel* films along with many others) and Mighty Kingdom, as well as representatives from tertiary institutions that offer degrees in creative industries. Students can learn and explore potential clear pathways in screen, games and VFX and meet the companies that are making waves in Adelaide and around the world. Also in relation to the film festival, there is an opportunity for young people who want to participate as viewers, as many do. They can actually get involved and join the AFF Youth Jury.

I encourage them to jump online to the Adelaide Film Festival website this month if they want to get involved as part of that youth jury. It is an opportunity to get involved in the screen industry, watch excellent films and be able to contribute to the success of their peers. I congratulate the chair of the board, Anton Andreacchio, and Matt Kesting, the CEO and creative director. I thank Tilda Cobham-Hervey, who helped us launch the festival last year, and—

Ms Stinson interjecting:

The Hon. J.A.W. GARDNER: Yes, she is fantastic, and she was fantastic that day. She is from an outstanding Adelaide family of arts professionals who continue to contribute great work, and Tilda is just the latest in a long line of artists who support South Australia's industry. I thank all those who are now giving back to the industry through the AFF Youth festival.

Time expired.

BADCOE ELECTORATE

Ms STINSON (Badcoe) (15:42): I rise to talk about a plot of land in my electorate of particular interest and importance to the people of Badcoe. Indeed, it is a plot of land with a great deal of unrealised potential, a plot that I understand is about nine hectares—a substantial size—a plot that is close to the Adelaide Showground, close to the Goodwood train station and not too far from the Forestville tram stop.

Across the road from Ashford Hospital, it is bounded by Anzac Highway as well as Leader Street and Maple Avenue. It is a plot of land that is now only home to weeds and mud puddles, but it is known by many in the area as the former long-term home of furniture retailer Le Cornu. Some more recently would know it as a site abandoned by German grocery retailer Kaufland. It is a plot of land that was purchased by Renewal SA in about October last year, eight months ago.

Since 2017, before I was even elected, I have been listening to the people of Forestville, Keswick, Ashford, Everard Park and other parts of Badcoe about this site. Why? Because I know and my community knows the enormous potential that this site has to positively enhance our community. We also know the risk posed by failing to ensure that this site is developed in a suitable way and indeed the opportunity forfeited if this site is wasted on a humdrum investment.

I have doorknocked homes and businesses surrounding the site on more than one occasion over the past four years. I have done several mailouts to keep locals up to date, and I have held several community meetings about the site's future, including in partnership with Kaufland, who I commend for their interaction with our community.

More recently, I have done two rounds of surveys, asking locals what they would like to see at the site, to which I have received about 800 responses. That consultation stands in stark contrast to the level of interest that this government have shown in my local community's hopes and dreams for the site. What have they done to consult with our community since taking over the site eight months ago? Nothing—absolutely nothing.

As a resident of Forestville myself, I have been checking the mail, looking for information, looking for surveys; maybe someone wants to know what we think. No, nothing. Then, suddenly, the newspaper publishes a government-provided drop that expressions of interest are being sought for the site until about 25 May. 'Great,' I thought, 'they want to hear from us, finally'. But, sadly, no. They do not want to hear from locals; they want to hear from developers. Maybe what is most galling is that the government has decided that the brief is to be given to those developers without so much as a word with local leaders, councils, businesses or residents. Of course, if they had taken a moment in the last eight months to talk with locals, they would have found what I found.

The survey results I have are pretty enlightening and they are a great articulation of issues in our area and show that local people have thought long and hard about what should happen on this site. It is a pretty magic opportunity because this is now public land, land that can be used for the public good and utilised to lift the lives of those who live in our area. It is a big plot of land that could hold multiple uses, so I have given people the opportunity to nominate more than one potential use for the site.

Maybe unsurprisingly, 43 per cent of local people said they would like to see a new school built on the site. That was the top result. Coming in close to a new school was green space. Our council area has the lowest level of green space of any council, and open green space as parkland, sportsgrounds, playgrounds or nature space is severely lacking. It is little wonder that this is a priority for locals, and with a huge plot of land like this, this is a once-in-a-generation opportunity for our community to have something truly special that contributes to our standard of living, our health, good urban planning and design and, importantly, our environment.

Whatever goes on this site, it is imperative that it is not just the obligatory minimum legislated amount of green space but something much more sizeable, something usable. Our community demands that. Next, 32 per cent of respondents wanted sporting facilities, again reflecting the growth in sports participation and the lack of facilities. The preferences after that were for mixed-use development, retail, park-and-ride, a community centre, public housing, health services—right across the road from the Ashford Hospital—and just 3 per cent wanted industrial use. A few other great ideas emerged, including walking and exercise trails, aged care, an ice rink, a concert hall and, of course, there was a bid for the Adelaide Crows' new home.

I hope I have the chance to convey these details to Renewal SA when they finally get back to me but, most importantly, I hope that Renewal SA and the government actually listen to our community and take advantage of what is a once-in-a-generation opportunity for our community and the wider Adelaide community.

THE GROVE WAY

Ms LUETHEN (King) (15:47): I would like to update the house on a new local campaign, where I am encouraging my local community to have their say on The Grove Way, and I am listening. Over the past few years, people in my local community have raised their concerns with me about traffic congestion on The Grove Way, and I have been listening. As a result, I am seeking community feedback on how often locals travel along The Grove Way, where they believe the trouble spots are on The Grove Way and their thoughts on proposed solutions.

Traffic congestion on The Grove Way for communities within my electorate of King is an issue that I see and a cause for concern that requires attention. There have been more than 119 crashes in the past four years just on the section of The Grove Way between Bridge Road and Main North Road. Just like my community, I have had to plant my foot to get across this road, and

just as we had to do to get from Hancock Road to Golden Grove Road, we are required to do this on The Grove Way, and that is just not safe. For example, getting from Green Valley Drive to Bridge Road at school drop-off time is a risky business.

The population in this local area and the number of vehicle users using this section are growing in Salisbury Heights and Greenwith because it is an absolutely beautiful place to live, it is a good community, it is a good place to build a house and to raise a family, and there is a lot of building going on right now.

The Marshall Liberal government is committed to looking at ways to improve safety, reduce the stress and wait time faced by commuters on our roads, to bust congestion and to create more jobs, and I am encouraging my community to have their say on The Grove Way by going to the Local Cause section of my website at www.paulaluethen.com.au and filling in a very short online survey. To my community: your feedback is always very important, and it is most valuable for me to best represent you. That is why I will keep listening and asking what is most important.

I am encouraging my local community to have their say on The Grove Way, just as my community had their say on the Golden Grove Road upgrade, which successfully attracted \$50 million from the Marshall Liberal government—a local issue that had been ignored for 20 years by Labor. Additionally and excitingly, the Golden Grove park-and-ride upgrade is progressing well, and the temporary car park is now open.

The temporary car park at SADNA at Golden Grove can be accessed via Atlantis Drive, Golden Grove. More information on the temporary car park can be accessed by visiting the Golden Grove park-and-ride project team, by popping into my office, by contacting me on the website, or by contacting me by email or phone.

I would like to say a big thank you to the City of Tea Tree Gully council and the SA District Netball Association, who made this temporary car park possible. We have listened and we are building what matters in the Golden Grove park-and-ride upgrade. My local community told me that a bigger and more secure Golden Grove park-and-ride was a priority, and I listened.

The 2020-21 state budget provided an additional \$25 million over two years with a total cost of \$33 million to construct a multideck car park at the existing Golden Grove park-and-ride site. Our upgrade is building a new park-and-ride facility that will go from 177 car parks to 450. Our upgrade will provide a better service for our community and will remove congestion from nearby streets. Our upgrade is creating more jobs and will lead to an increase in public transport usage.

As part of this upgrade, we are also creating seven spaces available as a kiss and drop for the Golden Grove High School. That is because we are listening to the issues people have raised around drop-off and pick-up time around our three sensational schools. We will also have provision for secure bicycle storage at our new site. It is expected that the project will be completed in early 2022, weather permitting.

As always, I am here for my local community to help if I can be of further assistance on this campaign or anything that matters to my community, and I urge people to keep having their say as it is certainly leading to positive changes for the King community under a Marshall Liberal government, and I will continue to listen and advocate.

POORAKA CRICKET CLUB

Ms BEDFORD (Florey) (15:52): It was an honour on Friday 23 April to attend the 2021 presentation night for the Pooraka Cricket Club. A room full of passionate Pooraka cricket supporters assembled to review the year that was. Part of the Pooraka sports and community club now led by president Dave Garreffa, Pooraka Cricket Club has a great tradition of competitiveness and excellence. Former president Keith Wales has given much to the club over many years and resigned recently. We wish him well and thank him for his continued service and commitment throughout the years.

I would like to mention the sponsors of the club: Australian Opal Company, Premier Insulation, Tint a Car Salisbury and Clovelly Park, Little Fish Print, Heath Norris Constructions and Clockworks Digital. I have been amazed at each and every presentation night I have attended over the years and, while now in a rebuilding phase, this year has been no exception. Pooraka has a

strong ethos and pays great attention to the junior players it nurtures, and I believe this is the start of the club's loyalty and the heart of the club's success.

The club has a strong off-field support system. There are many people I have observed in my brief association with the club who have done much to see the club retain the respect of the community and broader South Australian cricket fraternity. A new president was welcomed on the night—Trevor Holst—someone I have known for many years through his association with calisthenics and other local sporting clubs. I know Trevor, with the support of his wife, Vivienne, will make a great contribution to Pooraka in this new phase.

The end of last season saw many club greats retire. Being able to retain players of the calibre of Mark Hanson, captain Jye Bailey and 2021 club man of the year, Andy Lee, is the foundation set by senior coach Craig Pocock for a bright future. Jamie Jarrett dropped back to assist with the younger up-and-coming players in the next team, and his role as a mentor will be invaluable.

Beyond all this, there was a special tribute paid on the night to a special person at Pooraka, someone who has stamped his personality on several roles he has played over many years of dedicated service. Ken 'KG' Greenwood became the inaugural Hall of Fame inductee of the Adelaide Turf Cricket Umpires and Scorers Association on 14 April this year.

Ken played cricket in Berri before moving to Adelaide, where he had an illustrious four-year career with Norwood ANA Cricket Club after a short stint at Prospect. He began umpiring in 1964 with the Central United Cricket Association to keep himself occupied on Saturday afternoons. In 1968, he joined the Prospect District Cricket Association and remained umpiring there until about 1977. In that year, KG joined the ATCUA before finally retiring in 2010. In his time, the following are some of his personal highlights:

- seven A1 grand final appearances;
- four ATCA versus Victoria sub-district representative matches;
- a first A1 match, in which he umpired with his now best mate Doug French (they have a lifelong friendship that started on that day);
- he is an ATCUSA life member;
- he was president/chairman of the ATCUSA for three years and a committee or board of management member for 38 years in various roles—and that commitment to cricket umpiring is still going;
- he is a 30-year delegate to the ATCA for ATCUSA;
- he has a 40-year certificate for services to sport;
- he has a 60-year certificate and medallion for services to cricket from Cricket Australia;
- A2 grand final medals presented to umpires; and
- nine years of umpiring at the county cricket carnival, three times winning best umpire award (he once tied with his brother Neville for that award).

In 1972, KG became involved at Pooraka, originally on the football side of the club, helping out a mate as a trainer. Luckily for all of us he decided to stick around, as he liked the place and the people—and it was a good place for a cold beer. In that time as a trainer, KG was involved in seven SAFA A1 and two SAAFL A2 premiership wins.

KG remained actively involved with the football club, assisting the trainers with some strapping and rubdowns or getting in the way until 2016, when he became involved with the cricket club. KG had umpired a handful of games involving Pooraka over the years, including a controversial Brock Partners Cup final, but that is a story for another time.

In the 2010-11 season, KG took over scoring from David Palmer in somewhat of a role reversal, as David then began his career as a cricket umpire. KG has been a scorer for four premiership seasons, along with the T20 SAMCA Metro Cup in 2011-12 and the SAMCA State Cup in 2014-15.

It would be hard for anyone to dispute Ken's passion for the game and his love for the great Pooraka Cricket Club. He is an amazing example of the importance of volunteers like another, Jan Jarrett, and many others behind the scenes, hugely important to the club.

I am told Ken is quite simply a cricket legend in his own lifetime. From reciting the by-law rulebook to letting every umpire know their mistakes during tea breaks and after the game, and his famous quote 'Get out of the bloody way,' when someone is within two metres of walking in front of the scoring table, KG takes every loss just as hard, if not harder, as any player. It is safe to say that KG's heart beats true for the red and the blue, the Pooraka Cricket Club—and long may it be so.

The SPEAKER: Before I call the member for Narungga, as a proud former Pooraka Football Club player—more than 30 years ago now—I am delighted to hear that the cricket club is in such good shape.

COPPER COAST MASTERS GAMES

Mr ELLIS (Narungga) (15:58): I rise today in jubilant congratulations to the Copper Coast Council on the wonderful job they did recently in hosting the Masters Games between 15 and 18 April. It was a monumental effort from a wonderful and wide group of people who put on a terrific show.

I would like to start by extending that congratulations to Mayor Ros Talbot and council CEO, Russell Peate, on their endeavours in putting on such a wonderful event. They did, of course, lodge a bid in 2019 to host it in 2019, which was unsuccessful, so it was wonderful to see them rewarded now with a successful bid for the 2021 edition—and what a wonderful job they did.

There were some 30 sports held over the course of the weekend around the Copper Coast region with in excess of 1,600 participants—which, I am led to believe, is a record number for the Masters Games. There were a wide number of sports—as I said, 30-odd—ranging from remote-controlled boat racing all the way through to dragon boat racing, as well as more mainstream events like cricket, basketball, football and a number of other different ones. As I said, it was wonderful to see a record number of participants, and quite a few local teams and contestants put their names forward.

I have to say that the football itself, which was hosted at the Kadina Football Oval and which I played a part in helping to organise and host on that Saturday, was wonderful. Of the six teams, five were locals. By the end of the Saturday, with a full day left to run on the Sunday, we reached the point where we no longer had enough participants to man all the teams. A few had to withdraw with various injuries, notably quite a few hamstrings that seemed to go throughout the day, but I know that everyone enjoyed their time playing that nine-a-side football, and quite a few old stories were told amongst participants from the times when they competed against one another.

I also would like to take this opportunity to make a special point of highlighting the important role volunteers played in facilitating this wonderful event. As I already said, there were 30-odd sports, which required a convenor and a chief organiser as well as a whole host of volunteers in order to make those sports run seamlessly. For each one of those 30 sports, there was a local person who was helping to run that event. They were often friends, family and fellow competitors from their local sporting competitions called in to help run those events.

I know that the participants who came from out of town and from far and wide to help populate these sports and participate themselves are most appreciative for the work those volunteers did to make sure that they happened. I can tell you from personal experience, from my umpiring of the basketball, that they were only too willing to offer free advice about how we could better ourselves and make better decisions on the court!

They were most appreciative of the efforts we made to give up our weekend for that time. In all seriousness, it was wonderful to see so many local people come out to help make sure that these Masters Games were a success because, as I said, 1,600 participants visiting our region was a truly wonderful sight to see. The streets were full, the shops were full and it was good to see people welcome them to our region.

I would like to especially point out Lynn Spurling, Chloe Barrett and the organising committee who put in a mountain of work leading up to the event to make sure that everything was ready to host those participants. They have to back it up rather quickly, with the Kernewek Lowender coming

up next week, but events like these are what make our communities go around, with the extra income brought into our region and our communities and all the people visiting hopefully for the first of many times. Thank you very much to Lynn, Chloe and the committee that helped organise it because without you we would not have been able to hold the event.

It was a tremendously well-organised event. Lynn and Chloe did a wonderful job and plenty of people approached me throughout the course of the weekend to suggest that we would be well served to have it again. As I said, the council put in a bid for 2019 and missed out. In 2021, it went off without a hitch, so hopefully council will see fit to put in another bid to host the Masters Games once more in the future.

It was a wonderful pleasure to give a speech at the closing ceremony on Sunday night and play a small part in the official handover to Mayor Graham Excell and Tatiara District Council, which is hosting it next year. Tatiara District Council was successful in their bid to host the 2020 games, which unfortunately were put on hold due to the COVID outbreak, so now it will finally be hosting the games in 2022. It was wonderful to host the mayor and have a good chat to him about the details that we felt could have been improved and the wonderful benefits that were offered by hosting it. We sincerely hope that they do a good job and enjoy hosting all those people at Tatiara next year.

Special thanks again go to Sport SA and former member of this place Michael Wright for the wonderful job they did in helping facilitate the Masters Games. I know that Michael came to Kadina for the opening ceremony, back to his old stomping ground where he played plenty of footy, and it was good to see him and have a chat to him. It was a wonderful job by the Copper Coast Council in hosting these games and hopefully we can have them again soon.

Bills

FIRE AND EMERGENCY SERVICES (GOVERNANCE) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly:

No 1 [HealthWell-1]—New clause, page 2, after line 15—After clause 4 insert:

4A—Amendment of section 8—Functions and powers

Section 8(1)—after paragraph (e) insert:

- (ea) to ensure that the emergency services organisations have appropriate financial and asset management plans in place;

Consideration in committee.

The Hon. V.A. TARZIA: I move:

That the amendment be agreed to.

Motion carried.

DISABILITY INCLUSION (RESTRICTIVE PRACTICES - NDIS) AMENDMENT BILL

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:05): I move:

That this bill be now read a second time.

The Disability Inclusion (Restrictive Practices—NDIS) Bill aims to protect and improve the rights of South Australians with disability under the National Disability Insurance Scheme (NDIS) who may be subject to the use of restrictive practices. It creates a new regime for the authorisation of the use of restrictive practices under the NDIS and supplements the existing legislative framework for NDIS participants.

All governments have been working with the NDIS Quality and Safeguards Commission to protect and safeguard people with disability. This includes the national principles for restricted

practices authorisation, that is, the national principles that were supported at the Disability Ministers Meeting on 24 July 2020 as a key milestone in the path to national consistency. Other jurisdictions have enacted new legislation that complements the requirements of the NDIS Act and aligns with the national principles.

The common law does not authorise the use of restrictive practices. That lack of authorisation means that, unless there is a statutory scheme expressly authorising the use of restrictive practices—for example, the Mental Health Act 2009, Youth Justice Administration Act 2016 or the Correctional Services Act 1982—then restrictive practices are used unlawfully against a person. If restrictive practices cannot lawfully be used against the person, criminal liability or other civil liability may attach to the person or provider using them.

Under the current legislative arrangements in South Australia, a restrictive practice for a person with a disability would most likely need to be approved under the Guardianship Administration Act 1993 (GAA) and through the South Australian Civil and Administrative Tribunal (SACAT). The NDIS (Restrictive Practices and Behaviour Support) Rules 2018, established under the NDIS Act 2013, has very clear requirements that a restrictive practice needs to be included in the participant's behaviour support plan, which is developed by a registered practitioner.

In some cases, the definition of a restrictive practice under the NDIS and GAA are not the same, causing confusion and compliance issues for providers. It has also resulted in an increase in the number of applications for guardianship orders, which will be avoided by implementing an appropriate authorisation regime for restricted practices. The authorisation process for the use of restrictive practices for NDIS participants in South Australia outlined in the bill establishes a more simplified framework and will provide appropriate safeguards against unlawful use of restrictive practices, while addressing the complexities and limitations outlined above.

It also supports the government's commitment to people with a disability to reduce and eliminate the use of restrictive practices and, where required, supports the use of appropriately measured and ethical practices. The government has committed to develop a legislative framework for the authorisation of restrictive practices relating to NDIS participants sooner to ensure national consistency and support the disability sector in addressing current ambiguities in the system.

The bill will amend the Disability Inclusion Act 2018 to regulate the authorisation of the use of restrictive practices for participants in the NDIS and provide an operational structure for the new role of the senior authorising officer. The bill aims to create a more streamlined risk-based authorisation process for South Australia. It enables a graduated level of authorisation in line with the level of risk or intrusiveness, a restrictive practice or collection of restrictive practices impose on a person.

The bill provides the overarching framework for the restrictive practices regime; however, the regulations are critical to providing the detail regarding level 1 and level 2 authorisation. Therefore, the development of the regulations will be developed in consultation with the people with disability and the broader disability sector.

Consultation in the Legislative Council has led to agreed amendments to refine the draft bill, which will support the protection of the most vulnerable people in South Australia and prevent harm from the unnecessary use of restrictive practices. It will also enable South Australia to meet the national principles where there is a streamlined authorisation process covering all NDIS participants, and it is enshrined in legislation. It is important that this legislation is not delayed to support the safeguarding of people with a disability.

I thank the minister in the other place for progressing this bill and also for her leadership in ensuring consultation with the industry generally and those advocates to ensure protections are given to those in our disability community. I seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Disability Inclusion Act 2018*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to insert a definition of the SACAT.

5—Insertion of Part 6A

This clause inserts new Part 6A into the principal Act as follows:

Part 6A—Restrictive practices

Division 1—Preliminary

23A—Application of Part

This section sets out the person, NDIS providers and uses of restrictive practices to which the new Part applies.

23B—Interpretation

This section defines terms and phrases used in the new Part.

23C—Meaning of *detention*

This section defines the meaning of detention when used in the new Part.

23D—Prohibited restrictive practices

This section is a regulation making power allowing the regulations to prohibit the use of certain kinds of restrictive practice.

23E—Limits on kinds of restrictive practices that may be used by person

This section clarifies that the new Part does not authorise a person to use a restrictive practice of a particular kind if they are prevented from doing so by a condition imposed on an authorisation under the new Part, or do not hold any other authority that may be required under another Act to use the practice.

23F—Interaction with other Acts and laws

This section sets out the relationship between the new Part and various existing Acts and laws.

23G—Principles

This section sets out principles that must be observed in relation to the operation of the new Part.

23H—Minister to publish restrictive practices guidelines

This section requires the Minister to publish guidelines for the purposes of the new Part. The section makes procedural provision in relation to the preparation etc guidelines, and requires the Minister to lay the guidelines before Parliament and publish them on a website.

Division 2—Senior Authorising Officer

23I—Senior Authorising Officer

This section enables the appointment of a Senior Authorising Officer, who is to be a Public Servant.

23J—Functions of Senior Authorising Officer

This section sets out the functions of the Senior Authorising Officer under the new Part.

23K—Power of delegation

This section is a standard power of delegation.

Division 3—Authorised Program Officers

23L—Authorised Program Officers in respect of prescribed NDIS providers

This section enables the Senior Authorising Officer to authorise a person as an Authorised Program Officer in respect of a particular NDIS provider. That authorisation must comply with requirements to be set out in the regulations. The Senior Authorising Officer may revoke such an authorisation for any reason the Senior Authorising Officer thinks fit.

Division 4—Use of restrictive practices other than those involving detention

23M—General provisions relating to use of restrictive practices

This section makes provisions of general application to the use of restrictive practices under the new Part, clarifying the specified aspects relating to such use.

23N—Authorised Program Officer may authorise use of level 1 restrictive practices

This section provides that an Authorised Program Officer for a particular NDIS provider can authorise the use of level 1 restrictive practices (as defined) by the NDIS provider. The authorisation may only occur in the specified circumstances and must comply with the section, the regulations and the restrictive practices guidelines. The section also makes procedural provision relating to the use of such restrictive practices by the NDIS provider.

23O—Authorisation of use of level 1 or 2 restrictive practices by Senior Authorising Officer

This section enables the Senior Authorising Officer to authorise the use of level 1 or 2 restrictive practices (as defined) by a particular NDIS provider. The authorisation may only occur in the specified circumstances and must comply with the section, the regulations and the restrictive practices guidelines. The section also makes procedural provision relating to the use of such restrictive practices by the NDIS provider.

23P—Revocation of authorisation to use restrictive practices

This section provides that the Senior Authorising Officer may revoke an authorisation under the specified sections if the Senior Authorising Officer considers it appropriate to do so.

Division 5—Information gathering and sharing**23Q—Senior Authorising Officer may require information from State authorities**

This section confers on the Senior Authorising Officer a power to require a State authority to provide specified information.

23R—Senior Authorising Officer may require information from other persons

This section allows the Senior Authorising Officer a power to require other persons (including but not limited to NDIS providers) to provide specified information. The section creates an offence for a person to fail to comply with such a requirement.

23S—Senior Authorising Officer may notify NDIA or the NDIS Quality and Safeguards Commission

This section authorises the Senior Authorising Officer to notify the NDIA or the NDIS Quality and Safeguards Commission of certain matters that have come to the attention of the Senior Authorising Officer.

23T—Senior Authorising Officer may disclose etc information to other jurisdictions

This section authorises the Senior Authorising Officer to both receive and make use of specified information, and to disclose specified information to certain persons and bodies in other jurisdictions whose duties include screening of people who work with people with disability.

23U—Disclosure of information to prevent harm

This section authorises the Senior Authorising Officer to disclose information to an appropriate person or body if the Senior Authorising Officer is of the opinion that to do so is reasonably necessary to prevent harm being caused to a person with disability.

23V—Disclosure of information for research purposes

This section allows the Senior Authorising Officer to disclose information for the purposes of research of a specified kind.

23W—Provision of other information to Senior Authorising Officer

This section clarifies that persons and bodies may provide to the Senior Authorising Officer any information that the person or body reasonably believes is relevant to the functions of the Senior Authorising Officer under the principal Act. No liability attaches for doing so, provided the person acted in good faith and without negligence.

23X—Information sharing for national register or database

This section allows the Senior Authorising Officer to disclose information for the purposes of providing information for entry on a national register or database relating to the use of restrictive practices.

Division 6—Dispute resolution**23Y—Internal review by Senior Authorising Officer**

This section confers on a person who is aggrieved by a decision of an Authorised Program Officer or a prescribed NDIS provider under the new Part a right to a review of the decision by the Senior Authorising Officer. The section also makes procedural provision in relation to such reviews.

23Z—Review of decisions by South Australian Civil and Administrative Tribunal

This section confers jurisdiction on the SACAT to review decisions of the Senior Authorising Officer under the new Part, as well as other decisions identified by the regulations (if any).

Division 7—Miscellaneous**23ZA—Limitation of liability**

This section limits the liability of the persons and bodies as specified in the section.

23ZB—Offence to hinder or obstruct Senior Authorising Officer etc

This section creates offences for a person to hinder or obstruct the Senior Authorising Officer in the course of doing their duty, or an NDIS provider in the course of using restrictive practices.

23ZC—False or misleading statements

This section creates an offence for a person to make false or misleading statements in information provided under the new Part.

23ZD—Evidentiary provision

This section makes evidentiary provisions relating to the proof of certain matters under the new Part.

Ms COOK (Hurtle Vale) (16:11): I indicate that I am the lead speaker and probably the only speaker for the opposition on this bill. As the Hon. Clare Scriven indicated during debate in the other place, the Labor opposition believes that broadly it is in the best interests of not only people with disability and participants but South Australian workers and people who provide support for people with disability that this bill is progressed as quickly as possible. I made it very clear that we would use the upper house as the opportunity for debate and to put forward the amendments that were given to us in good faith.

We will not be obstructing the passage of the bill but seek for it to be passed as quickly as possible. On that basis, we will be supporting the bill in here; however, the opposition has raised significant concerns. We sought to address the concerns, in part through proposed amendments, most of which were not supported in the upper house, to my disappointment and, we believe, in many cases in the long term to the detriment of the community in South Australia living with disability and those supporting people living with disability.

I will put the concerns of the opposition on record today. That will be a way for us to be able to refer to that in the future in a compact and concise way. The debate was quite complex and it took a fair amount of time in the other place. That is so, if any incidents should arise in the future, we have put our feelings and thoughts clearly on the record, as well as how we came to those, for people living with disability. We the opposition have attempted in good faith to work with the government and the crossbench to rectify some of the shortcomings that we identified in the bill and, in doing so, to prevent some harms we fear may arise from inadequacies in this piece of legislation.

We do accept the intent of the legislation, and that is to protect the rights of persons living with disability who may be subject to restrictive practices in the course of receiving support services and care and to protect the support workers providing services to their NDIS clients. The minister assures us that the government undertook extensive consultation to inform the development and the checking of this legislation.

We are advised that the consultation period ran from 15 December 2020 until 29 January 2021. In addressing the last bill and the consultation on that bill, the Minister for Child Protection pointed out how appalling the consultation on that bill was by the then Labor government when the consultation happened over Christmas. It appears that it is okay for a Liberal government to consult over Christmas but that it is not okay for a Labor government to consult over Christmas. That hypocrisy is not missed by me. In fact, I was going to raise it anyway just as a point of conversation regarding this bill.

It was just a little bit of annoyance that was brought to us by the dozens of people who came to us on this bill. The Minister for Child Protection raised it only before lunch about how terrible it is to consult over that festive period. So I thought I would just raise that as an example of hypocrisy and I would ask that the government do better in the future and I would make the commitment to do

better myself because it is not good enough. It is a time when many people are not at their desk, not focused on legislative matters or not able to put all the resources into providing good consultation and feedback regarding legislation.

I also understand that 27 written submissions were provided. We have not seen these. They are not made public. It makes it very difficult for people to be able to judge whether or not the government is being fulsome in its responses regarding how that feedback is used. I certainly have seen the written feedback from many people. Quite a number of things were raised that have not been taken any notice of at all by the government and very little change was made from the draft bill to the final bill.

People will not forget. They are very annoyed, they say it smacks of arrogance and they are disappointed that the government has not listened to their calls for change, from the bill that went to consultation to the bill that went out, and that is in no way trying to say that we want to obstruct the bill from happening. The bill is vital but there are parts in it that certainly have not been published. We have not seen it.

It would perhaps be a way of change moving forward that submissions are public, redacted by name if people so desire, or you could offer a submission with clear instruction that it is not to be shared or that it would be allowed to be shared. I think that is another way forward for this. We know that there were only minor changes to the legislation. I think that that speaks a bit to the comments that I have had passed to me by people I would call experts in the field in regard to the consultation process.

As the shadow minister for human services, I undertook significant consultation with people on this bill. As people contacted me, I met them face to face. I spent time with them. I have had many exchanges with them and have taken into account, within reason, all the things that were put to me and provided balance in terms of the proposed amendments that we put up. There were criticisms made suggesting that the consultation could not have possibly been as fulsome as the minister's and the government's through their processes.

I strongly refute that. I have a background in evidence-based practice. I have worked for more than three decades in health and, for 10 years, I worked as part of a disability service. I know that you need to listen. I know that contemporary practice has changed and I know the consequences of bad legislation when it comes to health care. I had a fulsome consultation and I took notice of the people who came to me. I feel very disappointed for them because they feel that they have not been listened to by the government during the consultation process.

They have raised meaningful and justifiable concerns about the provisions in the legislation, and the concerns have been ignored. My consultation was motivated solely by the desire to ensure the legislation achieves the best and most appropriate outcomes for South Australians living with disability who may be subject to restrictive practices in the course of receiving services and care. I know that restrictive practices are not used lightly. They can have dire consequences to the person on the receiving end and also the person putting them in place. For that reason, this has to be taken very seriously. During my consultation, that is what I certainly did.

My consideration of the feedback I received was not influenced at all by the need to get a piece of legislation that I feel is not adequate in many ways and that has improper safeguards for vulnerable South Australians. My motivations were not to get a piece of legislation like that through the parliament. My consultation was not biased in relation to that and how it assigned merit to submissions of feedback, so I believe that differs from the government's in this regard.

I both solicited and received, unbidden, a range of feedback from leaders, practitioners and senior public servants across the disability space. These are people with expertise arising from decades of experience working within and alongside the sector, evaluating and addressing the needs of people living with disability and the regulatory frameworks that apply to disability support services. These people care deeply about getting legislation right. Many of them reached out to me in absolute desperation, having seen the minister and the government ignore the alarms that they raised during the consultation process. They are very concerned, and I believe they are justifiably concerned.

As a result of certain inadequacies of the bill, the human and civil rights of vulnerable South Australians will be at risk of infringement. The comments I make today in relation to the inadequacies of the bill do not derive from my own personal experience; however, my professional knowledge and

experience do inform some of what I say and my capacity to unpack what is good feedback versus what is not so good feedback. My comments reflect the good feedback which I have received, the expert and highly informed views of people from the sector and from the community of lived experience, the people the minister should have listened to but did not.

What follows is just a selection of the key concerns that were raised with me. One section refers to making restrictive practices easier for service providers. Firstly, in relation to the impetus for the development of the bill, there is no doubt we must address the discrepancies between guidelines and rules prescribed by current regulation and those prescribed by the NDIS guidelines and their rules. It is complex and complicated—there is no denying that—but the view of many who reached out to me is that the legislation, as it now stands, has been tailored primarily to the convenience of service providers rather than to the principal focus on protecting and preserving the rights of people who may be subject to the use of restrictive practices.

References to streamlining in particular in the course of debate suggest an intention to facilitate ease of use for provider organisations, not to improve oversight of restrictive practices in service of protecting people who may be subject to them. Whether or not this is what the government intends to achieve with this bill, many of those who have spoken to me are really concerned that this will now be the outcome.

This concern is borne out in many ways and in some of the provisions for the positions of both authorised program officer and senior authorising officer, which I will now address. In relation to the role of authorised program officer, the proposed legislation appears to match the Victorian approach but it has omitted a significant safeguard which is present in the Victorian legislation in that model, that is, the involvement of an independent person. The absence of this safeguard increases the risk of decision-making which is biased toward the convenience of organisations rather than the protection of people.

Per the legislation, authorised program officers are to be persons employed by service provider organisations. The feedback I have received strongly suggests that this may lead to serious conflicts of interest. Normally in circumstances where a person lacks capacity, decision-making around a range of matters rests with the guardians and, in some cases, with the Public Advocate or the South Australian Civil and Administrative Tribunal. The same should apply with the authorisation and use of restrictive practices.

This has been identified as a significant concern by several people who have spoken with me. We talked about applying a minimum standard for qualifications or a minimum role for those people within their organisations. While it may not be intended—and I will not say the name too often—not all providers are at the top level of their efficacy or their morality, and we have seen that. In four days, I think, it will be twelve months since we heard about the death of Annie Smith.

Would you trust Integrity Care to make sure that a well-qualified, high-level, high-performing, decent person is making these decisions? Personally, I would have wanted every safeguard possible to go in here at the start—built into the legislation. I would not be disparaging about the quality or the morality of cleaners, because there are some who are absolutely outstanding, but it would not be their level of skill to be able to judge whether or not somebody should be locked in a room or have the fridge locked so they cannot get food, or have them searched or some sort of other restrictive practice applied. It would not be their level of skill to be able to do that. You would want someone with a degree of experience, right? But it was refused. We were not able to get across the line that it would be a person at a particular level within an organisation.

The minister suggests that the authorised program officers will be authorised only in restrictive practices that are outlined in the individual's behaviour support plan. This does require consultation with a person with disability and their family, carer or guardian. The minister tells us that it will be okay because they can only authorise something that is already in the plan. Well, I am sorry, I am not all that confident with the process and how that conflict of interest might be managed within an organisation. People giving me their feedback are similarly dissatisfied with this, and they do not feel confident about it.

Another concern raised was the use of restrictive practices on minor children. The legislation appears to take decision-making around the use of restrictive practices for children out of the hands

of parents and guardians, and that is at odds with the authority that parents and guardians have to make around a broad range of other decisions in other areas related to children living with disability.

Once again, the intention seems to consolidate that decision-making in the hands of service providers, which creates a risk of infringement upon the rights of children and their parents and guardians. Further concerns have been raised about the lack of reporting requirements in instances where authorised program officers have taken the step of authorising the use of restrictive practices for a person receiving support services.

The opposition moved amendments in the other place attempting to put in place requirements for record keeping and reporting by authorised program officers. We believe it is important to ensure that accountability, which includes the appropriate level of oversight by an appropriately qualified person, is ensured in each case where restrictive practices are used.

The minister once again prefers to leave this to be dealt with entirely through regulation in order, she says, to minimise the administrative burden on NDIS services. Again, the principal intent seems to be to promote convenience for service providers rather than to protect the safety, wellbeing, welfare and dignity of people who may be subject to the use of the restrictive practice. It is not putting that person at the centre of this legislation.

Also, we tried to move some amendments to the senior authorising role. Whereas in other jurisdictions it is called a 'senior practitioner', I think the minister raised issues and tried to allege that there would be confusion regarding the conflict between this role and the role of a practitioner under the NDIS. Honestly, if a department and a team cannot differentiate between the two different roles when there really is only one senior practitioner—there would be one senior authorising practitioner dealing with this particular circumstance—I think we are in trouble. If that is going to create confusion and that is the benchmark, I think that is a problem in itself.

The minister reports that issues were raised in the government's consultation regarding the provision to situate this role within the Department of Human Services. This person who has the control and the oversight of the tick list, of the check box, for restrictive practices will be sitting within the Department of Human Services, which is a provider of disability services, and the feedback I received—and I am confident that the minister received as well—suggests that there is a clear potential there for conflict of interest.

I think it is not without precedent that we should look at a position like this to be removed completely from the Department of Human Services and to be situated alongside the Attorney. The minister promises that this role will be separate from the service delivery arm of the department. It is not that big a department these days, to be quite frank. She appears satisfied this resolves the potential conflict of interest between the DHSS as a provider of services and a monitoring authority of service practices.

The opposition is not satisfied that this role is being situated separately from the service delivery arm of the department and that it is sufficient to prevent a conflict. I make the point that while my left arm is separate from my right arm, they are all part of the same thing and they operate accordingly. Everyone operates in a certain pattern within the department and they have to communicate. I do not see how the senior authorising officer can sit on an island within the department and not interface or interact with the service provision arm. It just makes no sense in my eyes.

I also want to point out that the advertisement for this role went out months ago. The recruitment process for the senior authorising officer went out months ago, with a whole range of criteria around it and indications about the job itself. It had not even been decided in legislation that this was happening and the job spec goes out, it is advertised, people start putting in effort to apply and then suddenly it was stopped. I say that is because we have raised it as a problem, that the job has been advertised before the position exists, so the brakes were put on. Good. Thank you for listening.

With regard to body searching, of course this has hairs on it. It is very difficult to monitor, very difficult to ensure the safety of the worker and the person with disability. I have had a lot of people come to me about this. The concerns raised about the provision of body searching as a restrictive practice strategy circled around enabling support workers to undertake body searches and then having the opposite effect of the intention in the legislation.

It talked about how the reactive process of somebody with behavioural problems could lead them to be more aggressive. It can undermine the relationships that people with disability have with workers within their environment, and it could be very damaging to that trust relationship between clients and carers if they suddenly have this endorsement to do body searches. The existence of trust is crucial to the wellbeing of people with disability.

That is not to say that I do not support the capacity of someone in a role supporting a person with disability to help that person if they feel that that person is putting themselves at risk—for example, someone with a swallowing problem taking a hard piece of fruit to eat. I have looked after people with disability who have done exactly that, and I have had to extract hard lumps of apple from the back of their throat to save their life.

The minister could not point to one instance where a worker was subject to the wrong side of the law or had an allegation against them of doing harm to a person because they were saving their life by removing inappropriate food from their person. They could not direct us to any cases or instances like that. I think that is a furphy. I support the people who have come to me with issues around the reality that, in practice, body searching creates risk.

Again, a massive percentage of people who do the right thing and are very skilled in the work they do regarding support work are not included in this statement, but there are people—and again I say the words 'Integrity Care'—who are without integrity. If we give these people just that little bit of extra permission to undertake invasive searching, what might be the consequences here? It makes clients vulnerable to a range of unintended consequences that we now have been alerted to: sexual exploitation by predators who found work as service providers.

There is a range of things that could happen as an unintended consequence because we are now endorsing body searching by people who perhaps do not have the capacity or the range of proper judgement not to hurt people. I do not cast aspersions on the vast majority of support workers who are overwhelmingly well intentioned and would never knowingly hurt a client. They work under the most difficult of circumstances, but we know that providing predators with pathways to access vulnerable people is not a good move.

I agree with the argument put to me in relation to the provision of the bill. I dearly hope we never see the worst possible consequences manifested, and we should have learned by now always to legislate in anticipation of the rare worst-case scenario—that low bar of people who do not have proper judgement. For those reasons and more, the opposition believes that SAPOL and SA Ambulance are the more appropriate services to call on if a body search is necessary and that it should be done at the highest level of dignity, privacy and respect for someone with a disability.

The provision of the bill was identified by several people as their greatest area of concern, and I ask the government to consult again in the community with people looking after those with disability, carers and loved ones, and people with disability because they are very worried about this.

Another couple of little areas were raised, including the level classifications of restricted practices in the language of the bill—that is to say, level 1 versus level 2 restrictive practices. It was discussed at some length. The minister has discussed that they will be defined in regulation and believes this is the suitable course of action. We of course proposed an alternate, as brought to us by people in the sector and by some experts. I do not think it is the kicker.

I do believe the regulations in this respect can be quite clear but, again, in this time when we are trying to aim for the gold standard of safeguarding—and we set that benchmark last year through a time of horror—I believe we should have gone to the highest possible benchmark from a safeguarding point of view and got things put down in legislation, replaced by a schedule of practices that offers great clarity and detail. On expert advice, I support that view, but we will watch and see with interest what comes out of the regulations on that and many other things.

This is a very important piece of legislation that I am sure we could talk about and continue to debate for hours and hours. I do not endorse all the things that are in here because of the reasons I have spelt out. That is not going to change the fact that we will agree and vote yes. I also think it is appropriate to say that it is not up to the opposition to legislate; if it were, I would have given much greater weight to the concerns of the people who came to me in despair because they felt they were not being listened to.

Some of those came to me over that period of time over Christmas because they felt, 'Well, what's the point of putting out for consultation? This is just trying to hide it through Christmas.' They were very sceptical about the rigorous nature or lack thereof. It turns out that they feel they were not listened to—and they were right. These people I trust, and they really are best placed to guide the development of better and more appropriate legislation in this place.

I thank all the stakeholders who reached out to me. I thank the people who have provided me with really good information and really rigorous advocacy on behalf of some of the most vulnerable people because of the pure nature of them living and dependent and reliant on support workers for their daily routine. Many of these people are those who have impaired intellectual functioning and therefore lack a strong voice for themselves.

One of the people who reached out to me has given me permission to name them as providing me with an enormous amount of feedback and, in sheer frustration, hopes that by naming them they will be reached out to. This person is currently trusted at a very high level to provide oversight for judgement around safety and has been doing so for the past 12 months. This person is Richard Bruggemann.

He was the senior practitioner in Disability SA for many years, and he has been trusted by the Attorney to provide support during COVID. From all accounts, he feels the Attorney has handled that section of oversight and support for vulnerable South Australians in a really good way. He has been proud to be part of that process and looks forward to finishing his time in that role in a very productive way still and continuing to be very productive moving forward.

I thank Richard Bruggemann, who, members might know, is also the South Australian Senior of the Year this year because of his lifelong commitment to the rights of and opportunities for people with disability. He personally reached out to the minister to offer his input and highlight the areas in which this legislation was failing and where it should be changed. It appears he was not listened to in this respect, and that is disappointing.

I am confident that he is such an astute and brilliant mind in this space that the government will continue to speak with him and work with him, but I am thankful he is openly supporting both sides of this house to offer advice. That should continue.

I am grateful for small mercies: in the end, we did get one amendment through out of 71, I think. The one amendment we did get through was to remove the capacity of the authorities to fine a person with disability who wanted to protest against the application of restrictive practices on themselves. As the legislation read, there were two fines: one for \$5,000 and another for \$10,000. I am happy for people to nod or shake their head, but I think probably the person with disability was more likely to be subject to the \$5,000 fine; I do not believe that was the intent. The government agreed to accept the amendment and that has now been changed, so I am very grateful for small mercies in that regard.

In summary, we support this piece of legislation. It is absolutely necessary. We have to make sure that the state and federal interface works. We have seen that with the screening checks and we have seen that with a number of things. It is a complex beast, the NDIS. One of the key areas we saw as being a problem, which we have highlighted, was about the feedback: it was hidden. It is very hard to turn around to people within the parliament and to the public to say, 'This is what the government was told. This is the feedback they were given,' and the legislation has not been changed according to their good faith feedback. Its being done over Christmas—we have just had that argument again, as I said before—was not ideal. I commit to be different.

Putting the job out for people to apply, from a senior authorising officer point of view, is not a good look and, thankfully, that was stopped. That should not happen; we need to wait for the process before we go through the recruitment. It was a mistake. The naming of the roles could have been strong. A statement could have been made: 'This is the standard we accept and expect.' I do not think regulation is good enough for that. I think those things should be in the legislation.

I think it is important to get legislation right. I think the consultation leaves a bit to be desired, particularly the follow-up and the lack of listening. Doing things by regulation has hairs on it. Having the role of senior authorising officer sitting within the department where it is a provider is not right. I would like that reviewed at some point to see whether or not that should be moved. Oversight is so important.

Good providers should not be concerned about any commentary that we make around this. Sadly, we need to make commentary targeting the lowest of the low, the scum of this earth, who seek to target people living with disability who do not have the capacity to speak out for themselves.

I think we have missed a bit of an opportunity in regard to some of these things in this legislation, but, in saying that, the stakes are high for people living with disability, particularly those with diminished intellectual capacity and a significant cohort of vulnerable people—South Australians—we in this place have a responsibility to protect and respect. They really do deserve the gold standard of scrutiny and oversight that we can provide as a parliament that does not always agree but works in a vigorous and rigorous manner to get the best possible outcome for those people.

We should all listen to the experts, particularly when you are not one. Something that I say a lot in the community when asked about this place is that sometimes I sit here and I feel like I have never worked with so many people who know so little about so much but pretend they know everything. I think that when it comes to things like this, the experts have to have the leading say and, sadly, they have not been listened to. In saying that, we support the bill.

Ms LUETHEN (King) (16:47): I rise to support the Disability and Inclusion (Restrictive Practices-NDIS) Amendment Bill and thank the honourable Minister for Human Services in the other place for introducing this important bill.

South Australia is required to ensure state legislation in relation to restrictive practices complements the requirements of the NDIS Act and aligns with national requirements. The Disability Inclusion (Restrictive Practices—NDIS) Amendment Bill aims to protect and improve the rights of South Australians with disability under the National Disability Insurance Scheme who may be subject to the use of restrictive practices.

The NDIS Act and the NDIS rules, which detail behaviour support planning requirements, are our source of authority that constrains what we can operationalise within our own legislation. This bill aims to give people with a disability a greater say over restrictive practices. Our Marshall Liberal government wants to ensure that South Australians living with a disability will be better protected and have a greater say under the new laws that provide extra safeguards on the use of restrictive practices.

The Minister for Human Services has advised us that the bill will introduce a new authorisation regime that ensures restrictive practices are used only as a last resort and in consultation with the person with a disability or their guardian. Over the past few years, residents have raised with me terrible examples of children being restricted unnecessarily in child care and school. They have told me that this has been traumatic for the individuals involved and for the families. This legislation strengthens protections for National Disability Insurance Scheme participants of all ages and gives people with disability a stronger voice about how they are safely supported. It also removes the ambiguity currently faced by NDIS providers.

Extensive consultation on the draft bill commenced on 15 December 2020 and concluded on 29 January 2021 and was led via the YourSAy platform in conjunction with the Department of Human Services social media campaign. This broad public consultation across the community was complemented by targeted consultation with key stakeholders in the sector, including people with lived experience. The rights, dignity and safety of people living with complex disabilities must be at the core of decision-making on the use of restrictive practices.

This legislation will enable NDIS providers to fulfil their duty of care to staff and ensure participants are not at risk of harm to themselves or others, while reducing reliance on the use of restrictive practices. Restrictive practices are regulated under the NDIS Act and can include anything from minor safety changes in the home, such as a lock on a cupboard, through to the need to physically restrain someone's movement. The legislative change introduces a new authorisation process for NDIS providers, aligning South Australia with the national principles regarding restrictive practices.

The authorisation scheme will apply a risk-based process where low-level, less intrusive restrictive practices, such as environmental restraint—for example, locked cupboards—may be authorised by an approved authorised officer within an NDIS provider, and high-level, more intrusive restrictive practices, such as a physical restraint, can only be authorised by the senior authorising

officer in the South Australian Department of Human Services or by the South Australian Civil and Administrative Tribunal (SACAT).

The 2020-21 state budget committed \$5.8 million over four years to establish this scheme, including the creation of a new restrictive practice authorisation unit that will work with and educate NDIS providers. Our aim is to protect the rights of South Australians with disability. A good government cares for every person in South Australia, and this is just one more action we are taking to ensure better safety outcomes for South Australians.

Some South Australians with disability can be at increased risk of harm in our community and I am proud we are doing everything we can to better protect people from potential harm. Everyone deserves to feel safe, reach their full potential and live their best life possible. Once again, I thank the Minister for Human Services for her work and her leadership on this legislation, and I acknowledge the opposition's support of the legislation.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (16:52): I thank the opposition for their indication of support and I think considered and genuine commitment to ensuring that whatever we do in relation to the development of restrictive practice regulation maintains not only an understanding but an assurance that the protection, welfare and dignity of those persons with a disability, or those who are in any way vulnerable in this area, is not overrun by, as she describes, the convenience of organisations or service providers.

I think it is more fundamental than that. Where there is a vulnerability in our legal structures, whether it is because of someone's age or disability or indeed their level of impecuniosity, there must be some protections wrapped around those persons. This is one other area of law that is being developed to cover that. As I pointed out in the second reading of this legislation, under our common law, we currently prohibit restrictions and restraints and there is a consequence as a result of imposing restraints or restrictions on parties.

We have, in the criminal law, false imprisonment. We have, obviously, assaults and we have legislation to protect against someone being restricted either in the place that they are in or, indeed, in an activity that they are able to undertake, across to civil liability.

Just like 50, 60 or 70 years ago we had to deal with the question of how one is to manage people with a mental health illness at the time of sanatoriums and at the time of physical restraints and people being strapped and shackled to beds to develop the rules that are going to apply to manage what is a tension, and that is the protection of the patient or individual, together with assuring a safe workplace for those who are going to provide the services to that person, whether it is in the home or some kind of residential care.

These issues are challenging and there will always be tensions there, and there will always be a level of subjectivity in the assessments, no matter how expert the persons are who are going to be responsible for these decisions. Indeed, there will always be a level of subjectivity, even within the envelope of those who are going to have oversight over whatever regime we implement. I think we have to start with the fact that the development of the law in this area is embryonic.

We all agree it is necessary and we all agree that there is a benefit in establishing a framework with some national consistency, because the care of persons ought to be a standard that we can agree upon and the safety and protection of those in the workplace who are vested with the responsibility of providing care of persons in this vulnerable area also need to be assessed.

There is clearly always going to be some transience in relation to the workforce, firstly, between sectors and between states, so we need to appreciate that that is the real world. Secondly, people with a disability may also have the right to be able to transfer not just within their own state but to other parts of the country.

I raised this only recently at a building ministers' meeting when we were talking about the accessibility of accommodation and dealing with the vulnerability and difficulties faced by someone with a disability, particularly a physical disability, which for example may require them to have supported walking or be in a wheelchair and to have access to a dwelling that does not have a step in it and to have access to a dwelling that has a toilet on the ground floor.

I could talk for some time about what happened in relation to the disability access to a premises. The next question does require a body of work because unfortunately the NDIS does not deal with the question of accommodation, and it never did. Some people could argue that there were some deficiencies in that area, but I had that issue out with Bill Shorten at the Adelaide Town Hall 12 years ago. The point is that we are stuck with that and we have to deal with it, and we are going to have to manage that.

In considering that issue, it is very important to me, and I think to everyone, to understand the significance of the fact that, if we are going to actually encourage people with any disability to be able to have the same opportunities and the same aspirations as other persons in our community, that includes the movement and the right to reside in different places. That may be to follow those who are seeking employment and it might be to follow those who are close to them in their friendship or family groups. That is going to be a realistic factor that we have to consider in the future.

Bearing all that in mind, a new body of work is being done. We want national consistency. We want a framework that is going to work. We have to understand that there will always be tensions between the rights, opportunities and protections of someone who is vulnerable, as distinct from those who are going to be providing the services, and who may be in a position where they either have the opportunity for or desire to exploit that to the detriment of the person who is vulnerable. That is the reality of what we are dealing with here.

It is probably not much different from what psychiatrists, psychologists and nurses in mental health institutions were sitting around and dealing with as a dilemma 50 years ago when they were thinking about whether they would close Z Ward at Glenside Hospital. So that is what we are dealing with. I am a strong advocate—and I have been able to have a role as Attorney-General with other ministers, including the Minister for Health and the Minister for Human Services in particular—of dealing with this question of how we develop this law and how we provide the oversight and protections with it.

I, too, would like to acknowledge and thank the significant parties who have assisted me in the development of how we might approach this as a new government. They include Ms Anne Gale, the Public Advocate. I also want to acknowledge Nicolle Rantanen, the Public Trustee. Some people think that that is someone who just deals with money, but they also deal a lot with people with a disability whom they represent and support. Her advice has been invaluable. Dr John Brayley, Chief Psychiatrist in the Department of Health, I have formerly known as a former Public Advocate many years ago. I value his advice.

I have appointed Mr Richard Bruggemann, a disability advocate who has been acknowledged by others in the house, to assist during the supervision and support of those who are vulnerable in our community and may need protection during COVID. That has been largely to deal with the seclusion provisions for those who may have a disability for their protection and others in minimising the spread of COVID to be kept separate from perhaps other residents in accommodation or visitors through which there may be some potential spread or contamination. He has certainly been valuable in that regard.

He has also given advice in dealing with matters such as the level of persons with a disability in our prisons and I have found that most helpful to appreciate the significance of what we are dealing with here. We are not just dealing with people in the community who might be under an NDIS plan who have services come to their home. We are not just dealing with people who might be living in residential care who are supervised for three shifts a day and have other services come to that facility. We are not just dealing with people with a disability who, for whatever reason, are currently incarcerated in a prison.

I will use a fairly contemporary example regarding young people who are at the Youth Training Centre, which is now in one campus, and the use of spit hoods, which is a practice we have discontinued completely under this government. Let's just use that. Here, in the 21st century, it was a piece of equipment that was used potentially to prevent somebody from being able to bite or spit at either another resident or a worker at the Youth Training Centre.

It was rarely used, to the extent that sometimes there would be a resident who it might be used on more than once a year as distinct from a number of different parties who might have needed

to be restrained under previous administrations. A review was done of this. It was accepted that a new model had to be developed. That was developed and the Minister for Human Services has ensured that those recommendations have been received, accepted and acted upon. That is not a practice that is now allowed to occur in relation to children who are incarcerated in our training centres.

So the development of new initiatives, the opportunity to have another model for behaviour management and even the provision of medications are all things that bring with them a number of challenges. This act provides to ensure that in dealing with restrictive practices—and, largely, the NDIS rules define the regulated restrictive practice. They include seclusion, chemical restraint, mechanical restraint, physical restraint and environmental restraint. I will not go through all the details; they are in the bill and it is pretty comprehensive.

We will still hear of cases, unquestionably, where a prisoner is brought up from Yatala or the Women's Prison, for example, to the Royal Adelaide Hospital where they will have handcuffs on. They may be essentially shackled to a bed in a hospital during their attendance for the purposes of treatment because they are a prisoner. They may have a security guard, a corrections officer, with them during the time they are at the hospital. We will still see levels of restraint used on people who are in these other cohorts.

What is important about that is that we recognise the necessity in some circumstances for those restraints to be used—in mental health, in Corrections—but that we also understand that when we are dealing with someone who is vulnerable as a result of frail age or disability we are dealing with people who may have an intellectual impairment as well as a physical disability or either, and we have to understand the significance of the dignity and protection of their interests through this process.

But there will be times, just as we have experienced during COVID, when in trying to protect those vulnerable people from contracting COVID and/or pass it on to someone else, that there is just the capacity to be able to say, 'How do you explain to someone who may not understand the significance of going up and hugging and kissing somebody else, which is part of their normal behaviour, when we are in a COVID environment?' and it may mean that they are contaminated with a virus and/or pass it on to someone else.

These are the sorts of things that are thrown to us as a bit of a curve ball at the time of something like COVID. We have to deal with them, and we value the advice of the professionals who support us and give us advice during these times, but we must appreciate that there will always be a tension between these roles and responsibilities.

Can I also say that, in relation to oversight bodies, certainly in the time I have been in the parliament, we have had an explosion of oversight bodies. Let me give you an example of a few that have developed within a government department and, as the member has raised, the question of the independence of these integrity or oversight bodies or reviewers if they sit within a department that is also a service provider.

The earliest one I can remember, and I raised it with the former Attorney-General, was in SafeWork SA, when the inspectors who go along to look at workplace safety are also within an agency that provides education services to employers. Unsurprisingly, there was some reticence by some employers to take up the service of education if in fact they thought the same person was going to inspect their workplace and issue a notice of noncompliance. Again, these things have been raised. To his credit, the then Attorney did act to ensure that there was some separation of those roles.

Another issue relates to the Community Visitor Scheme, a scheme which certainly from opposition we fought very hard to have put into the Mental Health Act for attendances at mental health facilities by parties. It could be on a without-notice basis to enable a visitor to get information from patients or even staff to ensure that there was a certain standard of application of service in those institutions and to provide some voice for a patient or resident of those facilities.

That is a scheme that has been within a department. It has also had an expanded role in relation to the Public Advocate, which is a department that sits within the Attorney-General's Department. At present, our Public Advocate is also the Principal Community Visitor, and that is

being supervised in a separate agency, as has been raised by the member for Hurtle Vale, and I think that is something that we will pursue.

Also, there is the Health and Community Services Complaints Commissioner. This was a breakaway from the Ombudsman's office that was established I think under Minister Stevens at the time; it was very early on in the time I was in this place. She advocated that we needed to have a separate body for that. This Health and Community Services Complaints Commissioner was established, and it has been around now for perhaps 15 years or so and still sits within the health department. Again the question should be raised: should that person actually be accountable to the Minister for Health within the health department and investigating complaints in relation to service provision in public and private facilities? Well, big question mark. I think—

Members interjecting:

The Hon. V.A. CHAPMAN: It has been raised, and I have raised it, and it is now under consideration because I think we need to look at how we manage and present to the public, if you are going to have an integrity body and/or an oversight body, one that actually not only is separate and independent but is seen to be separate and independent and maintains the confidence of the public in relation to that service. Yes, these are matters under consideration. There are a number of them, and I am working my way through them.

I note the comment of the member for Hurtle Vale in relation to the supervisory role under this new framework. Certainly, we can have a look at the situation interstate as well and see how they are going to propose to operate this. However, I do accept that, in the development of this new area, we have lots of models out there that have had to do the hard yards in relation to the development of their models. It is not a completely new concept here, but we need to make sure that we have a level of independent oversight.

Finally, can I say in relation to the consultation generally that I know some comments have been made about its being inadequate. I know that I have personally sat in a number of meetings in relation to how this model should develop. I am very grateful to a number of the experts who have presented and given advice on how we progress this, and I have mentioned a few of them. I am very grateful to a very large number of members of the cabinet, ministers who have taken an interest in this matter to ensure that we look at this—for example, education services and how we ensure that people who are undertaking education and who may suffer from a disability are also protected.

We have a comprehensive commitment on this side of the house to ensure that we give every support to the Minister for Human Services to make sure that this program is undertaken, that it is the best that it can be and that we manage the tension between those who are providing the service and those who are vulnerable and indeed their families, who in many ways offer other supports and complementary supports to the care. Sometimes they do nearly all of it, but sometimes there is a variation in the level of support needed for somebody to have adequate services, which is now under the umbrella of the NDIS.

So they are important developments. We have the South Australian Civil and Administrative Tribunal, and there are a number of approval processes through that tribunal for which I have responsibility. Obviously, the Guardianship and Administration Act 1993 is also an area of responsibility that deals with the care and support of people; whether it makes decisions about where they live, whether it handles their financial arrangements for them or whether it makes decisions as to their accommodation or care or medical interventions, these are all things that sit around those supports.

I want to assure the house that, from this side of the parliament, our government is absolutely committed to try to make this the best it can be. If there are ideas as the development with the industry, the families and the advocates of the regulations and guidelines that must flow with this are presented, then I want to assure the house they will keenly be listened to.

Bill read a second time.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (17:13): In the event, Mr Deputy Speaker, that I am advised that there is no request of any member to go into committee, I now move:

That this bill be read a third time.

Bill read a third time and passed.

HEALTH CARE (GOVERNANCE) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 18 March 2021.)

Mr PEDERICK (Hammond) (17:14): I rise to make a contribution in relation to the Health Care (Governance) Amendment Bill 2020. The background of this bill has a long history. It is the second stage of the Marshall Liberal government's commitment to decentralise decision-making in the public health system through the establishment of metropolitan and regional governing boards. The Health Care (Governance) Amendment Bill 2019 lapsed by prorogation on 19 December 2019 before it could be passed to implement the second stage of the government's commitment to decentralise decision-making in the public health system.

As I have indicated, this bill is the second stage of our government's election commitment to decentralise decision-making in the public health system through the establishment of metropolitan and regional boards. The bill will establish a new governance and accountability framework for the public health system. Governing boards have been operating since 1 July 2019 and are accountable for the delivery of health services within their own specific geographic area.

Back in 2018, the joint party room noted that the new governance and accountability framework for SA Health would be introduced in two stages. The first stage was completed on 1 July 2019 with the commencement of the Health Care (Governance) Amendment Act 2018, which established the governing boards of the local health networks. The second stage began with the introduction of the Health Care (Governance) Amendment Bill 2019—which obviously was the previous bill to this one—on 2 May 2018 to establish the new governance and accountability framework for the public health system.

The previous bill passed the other place on 18 June 2019 with a number of amendments. It was then received in the House of Assembly as the Health Care (Governance) (No 2) Amendment Bill 2019 but lapsed when parliament was prorogued on 19 December 2019. This bill seeks to reintroduce most of the provisions of the previous bill. The bill amends the Health Care Act 2008 to:

(a) revise the functions of the Chief Executive of the Department for Health and Wellbeing to focus on the strategic direction (aligned directly to government objectives) and performance of the public health system, ensuring that the roles of the chief executive, the governing boards and the local health networks are clear and avoid duplication or omission;

(b) provide the chief executive with the ability to issue binding policies and directives to the local health networks (LHNs) and the SA Ambulance Service (SAAS), setting the required standards for the performance of their functions;

(c) include provisions for service agreements, which have been in place in an administrative sense since 2016-17, between the chief executive, local health networks and the SA Ambulance Service to outline the funds allocated for services provided and detail performance measures and operational targets;

(d) require the chief executive to publish service agreements to demonstrate transparency and accountability in how the local health networks are funded and managed;

(e) provide the chief executive with the ability to take remedial action when the performance of the governing board or local health network does not meet expected standards;

(f) dissolve the Health Performance Council, with the intent to commence these provisions after current members' terms expired on 1 August 2020 to ensure any outstanding reports are delivered to the government;

(g) dissolve the metropolitan local health network governing councils (established as health advisory councils under part 4 of the Health Care Act 2008);

(h) make provision to ensure that the governing board will not be able to give directions relating to the appointment, transfer, remuneration, discipline or termination of an individual employee with the intention to leave the day-to-day management of the local health network to the chief executive officer;

(i) amend the confidentiality provisions of the act so that Wellbeing SA and the Commission on Excellence and Innovation in Health (CEIH) will be brought within the legislative scheme intended for the Health portfolio with respect to privacy and disclosure of personal information;

(j) make other minor amendments to the principles of the act and the functions of the chief executive and the local health network governing board, including amendments regarding the provision of health services to Aboriginal and Torres Strait Islander persons and health consumer engagement in the planning of health services; and

(k) make minor amendments to sections of the act to reflect the new governance and accountability framework or clarify their intent.

The bill also makes consequential amendments to the Mental Health Act 2009 to align the requirements for the disclosure of personal information with those under the Health Care Act 2008. Provisions of the previous bill that have not been included in the current bill include:

(a) the removal of the requirement for boards to record disclosures of personal or pecuniary interests in meeting minutes. This requirement is retained in response to a governance report by the Independent Commissioner Against Corruption; and

(b) provisions for transfer of assets and annual reporting of local health network governing councils that are no longer needed because the relevant issues were dealt with administratively when the boards commenced operation on 1 July 2019.

The bill also includes a broad function for the chief executive—which was advocated for by stakeholders through consultation—being a requirement to engage with consumer representatives and other interested parties in the development of healthcare policy, planning and service delivery.

In practice, this additional function is inconsequential, as the chief executive already has a similar statutory function to establish and maintain processes to consult with members of the community, volunteers and carers. However, its inclusion should alleviate the concerns of stakeholders and those members in the other place who supported these amendments in the previous bill.

In addition, one of the Commission for Excellence and Innovation in Health's four directorates, the Consumer and Clinical Partnerships directorate, is focused on developing systems and capability to build and sustain partnerships between clinicians and with communities, consumers and carers. Partnerships will enable clinical improvement (also critical improvement), foster innovation and ultimately improve the experience of healthcare delivery. The establishment of this function further strengthens our government's commitment to consumer engagement and is likely to somewhat alleviate concerns in relation to the funding of the Health Consumer Alliance.

Governing boards are required to have consumer and community engagement strategies in place under the Health Care Act 2008 to ensure that local health networks are appropriately engaging with their communities. The governing boards are in the process of developing these strategies. Legislating for direct consumer and community involvement in the service agreement development process is inappropriate. Service agreements are technical and are primarily between the chief executive and the local health network. They are informed by consumer and patient consultation that occurs under separate mechanisms, including the consumer and community engagement strategies of the governing boards.

The bill reflects the outcomes of previous consultation, including discussions with stakeholders since late 2018, through the drafting process and preceding the introduction of the previous bill. Certainly, since coming into government our government has made major inroads into supporting health in this state, and this governance bill, bringing the governance into a more decentralised system where local decisions can be made, I think is working extremely well.

This is especially so in regional areas, whether it be in my further flung areas such as the Mallee, with hospitals at Pinnaroo, Lameroo and Karoonda and, as you come closer into Murray Bridge, Tailem Bend and Mannum, as well as the Murray Bridge Soldiers' Memorial Hospital. That has picked up a bigger workload, especially in after-hours emergencies, and is well supported by a commitment at the 2018 election of \$7 million for an emergency department that has been operating since late last year. I was very pleased to have had the privilege of opening that alongside the health minister, the Hon. Stephen Wade, from the other place. From all reports, it is working extremely well.

As with any emergency department, you would rather that no-one turned up, but emergencies always happen. People have road accidents, whether they be in the Mallee or on the Dukes Highway, towards Mannum or north of Mannum, and certainly with The Bend Motorsport Park. I must commend the Shahin family and everyone at On the Run for running another fantastic supercar event on the weekend. The nature of the activities that happen at the park, being motorsport, means that occasionally someone comes unstuck, and it provides support for anyone who has an accident out there. They can be rushed to Murray Bridge or further afield if they need it.

We have helipads at quite a few of our hospitals, Murray Bridge and Mannum being two in my electorate that have them. Further out, the flying doctor could also be utilised, especially in the farther flung areas of the Mallee, out to Pinnaroo for example. The sort of care that literally comes from the air cannot be beaten.

You hear stories of people being airlifted by the flying doctor, and people think that the flying doctor is just an outback service, but it is certainly not. It does a great job in the outback, but the work it does in retrieving or transferring people even closer, in almost suburban areas compared with pastoral areas, is fantastic. I know the work the medevac helicopter does is, as we all know, literally life-saving work as well. I heard one story only the other day of a newborn baby being airlifted, and from all reports that baby is now doing very well.

It is vital with the amount of traffic and freight that heads through our area. Murray Bridge is on the Over Dimensional Route; we get that traffic coming down from the Sturt Highway through the Halfway House turnoff up near Sedan and coming down through Mannum and Murray Bridge. Those bigger units, anything above a B-double, have to come that way, and obviously there is other freight that comes through.

Thousands of people are travelling up and down the road and, sadly, sometimes things go wrong and sometimes people choose to take their own life. I am well aware of some of that happening on our roads. Reflecting on what the medevac does, a lady several years ago came unstuck on Tynan Road, a road a few kilometres away from my property. Again, the helicopter could land directly on the road adjacent to the vehicles that I think had rolled and save that woman's life.

I take my hat off to everyone who works in health, especially in these times of COVID management. Their work has been absolutely vital and they must be congratulated, from Nicola Spurrier down. It has been challenging, but what people have done to make sure they keep our community safe has been fantastic. We are now working through the process of vaccination, whether it be the Pfizer or the AstraZeneca vaccine. I will certainly be getting my first AstraZeneca in a few weeks' time when I can, because I had the flu shot in this place only last week, as most of us did.

I do really commend health workers, and I certainly want to take my hat off to those who were impacted with the cross-border closures. That was a difficult time, especially for those MPs who have border communities: the member for Mount Gambier, the member for MacKillop, the member for Chaffey, the member for Stuart and I. It was a challenging time, certainly with the situation I had at Pinnaroo. Whether it was private operator Di Thornton or nurses who lived in Victoria, it made it really difficult for people to literally get across the border to work, but we worked with them and, thankfully, we got some resolutions in the end, although it was difficult.

We are trying to keep the state safe. Obviously, police operate under state borders and are working with us under the Emergency Management Act to keep everyone safe. I really want again to thank everyone in the system. I know that great work has been done by some of the universities in getting more training done in country areas, especially by Flinders University and Adelaide University, so people can get that feel for the country. It is a pretty good life and, once they see the benefits of living in the country, a lot of people stay. We have that work going on for both doctors and nursing staff because we need to boost those positions so people get a real look at the benefits of working in a regional community.

There is also telehealth work that is done with cameras—and I know they are in the Mallee and in other hospitals in my area—where a specialist can be in the city in Adelaide but do an assessment, say, for something that has happened at Pinnaroo. They can do an assessment, using telehealth to the emergency room at the hospital in Pinnaroo, and make the decision: can the person stay there? Do they need to come up by road ambulance or do they need airlifting, whether that be by the flying doctor or the medevac helicopter service?

In closing, I think this decentralisation model is fantastic to get more decisions made at the coalface, where it counts, because when they are made too far away people do not feel part of the situation. I think it is getting and will get a far better result into the future as well with local decision-making made now and into the future. With those few words, I commend the bill.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government) (17:34): I wish to speak and make a few comments to contribute to the Health Care (Governance) Amendment Bill 2020. As the fairly newly minted local government minister, I now have responsibility for the Outback Communities Authority, which, for those who do not know, covers a very large part of the state where they do not have any local government. Whilst local government does a great job for the rest of the state, it is the Outback Communities Authority that advises me and also the federal minister in relation to work it does here in the state on all sorts of areas.

One of those areas is health. Whether we are dealing with the question of how we retrofit Leigh Creek and the health clinic services to make it a viable town for the future, or whether we look at the future of the Royal Flying Doctor Service and put in submissions to get upgrades for airstrips in the outback, these are all part of the health services that are delivered. The member who has also just spoken talked about the medevac helicopter service and telehealth—all these initiatives are really important for country regions, but they are absolutely critical when we are dealing with the outback regions of South Australia.

In terms of the health boards in our Aboriginals lands, I think three different ones were established in South Australia with the advent of the health advisory councils under the previous government. One of them, the Nganampa Health Council, I know still exists and is responsible to provide an annual report to the federal health minister. I do not think it actually has any direct line of responsibility to anyone in the South Australian government, but it provides all the health services and employs people to provide those on the APY lands.

Its operational base is at Alice Springs, and I have met with them up there in the past. It is not subject to any disclosure of its minutes of meetings. It does not have any FOI capacity for information to be provided. It was given all sorts of special rules under the previous government. Can I say that in the last couple of weeks I have read the Gayle Woodford coronial inquest report, which is sickening actually. Of course, well all know that she was the nurse employed by Nganampa Health Council on the APY lands who was raped and murdered. Ostensibly, she was lured out and abducted in her own ambulance, taken away, raped and murdered in the most brutal way.

The person who was responsible has been brought to justice, but we now have a lot of recommendations published in this report. That includes the question of how we provide the services safely, particularly for nurses in this instance. Gayle was a nurse on the lands. She was lured from her home, even though there is a cage facility at the door to enable her to administer medication under a model they have up there. She was in some way lured out of that protective position. It is unknown, really, from the inquiry how that happened, but nevertheless it happened, and she was raped and murdered.

The recommendations that come from that include a number of agencies to look at how we address that in the future, but one of the questions raised was: how do we deal with the future administration of services out of hours when the clinics are closed on the APY lands and where many people need assistance? The person who went there and abducted nurse Woodford on this occasion may or may not have actually needed any service, and may not have had any injury or sickness, but there are a lot of people on the APY lands who do need after-hours service. Some of them are women and children who need attention and it provides a valuable service.

Is the conduct of one reprehensible act by this person going to result in shutting down a very important service for the other people who live on the APY lands? I hope not but, anyway, we will have to look at all of those. A number have been asked to be referred to me and the Premier and, of course, SAPOL and other agencies. They will be looked at. I am proposing, in relation to that matter, that we do bring a report to the parliament. Even though it is not a death in custody or a requirement under the act for us to give a response to the parliament, as a government I think we need to be really clear about what we are going to do in relation to these circumstances.

The Nganampa Health Council is the governing body in relation to the services on the APY lands. I do not think it is transparent, and I do not think that it is sufficiently transparent. I think there are some real questions to be asked. I have asked questions in the past in relation to the child protection space and in relation to the reporting of sexually transmitted diseases in children under five, for example. This is an issue of child abuse, and we have had royal commissions into these matters. I think these are all issues that need to be really brought out into the open.

I do not want Ms Woodford to have died in vain in a circumstance like this; nobody does. We have to think about how we are going to protect nurses and medical staff in these circumstances, whether they have an accompanying person whenever they are called out for a service. All those processes, practices and policies need to be looked at. The coronial inquiry asked us to do that, and we will do that. We will bring that back once we have coordinated how Health, police and agencies such as myself and the Premier's department might deal with it.

As other members have said, it is critical to have decision-making about health services at a local level. I think that is important. Obviously, in the 1970s we brought all hospitals and health care into state agencies after the Bright review. We took it away from local government and we have had a system like that now for 50-odd years. Obviously, we are not going to undo that, but we do have regional interests and they do need to be listened to and they do need to have representative bodies, and they need to be accountable.

When we go through the governance reforms such as those in this bill, we also need to think about how we are going to address some of those other issues, which are ugly. Nobody really wants to talk about them, let's face it. Everyone wants to be able to walk away from them, but I for one see that the circumstance in relation to the nurse who was murdered on the APY lands demands that we look at this whole question of the governance and structure of health services on the APY lands and, if there other similar health councils operating in other remote regions in South Australia, I think we need to wave some scrutiny over those as well. With those few words, I commend the bill to the house.

Debate adjourned on motion of Dr Harvey.

At 17:43 the house adjourned until Wednesday 12 May 2021 at 10:30.

*Answers to Questions***COVID-19 SUPPORT PAYMENTS**

414 Ms COOK (Hurtle Vale) (17 March 2021). How much of the \$60 million allocated for rental relief during the COVID crisis has been allocated/spent by the government to date?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General, Minister for Planning and Local Government): The Treasurer has provided the following advice:

The South Australian government remains committed to supporting businesses and the community during the COVID-19 pandemic. The government is injecting \$4 billion into South Australia's economy to create thousands of local jobs over the next two years, driving South Australia's ongoing recovery from the economic challenge of COVID-19. The government's stimulus spend leverages another \$1 billion in commonwealth and local government and business funding, taking the total stimulus in the state to \$5 billion. The 2020-21 budget outlined the stimulus measures introduced by the government and the estimated cost of those measures. This included a range of rent relief related measures.

To the end of March 2021, the government has provided an estimated \$21.3 million in rent related relief to businesses and the community. The table below provides a breakdown of these measures. Some of the measures, such as land tax relief for landlords and commercial owner occupiers, are demand-driven programs and paid on application after evidence that the relevant criteria has been met (for example a reduction in rent is provided to eligible tenants). The value of relief delivered will increase as applications are made.

The government has also provided two rounds of small business grants of up to \$10,000 to eligible businesses that were highly impacted by the COVID-19 pandemic. Eligibility for the second round of small business grants was extended to include \$3,000 grants for eligible businesses that do not employ staff but operate from a commercial premise.

	YTD to Mar 2021
	\$m
Rent relief for tenants on government owned property (a)	-9.7
COVID-19 land tax relief for landlords and commercial owner-occupiers (b)	-11.3
Residential Rent Relief Grant Scheme (b)	-0.2
Total	-21.3

Note: Does not include small business grants

- (a) Various measures.
- (b) Requires landlords to provide an equivalent or higher value of rent relief to affect tenants.

In addition to direct relief, the government has also introduced a number of measures to protect tenants. This included a moratorium from eviction in relation to the non-payment of rent where eligible tenants are suffering rental distress as a result of the pandemic and a temporary freeze on rent increases.

SA AMBULANCE SERVICE

430 Mr PICTON (Kaurna) (31 March 2021). What was the transfer of care (TOC) lost hours/delays (>30 minutes) for ambulances (in total monthly hours) for the months of:

- (a) January 2021?
- (b) February 2021?
- (c) March 2021?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The transfer of care (TOC) lost hours/delays (> 30 minutes) for ambulances (in total monthly hours) is as follows:

- (a) January 2021—1,719 TOC lost hours
- (b) February 2021—1,992 TOC lost hours
- (c) March 2021—2,098 TOC lost hours

The government does recognise that ambulance capacity is an issue and is working with the Department for Health and Wellbeing to explore how we can create capacity through resources and importantly by doing things

differently. The government is implementing a range of strategies to provide alternative care pathways, to increase free bed capacity in our hospitals and improve patient flow through timely discharges.

LAND TAX

448 The Hon. S.C. MULLIGHAN (Lee) (1 April 2021). As at 31 March 2021, how many landowners applied for land tax relief under the COVID-19 land tax relief for landlords and commercial owner-occupiers measure?

- (a) How many of these applications have been approved?
- (b) What is the value of the land tax relief approved under this measure?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 3 May 2021, 2,384 applications have been received for land tax relief under the COVID-19 land tax relief for landlords and commercial owner occupiers measure.

For period 1, 1,358 of the submitted 2,110 applications have been approved, with the value of land tax relief approved amounting to \$11,998,953.21. Period 1 is based on rent relief that a landlord has provided to tenants impacted by COVID-19 or rent that the landlord has forgone between 30 March 2020 and 30 October 2020.

For period 2, 77 of the submitted 274 applications have been approved, with the value of land tax relief approved amounting to \$834,642.02. Period 2 is based on rent relief that a landlord has provided to tenants impacted by COVID-19 or rent that the landlord has forgone between 31 October 2020 and 30 April 2021. RevenueSA is continuing to assess the outstanding applications.

PAYROLL TAX

450 The Hon. S.C. MULLIGHAN (Lee) (1 April 2021). How many companies have accessed payroll tax relief under the COVID-19 arrangements?

- (a) How many companies have accessed payroll tax waivers with taxable payrolls under \$4 million?
- (b) How many companies have accessed payroll tax deferrals with taxable payrolls above \$4 million?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 30 April 2021:

- 5,602 businesses with wages (or group wages, for businesses that comprise a payroll tax group) of up to \$4 million per annum have received a payroll tax waiver for the months of April 2020 to June 2021 (i.e. for the return periods of March 2020 to May 2021); and
- 1,998 businesses with wages (or group wages) over \$4 million per annum that were adversely impacted by COVID-19 elected to defer some or all of their payroll tax payments for the March 2020 to November 2020 return periods (being the last period in which taxpayers were able to defer) initially until 14 January 2021. Taxpayers with a deferred balance as at 14 January 2021 are able to repay the deferred balance by way of instalments, with the final instalment due in June 2022.

ECONOMIC AND BUSINESS GROWTH FUND

451 The Hon. S.C. MULLIGHAN (Lee) (1 April 2021). As at 31 March 2021, how much of the economic and business growth fund

- (a) Has been committed?
- (b) Has been expended?
- (c) Remains uncommitted?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As at 31 March 2021:

\$218.2 million had been committed.

Agencies reported having spent \$36.0 million on approved economic and business growth fund initiatives.

Agreements have been entered into with a number of organisations who will receive funding from the EBGf under the \$218.2 million commitments made. These agreements have conditions attached, including FTE targets, with funding provided to the organisation in some cases over six years.

The EBGf also funds a number of government programs, with funding profiled over the forward estimates based on expected program timeframes. Some of these programs require agencies to enter into separate grant agreements or contracts, with payments expected to be made based on milestone achievement.

\$101.8 million was uncommitted.