LEGISLATIVE COUNCIL

Thursday, 4 April 2019

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 11:00 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

MOTOR VEHICLES (COMPULSORY THIRD PARTY INSURANCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 April 2019.)

The Hon. R.I. LUCAS (Treasurer) (11:02): I thank members for their contributions to the second reading debate. I understand there is an amendment in the committee stage, and we will address the government's position during the committee stage of the debate. We are happy to proceed to committee.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 7 passed.

Clause 8.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Maher–1]—

Page 4, line 31 [clause 8, inserted section 129A(2)]—Delete 'of a class approved by the Minister from time to time' and substitute 'of a prescribed class'

This amendment is moved to ensure that there is greater transparency around the regime of the Treasurer considering and approving inducements from insurers. Under the terms of the bill as introduced, clause 8 prohibits commissions and other financial benefits without ministerial approval. This is the first time that insurers have provided insurance in the market. There are also four insurers competing for business from 1 July 2019, each with a different market share. I understand these are: QBE with 35 per cent, Allianz with 15 per cent, AAMI with 30 per cent and SGIC with 20 per cent.

Whilst the Treasurer's advisers have informed the opposition that the approval of any commissions and inducements will be published, the bill does not specifically provide that publication is required, let alone how that might be published. The amendment removes the minister's discretion here and requires that commissions and inducements are to be approved by regulation or, as it technically reads in the drafting of the amendment, be of a prescribed class.

Essentially, commissions and inducements will be prescribed by regulation. In practice, it will be the minister who receives and recommends commissions and inducements to cabinet. Upon cabinet approval and consideration by the Governor, these regulations will lie on the table of the parliament for the required period before coming into effect. We think these are sensible amendments that actually give this chamber an opportunity to play a part in the process of making sure that everything is fair and above board because, once regulations are laid, members can have a good look at them.

This amendment would not see the regime becoming overly onerous or unwieldy, either for the government to make regulations or for the insurers to seek them. I am conscious of the desire of the government to move quickly in this area so that the terms of the CTP regime are settled and CTP bills can go out for the new financial year. The government may argue that this time frame does not allow for the regime of commissions and inducements to be considered and approved by cabinet and the Governor and laid before the parliament in time. In this first instance, coming to the commencement of full competition, the regulations can be made and approved with a certificate of early commencement.

This amendment provides greater regulatory transparency in the process. This transparency is important for two reasons. Firstly, it allows all insurers competing with each other for the first time in the South Australian market to understand what inducements are available to them to offer to consumers. This is important for competition. It would be unsatisfactory if one insurer had sought and received approval for commissions and inducements, had them approved by the minister and was able to start off with them exclusively.

Under the terms of the bill as it currently stands without this amendment, this is possible, particularly without the requirements of the minister's approval and the detail of what commissions and inducements have been approved to be published. This would be an unfair advantage over other insurers and would mean that there is less competition in the market for consumers, as an insurer would be able to gain an unfair advantage over its competitors by offering those commissions or inducements.

Secondly, the requirement that the commissions and inducements are able to be scrutinised by parliament is critical for public confidence in this new regime. We cannot have any government of any persuasion approving commissions and inducements that are out of step with community expectations or even threaten the viability of the insurer or the CTP market in SA. By giving the parliament a role, particularly by giving parliamentarians in the Legislative Council a role, that transparency is ensured. In this regard, parliament is an important watchdog that must be left to be able to guard against this behaviour.

The Hon. R.I. LUCAS: The government opposes the amendment. At the outset, I would just say that there is a touch of irony in relation to part of the argument for this particular amendment, that is, that it is so important that there be transparency and accountability by the parliament in relation to this process because, I remind the Leader of the Opposition and all members, this was actually a privatisation done by contractual arrangement without approval and accountability to the parliament. The whole deal that the former government did in relation to the privatisation of CTP insurance was done by contractual arrangement outside legislative change in the parliament.

So there is the irony of, at this stage of the debate, arguing passionately for transparency and accountability, when the whole basis of what we as a new government have inherited was, in essence, by contractual arrangement outside any parliamentary accountability at all. I put that to the side in relation to the argument about transparency and accountability.

In relation to the specifics of the amendment, I am indebted to Ms Kim Birch, who is the regulator and who has considerable experience in other jurisdictions, in Queensland in particular, in relation to managing these processes. That is not an experience I have had, and I suspect no other member has had, in relation to how you manage these sorts of processes, so I am indebted to her and her staff in terms of the advice they have provided, to not just me but to crossbench members and others, in terms of what are the various options and the implications of the options.

This is a system the new government has inherited. The offering of insurance had been privatised. We supported the notion the former government brought for independent regulation by an

independent regulator and supported that particular legislation after the decision had been taken to privatise. We accept that, but we have nevertheless inherited it. One thing the former minister and government promised was that there would be multipolicy discounts and various other benefits in relation to private sector provision of compulsory third-party insurance, that is, consumers would benefit through a range of incentives or inducements—whatever word we wanted to use (multipolicy discounts was but one example)—in terms of the new privatised, competitive CTP market.

Where we have arrived at at the moment, and certainly the strong advice from the regulator—and to a large part the contracts that are currently being negotiated with the four CTP insurers and others, decisions that the independent regulator takes in terms of the ongoing discussions that have gone on and are continuing in relation to the issues—her experience has been, and the way this scheme has been structured, is to ban what the regulator saw in Queensland in terms of inducements that go directly to motor vehicle dealers. It was her very strong advice to the new government that those sorts of commissions and/or inducements were counterproductive in terms of consumer benefits, and the government has accepted that advice in relation to ensuring that that is not going to be possible and is not going to be the case.

So I think our regulator comes to the table with considerable experience in terms of looking after the consumers' interest, considerable experience in terms of managing these complicated schemes, and as minister and as a parliament we ought to give considerable weight to the advice she shares with us all in relation to these issues.

Her advice to me—and I know to individual members that she has briefed—is that these are not going to be hidden inducements, they will be published on the independent regulator's website. In relation to the contractual discussions that are going on, the regulator has advised me that each of the insurers have been made well aware of the fact that, in terms of the contractual arrangements, these particular inducements, if ultimately approved, will be published immediately on the independent regulator's website, so people will be aware of those.

However, it is a competitive market. The former government introduced competition: it is not going to be a monopoly provider, it is not going to impose the idea that everyone has to operate in exactly the same fashion in a competitive market. The former government adopted a position, which we are now implementing, where four private sector insurers will compete with each other for market share.

The Leader of the Opposition has highlighted recent figures in relation to market share, but the former government's vision was that those companies would be competing with each other and taking market share from each other through competition. The former government's vision was that that would be a good thing for consumers in South Australia because, through competition, it would help place downward pressure on prices. Downward pressure on costs would not just be competing with compulsory third-party insurance, because you cannot do that, it would be competing with the other benefits or inducements that might ultimately be approved through this particular process.

The final point I want to make is an important one, as someone who has lived through many, many years of disallowance motions in relation to regulations. As members would be aware, our procedures are such that, if a government brings down a particular regulation, any individual member of parliament has up to, I think, 14 sitting days—which is five sitting weeks, which could be, given the way we sit, three or four months, and if it is over the Christmas break or the midyear break, it could be four or five months—to move a disallowance motion.

So an individual member can delay for three, four or five months a motion to disallow. Then, of course, the individual member, having moved the disallowance motion or given notice, can leave that particular motion sitting on the *Notice Paper* for however long they wish before ultimately there is a decision for a vote.

Our convention, which I have always supported and will continue to support, is that it is up to the individual member to bring his or her private members' motion to a head. So, under our conventions, that disallowance motion can sit there for however long that individual member wishes. If it is ultimately voted upon, there is nothing that prevents the individual member, as we have seen on a number of occasions, to immediately move a further disallowance motion. In relation to fabled

examples in the past, such as fishing regs, there may have been examples of up to three occasions when disallowance motions continued to be moved.

It is correct to say that, in some cases, it is a moot point because it can have legal effect immediately. It gets disallowed, and you then have to move through the process, potentially, again. However, in this competitive market, it makes no sense at all. If you are a major private sector insurer and you have a disallowance motion hanging over your head, even if it takes legal effect almost immediately you will not go through the process of putting in all your policies and bills, etc., and an inducement and implementing all the processes to implement that inducement knowing that there is some prospect that it might get disallowed a few months down the track and the parliament might then say that it does not support that particular proposition.

In terms of practicality in the market that the former government's vision outlined for us—and we are just implementing it—it really will make it impractical if we are going to go through this particular process. The other point I make about the former government's vision of a competitive market—and the regulator has advised the government and other members who have been briefed on it—is that private sector insurers need to be able to move and move relatively quickly; for example, if a competitor introduces some form of inducement, or for whatever other reason.

It may well be because the regulator, in a very new innovation, is going to have a sort of housekeeping seal of approval—a service standard is what it is called, I think—so individual consumers will be able to see, in essence, the customer performance rating of the individual insurers. So an individual consumer will be able to compare the price of one company. It might be cheaper than the other three, but if the customer performance ranking—whatever that is called—is appalling compared to the other three, as a consumer you might make a judgement the slightly lower price for a poorer performance record is not worth it and you will stick with the person or the company that is slightly higher priced that has a much better performance record in terms of customer service. That is more information that will be available in this particular competitive market.

If, for whatever reason, a company sees significant loss of customer share or market share, they are going to want to move, and relatively quickly. They may well decide they are going to have to offer a more significant discount in terms of comprehensive insurance or household insurance or whatever else it is. If it was customer performance, they might want to do something about their customer performance, but in relation to the inducement that they might be able to offer, they need to be able to react relatively quickly.

To have a notion where, through a regulatory system, it could be months and months before there was ultimately some determination would be counterintuitive to the sort of system the former government was envisaging—that is, a competitive market with private sector insurers competing with each other for market share to the benefit, ultimately, of consumers. That was the vision of the former government, that is what the former minister talked about and that is what we are seeking to implement to the best extent possible.

In conclusion, the very best advice that we as a parliament have from an independent regulator, who has had experience in the system and who is strongly advising me, the government and anyone else who is prepared to listen to the advice, is that we as a parliament should not support this particular amendment.

The Hon. C. BONAROS: I have indicated already in this place my concerns with the CTP scheme more generally and especially in the context of the dissenting report that I gave to this Social Development Committee inquiry. I will not go into those details, but in relation to this amendment, I would like to make a few points. The amendments were filed this week, so in the short time available I have been seeking advice from the Treasurer and the regulator with respect to their effect. The first thing to note is that the model proposed by the government already goes beyond any jurisdiction in that it codifies classes approved by the minister. That does not exist elsewhere, and the regulator has, as I understand, recommended that for good reason.

I will canvass a few of the points that the Treasurer has already spoken to, but the issues that have been highlighted to me are that putting the class into regulations affects both the competition model and the flexibility of how the regulator sees that operating. In effect, it would slow down the opportunities for communities to benefit from the inducements that are to be proposed and

would dampen competition between competitors. The reason for that is that, generally, when these things are proposed, insurers want to assess what the market is doing and move very quickly to go out to market with any inducements. If this had to go through regulation, that process would be severely impacted and slowed down. That is the first issue.

Again, as I said, our jurisdiction is codifying the inducements insofar as the minister will have to approve the class, from time to time, that he is proposing. We already have built into the legislation an extra layer of protection, if you like, for the community. The types of inducements the Treasurer allows are going to be monitored by the regulator both in terms of their appropriateness and also, importantly, in terms of value for money. I think that is key. That is, in effect, the regulator's job in this regard.

The other thing to remember—and I think this is also a very important point—is that the minister can go away and come up with this prescribed class, but the regulator can then issue, as I understand it, rules around that class if required, so it is very clear to the insurers what they are and are not able to do, even within the class that has been approved by the Treasurer in this instance.

If there are unforeseen circumstances, however, or consequences, the current model will enable the regulator to immediately recommend to the Treasurer that the inducements either be pulled or be changed. That is not the case if they are dealt with by regulation, and I think that is a very important point that we need to take into consideration in the context of this amendment. That simply would not be the case for a whole host of reasons, which the Treasurer has already outlined, if we were dealing with these by way of regulations.

While I appreciate what the opposition is trying to achieve, my concern is—and I think the regulator has certainly put us at ease in terms of the impacts—that the amendment proposed would actually make the provisions unworkable and impractical to such an extent that it is just not an option that we ought to be considering.

The Hon. K.J. MAHER: I have a question for the Treasurer. I think the Hon. Connie Bonaros mentioned the tight time frames we are working with with this. What does the Treasurer say is the date that this has to be passed by, and why?

The Hon. R.I. LUCAS: I think the notice that went out to all members last week in terms of the priority order for the government was that we need to pass this through our house by 4 o'clock this afternoon. There is a drop-dead date in relation to what the regulator is doing, so we have to get it through this house this week. It then goes on the *Notice Paper* in the House of Assembly, officially this afternoon. They then debate it in their next sitting week, or two sitting weeks, to allow them time to consider it.

I think the drop-dead date is some time in May. We have to go through processes with cabinet and government, and the regulator has deadlines because there are processes with DPTI with their TRUMP system. I am sure the minister will be aware that there are other processes in relation to EzyReg or the forms that have to go out to people for renewals and those sorts of things. We have worked back from the regulator's deadline in terms of when the parliament needs to consider things by.

The Hon. K.J. MAHER: The Treasurer mentioned a drop-dead date. What exactly is the drop-dead date that he refers to?

The Hon. R.I. LUCAS: About the third or fourth week of May is the drop-dead date from the regulator in terms of what then needs to be done for a 1 July start-up process.

The Hon. K.J. MAHER: When did it become apparent that the drop-dead date was the third and fourth week of May? How long has the government, or the regulator for that matter, known that this is the date that it has to be completed by?

The Hon. R.I. LUCAS: It has been a little while. I cannot give you an exact date as to when we were first advised, but we have had to go through a cabinet process to get the bill to where we are. When we did that, we worked backwards on the basis of when we needed to get the cabinet submission in. You have to give notice for cabinet submissions. All those sorts of things have been working. I cannot give you an answer as to exactly when, but as we were doing the cabinet

submission, we were working backwards from when we needed to give sufficient time to the Legislative Council to consider the bill, given that you do not want to walk it in and require a vote that week.

We have introduced the bill, given the requisite week for people to consider and to consult, and advised that we would like the bill considered by the end of this particular week, which is this afternoon. Then it can go down to the Assembly and go through their processes as well. If ultimately there were to be amendments that were successfully passed in the Legislative Council—which is what the Leader of the Opposition is proposing—we would potentially have to budget for the bill to go to the House of Assembly and, if the amendments were then rejected, to come back to the Legislative Council. If they were rejected again, they would go through a conference of managers process to meet the drop-dead date.

The Leader of the Opposition is aware of what can go on if amendments are moved successfully in terms of the passage of legislation between the houses. We are in a situation where we cannot afford to not be ready to implement the former government's vision of a competitive insurance market from 1 July.

The Hon. K.J. MAHER: If I can ask the Treasurer, this drop-dead date of the third or fourth week of May so that the scheme is operating by 1 July (I think the Treasurer said) where does this come from? This legislated provision about—

The Hon. R.I. LUCAS: 1 July? That is yours.

The Hon. K.J. MAHER: Where does it come from? Is it by legislation that has previously passed parliament?

The Hon. R.I. LUCAS: It was a policy of the former government—your government—that there would be this three-year transition period that expires on 30 June and the new competitive market that you envisaged would start on 1 July. So it is not a time line we have imposed; we inherited it and we are working toward it.

The Hon. K.J. MAHER: I think that is the exact point I am trying to make. This is not something that has crept up on a new government suddenly in the last few months, as the Treasurer now admits to the chamber. This is something that the government has known about since they first got into government more than a year ago. As the Hon. Connie Bonaros said, the time frames are quite short, even if it is one sitting week's notice, to then bring the vote on.

I think members and particularly crossbenchers who have to be across every bill that comes into this chamber are at a disadvantage when bills are only given a few weeks, particularly a bill that, on the Treasurer's own admission, there is no reason it could not have been introduced a year ago on the government's very first sitting day. They knew this was the date that was coming up, yet have waited until what is, as the Treasurer admitted, as tight a time frame as possible to keep within conventions. That puts pressure on both the opposition and on crossbenchers, who cannot necessarily properly consider the bill, let alone amendments.

The Treasurer has been here for something like 40 years, and I acknowledge that he is a very cunning politician and works very cleverly at how he does stuff. For something that he admits he has known has been in place since they got into government a whole year ago to be put into a time frame that is as short as possible to give people as little as possible time to consider it I think does not pay the respect that is deserved, not just to this chamber but particularly to crossbenchers. Why was this not introduced some time last year? Why did it wait until, as the Treasurer has admitted, the shortest time frame as possible to abide by conventions?

The Hon. R.I. LUCAS: I am not going to revisit a long debate about transparency and accountability, but the irony of the Leader of the Opposition arguing about giving short time lines to parliament—at least we are debating it in the parliament. The former government did not even bring the privatisation to the parliament. Give me a break. Do not talk about this new government abusing the processes of parliament by trying to shorten the debate times. At least we are having a debate. Anyway, put that to the side; it is an unnecessary and unhealthy diversion.

The notion that the new government, having been elected in March last year—and we all knew that the competitive process had to start from 1 July—could have introduced the bill straight

away is foolishness in the extreme. Of course everyone knew, because the former government introduced the legislation, that the competitive market was starting on 1 July, but there is a considerable amount of work that the regulator had to do. To be honest, there was a considerable amount of work, as the new Treasurer, that I had to do to try to work out exactly what the former government had agreed to.

In some of the contracts in unrelated areas, having gone through the contracts after a period of months, we found all sorts of provisions within them that we were not aware of. That is the land services contract and others, but I will not divert to those areas. The new government had to have the opportunity to be properly advised by the regulator, by Treasury and others as to what the former government had actually agreed to.

There has been considerable discussion with the industry and with the regulator about the whole issue of commissions and multipolicy discounts. It is fair to say there have been varying views as to whether or not we should actually do what we are currently doing and that is offer multipolicy discounts. There have been varying views that have been put. Industry groups have put varying views, both to the regulator and to the government, in relation to what the appropriate response is.

There has been an ongoing debate about whether or not we should, as we are doing in this, ban commissions with motor vehicle dealers. There were industry people who were saying that is unfair because it gives a competitive advantage to a couple of the insurers and that the way their business model is structured gives them an advantage over a couple of the other insurers. So there has been a competitive market during this particular process in terms of the discussions with the regulator, discussions with Treasury and discussions with me as Treasurer.

This is not a 'slam dunk, here is the bill, just introduce it' situation. It was not there when we arrived in government: 'Here is the bill to introduce.' There has been a complex, complicated ongoing debate with a lot of industry people, with the regulator and with other stakeholders in relation to what ultimately should be put to the parliament. So on behalf the government, I certainly reject that there has been any deliberate strategy to shorten the time frame.

The time frame we are using for this process is the accepted time frame in terms of consultation in the parliament and it is certainly not, as has occasionally occurred, the telescope process where a bill is introduced on the Tuesday and jammed through by the end of the week. That is not the process we want to adopt and we are not adopting it here. There has been the appropriate conventions adhered to and we have proceeded according to that. Yes, we do have a deadline and the process we have outlined would allow us to meet that particular deadline.

The Hon. K.J. MAHER: I thank the Treasurer for his answer and the acknowledgement that it took a number of months and, in doing so, admitting that there is absolutely no reason whatsoever the bill could not have been presented to this parliament sometime last year for proper consideration. That being the case, can the Treasurer inform the chamber if the regulator has always published or made publicly available information about the CTP regime?

The Hon. R.I. LUCAS: I am advised, yes.

The Hon. K.J. MAHER: Specifically, was information about the findings of the 2017 review of the CTP vehicle class relatives made public or published anywhere?

The Hon. R.I. LUCAS: Sorry, could you say that again?

The Hon. K.J. MAHER: The 2017 review of the vehicle classes within the CTP scheme.

The Hon. R.I. LUCAS: I think the leader will have to explain. The regulator is not sure what the leader is referring to. Can you explain what review you are talking about?

The Hon. K.J. MAHER: I might get more information to be able to ask you between the houses or in the assembly.

The Hon. C. BONAROS: There is one point that I think I missed when I made my previous comments, which is something that I think we need to keep in mind, and that is that these inducements are not necessarily fixed in time. They can change as insurers change their models and come up with new proposals. That is also a very important consideration that we need to make. It is

not that we have this list of inducements today and that is going to remain fixed into the future; it is very likely that it will continue to change and change often, I expect. That is the first point.

I want to address the comments of the Hon. Kyam Maher. He does, quite rightly, point out time frame issues, particularly with the crossbench. We often struggle to keep on top of all the bills that are before us and so sticking to time frames is important. But I think it is only fair to indicate in this instance that I certainly did seek all the briefings that our party required in relation to the bill when they were offered.

I should also indicate that I made clear our willingness to proceed with this bill on the basis that I was satisfied with the response enquiries I had made. I accept that amendments will be filed late from time to time—I am guilty of the same, as I think we all are—depending on the circumstances. In this instance, the comments I made referred to the late addition of amendments, which resulted in the additional enquiries that we made. We certainty undertook to make those in time for today's debate, knowing that there were deadlines in place. I just wanted to place that on the record.

Again, we were satisfied with the feedback we received, firstly in relation to the bill—and that is the basis on which we indicated our willingness to proceed—and secondly, in relation to the feedback we received on the proposed amendments.

The Hon. M.C. PARNELL: Before I put on the record the Greens' position in relation to the opposition's amendment, I want to make some brief observations about some things that have been said in the debate so far. When it comes to essential services—and in particular, compulsory services—the starting point for the Greens is that we believe, on the whole, they should be provided by the state. That was, in fact, the case until a few years ago.

The reason that compulsory education is palatable to the community is not just because education is a good idea; it is because the state provides it. If you make things compulsory, the state should provide the way for citizens to comply with their obligations; however, when it comes to compulsory third-party insurance, we appreciate that the horse has bolted. I note the Treasurer's comments that this particular privatisation went ahead without going through parliament, yet the parliament is now mopping up the consequences of that decision.

Given that the privatisation horse has bolted, the Greens' position is that we want the market to work as fairly as possible, and we want it to work to the advantage of the consumers of the services. In this case, it relates to motorists—people who have registered and compulsorily ensured their cars.

I will make another observation: the political rhetoric of Labor, especially as we come up to a federal election, is to attack the Liberals for real or imagined privatisation. When it comes to privatisation, Labor's practice in government has been as guilty as the other side, so we have to take some of this with a grain of salt.

The Greens take some comfort from the fact that this bill does not provide open slather in relation to inducements. We particularly like the fact that there will not be kickbacks to motor vehicle dealers. As people are aware, when cars are advertised, there is a lump sum called 'on-road costs'. It would be very easy for motor vehicle dealers to have kickbacks with insurance companies to make sure that the insurance company received the insurance work for that new car.

By way of an aside, I am in the process of ditching a mortgage, having discovered that a certain finance broker has been receiving trailing commissions at my expense for four years. I am over it and I am going to move.

In relation to the nature of these inducements, there has been mention of multipolicy discounts. If you comprehensively insure your car and you insure your home and contents and all the rest of it, then you may receive a discount. Whilst it is not on the original list, I would imagine that if the RAA were to enter this market, for example, they would probably throw in roadside service if you insured through them.

A lot of comprehensive insurance companies give you discounts if, for example, you do not drive very much, if you lock your car in a garage and things like that. Some companies will give you a discount on your home insurance if you have deadlocks on the windows. There is a whole range

of incentives. I do not know whether there is scope for that type of discount or inducement in relation to this. I do not require an answer now, because I do not think the scope of inducements has been settled, but maybe there is.

The next thing I would say is that I did speak to Mr Mullighan, the shadow minister in the other place. He made some good points and I was inclined to think that he was on the money, but I made it clear that we are also keen to talk to the regulator. My staff did take up the offer of a briefing, which clarified the situation in my mind somewhat. The minister has alluded to some of the arguments against the amendments.

In relation to the idea of putting things in regulation so that they can be disallowed, generally the Greens' position has been, more often than not, that that is the position that we take. Disallowance of regulations is an important element of parliamentary scrutiny over the actions of the executive and, more often than not, the Greens will vote to put things into disallowable instruments in order to keep a level of supervision and control. However, I do take the point that we also want this market to work as effectively as possible. That will require rapid response in the market, which is not facilitated by an unwieldy regulation disallowance process.

Noting that the independent regulator intends to publish all this material without being required to by legislation and without it having to go through a regulation-making process, the Greens, on balance, have weighed up the arguments for and against it, and we are siding with the government in this case. We will not be supporting the opposition's amendment.

The Hon. J.A. DARLEY: I am well aware of the problems and the time required in dealing with disallowance motions, and I think that that would only lead to the disadvantage of the buying public. I thank the Leader of the Government for his explanation. I will not be supporting the amendment.

The Hon. K.J. MAHER: I have just a couple more questions by way of clarification on a question I previously asked. Was there a review in 2017 of vehicle class relatives; that is, the amount that is paid by taxis or hire cars versus the amount paid by normal cars?

The Hon. R.I. LUCAS: I am advised that the review to which the member is referring is probably an independent actuarial assessment that the regulator sought in relation to not just the issue the member has talked about but also to the appropriateness, or otherwise, of the price the former government had set at 3 per cent—CPI light increases. This is not advice to the regulator, but, as a cynic and from talking to people in the industry, the view from someone in the industry was that the government locked in the 3 per cent increase because it increased the price that they could get.

Of course, the CPI has been lower than 3 per cent over the transition period that the government locked in. By locking in a higher price, the government got a higher price for the privatisation. I hasten to say that that is not the advice of the regulator; that is my view, having discussed the issue with industry people and others.

The regulator took actuarial advice that was independent. That sort of advice is not what we are talking about here. We are just publishing inducements and things like that. That is informing the regulator in terms of the decision that she has to take, independently, about the appropriate premiums and premium bands that she will set sometime in May, or which will be released in May sometime, for the competitive model. There will be bands where the regulator will state the maximum and minimum for a particular band, and there will also be a decision the regulator will take in relation to the issue the member has talked about in terms of classes. There is a related debate going on about taxis, ride-sharing vehicles, chauffeured vehicles and others like that.

The regulator got independent actuarial advice in about 2017, which assisted her in developing her thinking. However, independent actuarial advice is not what we are talking about here. We are talking about inducements and those sorts of things—those sorts of decisions that are announced. Clearly, when she announces the premium classes and those sorts of things, that will all be public information—it has to be.

Her decisions about what happens with ride-sharing vehicles and taxis and those sorts of things are not decisions that she is in a position to opine on at the moment. She is still making her

decisions in relation to that particular issue, and ultimately she will come to her conclusion as the independent regulator.

The Hon. K.J. MAHER: Advice was provided that looked at the relative price that ought to be paid within a class; that is, taxi or ride-share cars, versus—is it class 1 light vehicles—I am not sure if I have my definition right, but just normal private cars?

The Hon. R.I. LUCAS: The advice was, as I said, broad actuarial advice, which did provide some information to the regulator about premium classes, and that in and of itself would relate to taxis, ride-share vehicles and others, but that was not the purpose of the actuarial review. The actuarial review was actually looking at whether or not 3 per cent over the transition period would have been the appropriate rate.

It also informs the regulator, and there was nothing the regulator could do about that because the 3 per cent CPI light numbers for the transition period were locked in. But the actuarial advice that she got then, and also subsequent advice that she has got herself, is informing her in terms of the critical decision the regulator will make in terms of both the premium classes, to which issue the honourable member is referring, but also the premium bans for each of those premium classes.

The Hon. K.J. MAHER: This advice or review on the relative premium classes, where was that published in 2017 after it was received?

The Hon. R.I. LUCAS: I just said, it is internal independent actuarial advice; it was not published. Actuarial advice provided to the regulator, as a matter of course, is not published publicly. So what I am saying is that, when we are talking about publishing information publicly, like inducements and those sorts of things, that is not what we are talking about here. This was independent actuarial advice she got, internal, to inform her about the appropriateness of what had occurred or what was occurring during the transition period in terms of premiums, and also informs the regulator in terms of the decisions she has to make on what price she will set from July onwards.

The Hon. K.J. MAHER: I think the Treasurer can see the problem that is being created here, in that there was a secret review that talked about what the price ought to be for private vehicles compared with taxis, and that was not published, yet we are to rely on the word that in the future things will be published, when in the past they have not. Can I ask then: what was the result of this review in terms of the relative price between taxis, ride-share cars and private vehicles? Did it recommend that cars should go up relative to taxis, or that taxis should go up relative to cars?

The Hon. R.I. LUCAS: I do not propose to enter into any discussion about internal advice the regulator has taken about premiums. I would be delighted, I suspect—not that I have seen it—to see the results of the report in relation to whether or not the former government had set premiums at too high a level just to jack up its asset sale price.

The purpose of this review was not for the issue to which the honourable member is referring. The purpose of the review was to, in essence, look at the appropriateness of the 3 per cent CPI. As part of that, the actuary looked at a whole series of issues in relation to premium classes. Let us be quite clear: no report was done specifically on the issue of ride-sharing vehicles, taxis and those sort of issues.

It was a report on the appropriateness of the premium setting that the former government had entered into in the transition, and also to provide advice to the independent regulator to inform her about what is the appropriate level of premium she might set for all premium classes from 1 July. So I do not propose to answer any questions because I do not know the answers, and I do not propose to ask the regulator for the answers.

This is information she has to inform her about a decision that will be made public in July. To try to characterise that as the regulator being secretive and not releasing information that she should release, and to say that the regulator's commitment to publish inducements on her website in some way should be lumped together as, therefore, some doubt about the stated intentions of the regulator, I think is beneath the Leader of the Opposition in terms of that inference.

The Hon. K.J. MAHER: With respect, the Treasurer has outlined the problem very well, but how can we rely on this scheme when there is not even a requirement to publish? In the past, things that I would suggest have a massive amount of public interest have not been published. What has

not been published is information that I think the public has a huge amount of interest in. That is, in terms of the premiums of taxis, those in the taxi industry would have a huge interest in knowing what that advice was two years ago. I disagree with the way the Treasurer is characterising the decision to keep private this report that I think has a huge amount of public interest. Has the Treasurer seen the secret 2017 report that was not published?

The Hon. R.I. LUCAS: No.

The Hon. K.J. MAHER: Why has the Treasurer not seen this report? Has he asked for it or has he been provided with it at any stage?

The Hon. R.I. LUCAS: The decision for premiums is a decision for the independent regulator. This seems to have escaped the Leader of the Opposition. The Leader of the Opposition was part of a government which privatised the Motor Accident Commission, set in place a private sector competitive model and authorised and approved an independent regulator. The independent regulator makes decisions about premiums. It is not appropriate for me to be grilling—and I have not—the independent regulator about what the level of premiums will be for the future for all classes, whatever that class might be.

I know there has been an ongoing issue about taxis, ride-sharing vehicles and chauffeur vehicles. Ultimately, whatever decision the regulator takes will be public for all to see come May. It is as simple as that. This is a scheme that the former government, of which the Leader of the Opposition was a member, established. The independent regulator is independent. We do not, I do not, direct the independent regulator about independent decisions that she will take about setting premiums.

The Hon. K.J. MAHER: Once the decision is made in May, will the Treasurer commit to publishing the secret review that has been held back for two years?

The Hon. R.I. LUCAS: No, I will not commit because I do not have a copy of it.

The Hon. K.J. MAHER: In terms of the bill before us, is there any requirement for the publication of inducements that are being offered anywhere?

The Hon. R.I. LUCAS: In relation to that last question, I will take on notice, once we get into the competitive market, whether the regulator has a view about the publication of her independent advice from an actuary. As I said, it is a decision completely for her to take. I do not have any concern about the independent actuary's advice about the former government's premium setting during the transition period because I suspect—as I said, without knowing because I have not read it—it will be a source of some considerable embarrassment to the Leader of the Opposition and his party if it is released publicly.

In relation to the second issue, we are retracing old ground. The independent regulator has given a commitment to publish this claim about the independent actuary's report being put into the same category. Therefore, I reject the inference that we cannot trust the word of the independent regulator.

The Hon. K.J. MAHER: Are there any other reports or information that the independent regulator will give a commitment to publish?

The Hon. R.I. LUCAS: That is a decision ultimately for the independent regulator. I am sure the independent regulator has taken a lot of advice from a lot of people and commissioned a lot of reports. It is ultimately her decision, and I suspect the vast majority of those will not be released.

The Hon. K.J. MAHER: Just to be clear, the Treasurer is telling us that there are many reports or advice that the independent regulator takes, and the Treasurer is suggesting that the vast majority of those will never see the light of day to the public. Is that what he is saying?

The Hon. R.I. LUCAS: I do not know what the number is. I am just saying I would assume there would be considerable advice the regulator would take. She is an independent regulator and, yes, I would assume, and I am happy to say, and I do not have a problem with an independent regulator taking advice and not publishing all of that advice, if that is her decision.

The Hon. K.J. MAHER: Is the Treasurer able to inform the chamber how many reports or pieces of advice the regulator has received and how many of those have been published, if any? If the answer is that nothing has ever been published, I am happy for the Treasurer to get up and inform the chamber of that.

The Hon. R.I. LUCAS: No, I am not.

The Hon. K.J. MAHER: Is the Treasurer himself aware of a single report or piece of advice that the regulator has published?

The Hon. R.I. LUCAS: I am not going to go down this particular path. It has nothing to do with the clause.

Amendment negatived; clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (12:02): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 April 2019.)

The Hon. C.M. SCRIVEN (12:02): I am the lead speaker in this place on behalf of the opposition. What the minister has brought into this parliament are some fundamental reforms that should be supported by this parliament, and we will be doing so. We will support them despite some of the initial objections by our Victorian colleagues, which were about provisions regarding the nature of urine testing. It is important to know that, as you cross jurisdictions, there is a consistency of urine analysis and drug testing procedures for legal purposes.

The opposition thinks these are good reforms. I congratulate the council and I congratulate the minister. This legislation was not developed by the state government or by the cabinet; it was developed nationally. When legislation is developed nationally, the Council of Australian Governments comes together and makes decisions about whether the reforms should be implemented. All other jurisdictions rely on the South Australian parliament to be the national lead legislator on this matter. It is a credit to both sides of this parliament that we are able to put our political differences aside and allow a process that occurs outside our state and our parliament to help dictate our laws for the greater good.

There were some people at the introduction of the process of the Council of Australian Governments (COAG) who were opposed to the idea of allowing external bodies to dictate what legislation we would pass. Ultimately, the legislation before us today has been agreed to by government cabinet and will be agreed to by both houses of state parliament. There is no compulsion on us. What it shows is that we can work together to come up with very good solutions.

The operation of the national law is routinely monitored by the National Transport Commission, the rail regulator and the jurisdictions to ensure its effectiveness and identify the need for any other minor administrative amendments that may be required to better facilitate the operation of the national law.

As part of this process, the bill contains the following routine amendments: the ability to allow the rail regulator to access the use of private sector auditing, as approved by council for the purposes of auditing the rail regulator's annual financial statements; amending definitions in section 4 of 'level crossing' and 'rail' or' road' crossing and deleting the definition of 'railway crossing' to ensure

consistency in the national law; the creation of penalties for public road managers who fail in their risk management duties at a road or rail crossing, consistent with the penalties for a rail infrastructure manager in section 107(1) for the same offences; providing the rail regulator with the explicit ability to enter premises for drug and alcohol testing; substitution of the deleted 'railway crossing' with 'level crossing' in section 200.

The legislation is about drug and alcohol management and defining what constitutes a urine test. The methodology and the thinking behind this should be applauded. The freedom of information legislation amendments, I think, speak for themselves. A consistent approach across jurisdictions makes sense.

The maintenance amendments are very simple and go to the ability to allow the rail regulator to access the use of private sector auditing. We have no problem with that. It is a good cost saving measure and allows a bit more nimbleness, if you like, by the regulator by not requiring a wait on government auditing processes for the purpose of auditing the rail regulator's annual financial statements. I understand that the rail regulator does impose levies to regulate the industry, so it is important that those finances are audited appropriately.

Also, allowing the regulator the explicit ability to enter premises for drug and alcohol testing is a good idea. The consequences of someone using this type of machinery, or its associated machinery, under the influence of drugs or alcohol could, of course, be life-threatening and damage a very important industry that is the lifeblood of so many regional communities and the lifeblood of so many communities across the nation.

As I stated earlier, the Labor opposition will support this process through all stages in both houses of parliament speedily. I understand that this process began a long time ago, and the slowness of the process of national reforms is unfortunate. One of the great things about our parliament is that once those reforms are agreed, we have a speedy passage to get it started. I commend the bill to the council.

The Hon. F. PANGALLO (12:07): I rise to speak on behalf of SA-Best in support of the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill, which amends the Rail Safety National Law (South Australia) Act 2012. The national law came into operation on 20 January 2013, and the bill before us represents the fourth amendment package of that national law.

The Office of the National Rail Safety Regulator was established as a body corporate under that national law. At the time, the national law was approved in 2012 by the Council of Australian Governments. COAG also requested a review of the current drug and alcohol legislative requirements. The scope of that review was approved by COAG in 2012.

The review assessed and compared the effectiveness in detecting drugs and alcohol present by rail safety workers and provided a deterrent for them against differing legislative arrangements in relation to drug and alcohol management across industry here and internationally. That review was completed in 2017 and considered at COAG in May 2018. The review provided the genesis for this package of amendments to the national law before us. The proposed bill intends to insert new provisions in relation to drug and alcohol testing, as well as providing an additional exemption to releasing documents under the Freedom of Information Act.

The bill will also implement routine amendments arising from the national law maintenance. South Australia is the host state for the rail safety national law, and as lead legislator is therefore responsible, in this first instance, for the passage of the national law and any subsequent amendment bills throughout parliament, along with any consequent regulations that underpin the national law.

Once this bill passes the South Australian parliament, each participating jurisdiction has an application act that will automatically adopt the national law and subsequent amendments into the legislation of those jurisdictions. The one exception is, of course, Western Australia, which requires its own parliament to first consider all amendments to the national law before it can be adopted by the Western Australian parliament.

Crucially, this bill sets out changes in relation to how the National Safety Regulator, which has its national headquarters in Adelaide, can perform drug and alcohol testing. Currently, under

section 127 of the national law, the regulator can already test railway workers for the presence of illicit drugs and alcohol. Amendments to the bill include the ability to require urine testing as an alternative method of testing rail safety workers for the presence of drugs and alcohol.

The bill also inserts new clauses into the national law by prescribing offences for hindering, obstructing, assaulting, threatening or intimidating an authorised person or interfering, tampering with or destroying urine, oral fluid or a blood sample. I do want to point out that the positive testing among rail safety workers is low as of January 2019. Of the 21,500 drug tests conducted amongst rail safety workers by the industry, just 0.33 per cent returned a positive test. The result was even lower for a positive alcohol reading: of the 215,000 tests conducted, just 0.03 per cent returned a positive alcohol test.

It is also important to note that industry tests are not performed to an evidentiary standard. The regulator does a small amount of drug testing to an evidentiary standard for prosecutorial requirements. The limitation to date is that the regulator can conduct swab testing. However, saliva only retains the presence of drugs for a short period of time. In remote areas, urine testing may be required, given the distance required to make the sample for required testing.

While swab testing of saliva will continue to be the primary form of testing, in a limited amount of cases urine testing will enable the regulator to have a more accurate drug and alcohol reading. Of course, the results of a positive drug test alone are not sufficient for prosecution; it must be coupled with evidence of impairment in the rail safety worker, which can be obtained via witness statements. In addition, any immediate positive reading, called a non-negative, must be validated by a confirmatory test.

I note that the bill does have the support of all sides as well as major stakeholders, including the Rail, Tram and Bus Union, the Australasian Railway Association and the Australian Local Government Association. Rail is an important and vital form of transport, but it is unfortunate that in this state it has been diminished through disinterest by successive governments because of various factors, from a mix of rail line gauges to the cost of maintenance.

The government did not think it was worth investing in the Overland train service to Melbourne, which had to be taken up by the Victorians to keep those services operating. It was disappointing to see that Viterra would cease using the rail line on Eyre Peninsula for its grain freight, preferring road transport on highways that currently are not up to scratch for the amount of heavy traffic that will use it.

Also, it has been disappointing to see the abject neglect of our once proud country rail network. In handing over the peppercorn contract for these lines to Genesee & Wyoming, a condition was that they be maintained in the event they were required, with two weeks' notice. That cannot happen when you have infrastructure that has fallen into disrepair, with trees growing through the sleepers.

In other states, they are investing in new and exciting rail projects between cities, while here we languish. Rail carries the economies of our biggest trading partners. They have impressive rail networks and continue to invest in them because they are reliable and efficient. We need to change that thinking in this state. With that, SA-Best supports the amendments proposed and with those words we support the bill.

The Hon. R.I. LUCAS (Treasurer) (12:14): I thank honourable members for their contribution to the debate and for their indication of support.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (12:17): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (RETAILER RELIABILITY OBLIGATION) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (12:18): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is delivering an important national reform, the Retailer Reliability Obligation, which is a mechanism designed to ensure the electricity system operates to reliably meet electricity demand at the lowest cost.

The Retailer Reliability Obligation is designed to incentivise retailers and other market customers to support the reliability of the National Electricity Market through building on their contracting and investment strategies that underwrite investment in dispatchable capacity by encouraging earlier and longer term contracting.

If a forecast supply shortfall is identified, this would trigger an obligation on electricity retailers to demonstrate their contracting can meet their share of peak demand one year in advance.

The status quo is not an option. A number of factors have complicated long-term investment decisions in the National Electricity Market. This initiative will ensure the reliability of the system is maintained at the lowest cost.

The Retailer Reliability Obligation is designed to give confidence to all stakeholders that sufficient dispatchable power will be available when required as the National Electricity Market transitions.

Ensuring that competition is not undermined has been a key consideration in the development of the Retailer Reliability Obligation.

The *National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Bill 2019* seeks to implement the framework for the Retailer Reliability Obligation through amendments to the National Electricity Law, set out in the schedule to the *National Electricity (South Australia) Act 1996*.

The Amendment Bill provides for further regulatory requirements related to the Retailer Reliability Obligation to be set out in the National Electricity Rules. To ensure the complete regulatory package can be commenced at one time, the Amendment Bill provides for the South Australian Minister to make the initial set of National Electricity Rules relating to the Retailer Reliability Obligation. Once the initial set of National Electricity Rules has been made, the Minister will have no power to make any further Rules or Code.

The Amendment Bill provides that a person who is a Registered participant in relation to the activity of purchasing electricity directly through a wholesale exchange is a liable entity for the reliability obligation.

It is intended that an initial set of National Electricity Rules will prescribe where a person who is a Registered participant is not a liable entity as well as prescribe where a person exempted from the requirement to be a Registered participant is a liable entity.

Large electricity customers are not liable entities for the purposes of the Bill, however, flexibility is provided for large electricity customers of a prescribed size to opt-in to managing some or all of their reliability exposure. The initial set of National Electricity Rules will prescribe the annual consumption threshold above which the customer will be eligible to opt-in. It is also intended that the initial set of National Electricity Rules will set out a process for a non-liable person to opt-in to the reliability obligation, including the timeframes, form and process.

A key component of the Retailer Reliability Obligation framework is the determination of whether there are forecast reliability gaps in the future. The Bill requires that each year the Australian Energy Market Operator undertakes forecasting on reliability gaps for future years. It is intended that this function, including the manner, form and timeframes for forecasting information, will be set out in the initial set of National Electricity Rules.

A forecast reliability gap is linked to the National Electricity Market reliability standard. A reliability gap would occur where the forecast reliability in a region in a given financial year would result in the National Electricity Market reliability standard not being met to a material extent.

It is intended that the initial set of National Electricity Rules will establish how the materiality of a gap between the Australian Energy Market Operator's forecast for a region and what is required to meet the National Electricity Market reliability standard is determined.

Australian Energy Market Operator forecasts are over a ten year outlook period, which provides the market with the opportunity to invest to address identified reliability gaps. The Amendment Bill provides for the triggering of the Retailer Reliability Obligation if the Australian Energy Market Operator continues to forecast a material reliability gap three years from the period in which it is forecast to occur. To trigger the Retailer Reliability Obligation, the Australian Energy Market Operator requests a reliability instrument be made by the Australian Energy Regulator.

Importantly, the request to the Australian Energy Regulator will provide information about the forecast reliability gap such as the region in which it is forecast to occur and the gap period. The purpose of triggering the Retailer Reliability Obligation is to put liable entities on notice of the period for which they may be required to hold net contract positions that are sufficient to meet their share of the one-in-two year peak demand forecast for the forecast reliability gap period. The Australian Energy Market Operator request to the Australian Energy Regulator is therefore required to outline the relevant trading intervals during the forecast reliability gap period.

The Retailer Reliability Obligation is triggered if the Australian Energy Regulator decides to make a reliability instrument. One of the key objectives of such a reliability instrument is for the market to have the right signals to contract and invest to minimise the likelihood of the reliability gap occurring.

The Amendment Bill also provides for supplementary provisions related to the triggering of the Retailer Reliability Obligation which are only to apply in South Australia and are made through amendments to the *National Electricity (South Australia) Act 1996*.

In recent years, South Australia has experienced electricity supply events which have not been forecast by the Australian Energy Market Operator three years ahead of their occurrence. The Amendment Bill therefore provides for the South Australian Minister to make a reliability instrument if it appears on reasonable grounds, that there is a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree on one or more occasions during a period.

Generally, the Amendment Bill requires the South Australian Minister to make a reliability instrument three years ahead of the real risk of a disruption. This timeframe would only allow the Retailer Reliability Obligation to contribute to reliability three years after the commencement of the provisions in the Amendment Bill.

This is an unsatisfactory outcome for South Australian consumers which have already experienced electricity supply events in recent years. To address this concern, the Amendment Bill provides for a reliability instrument to be made 15 months ahead of the real risk of a disruption in the transitional years. It is the intention of the South Australian Minister to assess whether there is a real risk of disruption to a significant degree as soon as the provisions in the Amendment Bill are commenced.

If the South Australian Minister intends to make a reliability instrument, the Amendment Bill requires the South Australian Minister to consult with the Australian Energy Market Operator and the Australian Energy Regulator in relation to the instrument the Minister proposes to make.

The intention of this South Australian derogation is to better manage the risk that a reliability gap could emerge at any time across the 10 year forecast period that may not have been forecast by the Australian Energy Market Operator. It will also help manage any risks to maintaining reliability during the transition to the new reliability obligation framework.

Reporting by liable entities associated with the Retailer Reliability Obligation is not triggered unless a material reliability gap continues to be forecast one year out from when it is expected to occur.

The Amendment Bill provides for the Australian Energy Market Operator to request a reliability instrument be made by the Australian Energy Regulator if it continues to forecast a material reliability gap one year from the period in which it is forecast to occur.

If the Australian Energy Regulator makes a reliability instrument, liable entities must ensure that their net contract position for the trading intervals prescribed in the instrument is no less than its share of the one-in-two year peak demand forecast for the forecast reliability gap period. The reliability instrument made by the Australian Energy Regulator will prescribe the date by which liable entities must report their net contract position.

The Amendment Bill defines that qualifying contracts for the reliability obligation are directly related to the purchase or sale of electricity through the wholesale exchange and entered into in order to manage exposure to spot price volatility.

It is intended that the initial set of National Electricity Rules will describe other types of contracts which are qualifying contracts. The intent is to provide flexibility, in the future, to accommodate contracts which meet the policy intent. It is intended the Rules will also prescribe the types of contracts which are not qualifying contracts and establish how a liable entity's net contract position is to be determined.

The compliance regime associated with the Retailer Reliability Obligation is not triggered unless peak demand during a trading interval in the reliability gap period is more than the one-in two year peak demand forecast for the reliability gap period.

The Bill provides for new civil penalty provisions in respect of the Retailer Reliability Obligation with amounts not exceeding (for either a natural person or body corporate) $1 million for a breach relating to a reliability gap period and $10 million for a breach that relates to a second or subsequent reliability gap period.

The Amendment Bill also provides for the Australian Energy Market Operator to be the safety-net procurer of last resort for a region. If the material reliability gap remains one year from the forecast gap, the Australian Energy Market Operator may enter into contracts to secure electricity reserves for the reliability gap period prescribed in the reliability instrument. The National Electricity Rules will provide greater detail about this function.

It is intended that the initial National Electricity Rules will establish a cost-recovery scheme for the Australian Energy Market Operator's procurer of last resort function. The intention of the scheme is to enable the Australian Energy Market Operator to recover the costs incurred in performing its procurer of last resort function from liable entities which have failed to contract sufficiently to cover their share of the one-in-two year peak demand forecast for the reliability gap period.

The Bill caps the procurer of last resort costs which can be recovered from a liable entity at $100 million.

The Bill provides for expansion of the functions and powers of the Australian Energy Regulator in relation to the Retailer Reliability Obligation, including compliance audits by the AER. The Australian Energy Regulator will be required to make procedures and guidelines in respect of compliance with the Retailer Reliability Obligation.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of National Electricity (South Australia) Act 1996

4—Insertion of Part 7A

This clause inserts Part 7A into the *National Electricity (South Australia) Act 1996* (as distinct from the *National Electricity Law* set out in the Schedule to the *National Electricity (South Australia) Act 1996*). New Part 7A proposes modifications of the application of the Retailer Reliability Obligation (set out in Part 2A of the *National Electricity Law*) within South Australia:

Part 7A—Retailer Reliability Obligation—South Australian modifications

19A—Modifications of Law in this jurisdiction—Retailer Reliability Obligation

Section 14I of the *National Electricity Law* is modified so that AEMO must request that the AER consider making a T-1 reliability instrument if the South Australian Minister has made a related T-3 reliability instrument under section 19B of the *National Electricity (South Australia) Act 1996*.

Section 14K of the *National Electricity Law* is modified so that the AER may make a T-1 reliability instrument if the South Australian Minister has made a related T-3 reliability instrument under section 19B of the *National Electricity (South Australia) Act 1996*.

The other modifications of the *National Electricity Law* set out in proposed section 19A are consequential on the above modifications.

19B—State Minister may make T-3 reliability instrument

The South Australian Minister may, by notice in the Gazette, make a related T-3 reliability instrument if it appears to the Minister, on reasonable grounds, that there is a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree on 1 or more occasions during a period specified in the instrument. The Minister must consult with AEMO and the AER in relation to the instrument.

The section also sets out the content that must be included in the instrument, procedural provisions and transitional provisions relating to the Minister making instruments in respect of the first 3 years after the Retailer Reliability Obligation commences.

19C—Regulations

Power to modify by regulation the National Electricity Rules insofar as they apply as part of the law of South Australia is provided for.

Part 3—Amendment of National Electricity Law

5—Amendment of section 2—Definitions

Definitions are amended for the purposes of the measure. In particular, the definition of *civil penalty* is amended to include a breach of a reliability obligation civil penalty provision.

6—Amendment of section 2AA—Meaning of civil penalty provision and conduct provision

Certain provisions of Part 2A are prescribed as civil penalty provisions and another provision is prescribed as a reliability obligation civil penalty provision.

7—Insertion of Part 2A

New Part 2A is inserted:

Part 2A—Retailer Reliability Obligation

Division 1—General

14C—Definitions

Definitions are inserted for the purposes of the Part.

14D—Meaning of liable entity for a region

Entities liable under the Part for a region are set out.

14E—Process for non-liable persons to opt in to reliability obligations

The process for a person who is not liable under the Part to opt in to the reliability obligations for a region is set out (so that the person can assume another person's responsibility for the reliability obligations for the region).

Division 2—Reliability forecasts and instruments

14F—Annual forecast for reliability gaps

AEMO must perform functions related to annual forecasts for reliability gaps.

14G—Meaning of forecast reliability gap, forecast reliability gap period, T-3 cut-off day and T-1 cut-off day

Certain definitions are set out for the purposes of the measure.

14H—Rules must provide timetable for reliability forecasts, requests and instruments

The National Electricity Rules must set out certain matters, including timetables for reliability forecasts, requests and instruments.

14I—AEMO must request reliability instrument

AEMO must request a reliability instrument in certain circumstances and if satisfied of certain matters (the provision applies to both a T-3 reliability instrument and a T-1 reliability instrument).

14J—AEMO may correct request for reliability instrument

This provision is technical.

14K—AER may make reliability instrument for a region

The AER may make reliability instrument for a region in certain circumstances and if satisfied of certain matters (the provision applies to both a T-3 reliability instrument and a T-1 reliability instrument).

14L—Reliability instrument has force of law

This provision is technical.

14M—Failure to comply with consultation obligation does not affect validity

This section provides that a failure by the AER to undertake consultation under the Rules does not invalidate or otherwise affect a reliability instrument.

Division 3—Reliability obligations

14N—Application of Division

This section provides for how Division 3 applies in relation to a T-1 reliability instrument for a forecast reliability gap in a region that applies to liable entities.

14O—Meaning of qualifying contract and net contract position

The terms *qualifying contract* and *net contract position* are defined for the purposes of the Division.

14P—Obligation to report net contract position

Each liable entity is required to give the AER a report about the liable entity's net contract position.

14Q—Adjustment of net contract position after contract position day

Liable entities may adjust their net contract position after the contract position day.

14R—Obligation to have contracted sufficiently for one-in-two year peak demand forecast

A key Retailer Reliability Obligation is set out, namely that if the peak demand is more than the one-in-two year peak demand forecast for the reliability gap period during a stated trading interval in the reliability gap period, a liable entity's net contract position must not be less than the liable entity's share of the one-in-two year peak demand forecast for the trading interval determined in accordance with the Rules.

14S—Obligation to maintain net contract position

The National Electricity Rules may require a liable entity to maintain its net contract position for a certain period.

Division 4—AEMO as procurer of last resort

14T—AEMO may recover costs for procurer of last resort function

The National Electricity Rules may provide for a cost recovery scheme that allows AEMO to recover the costs AEMO incurs as the procurer of last resort for a region.

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

The AER is given the function of implementing and administering the market liquidity obligation in accordance with the Rules.

9—Insertion of Part 3 Division 1C

New Division 1C is inserted into Part 3:

Division 1C—Retailer Reliability Obligation—AER compliance regime

18Z—Definitions

Definitions are inserted for the purposes of the Division.

18ZA—Obligation of AER to monitor compliance

The AER must monitor compliance of regulated entities with the Retailer Reliability Obligation.

18ZB—Obligation of regulated entities to establish arrangements to monitor compliance

A regulated entity must establish policies, systems and procedures to enable it to efficiently and effectively monitor its compliance with the Retailer Reliability Obligation.

18ZC—Obligation of regulated entities to keep records

A regulated entity must keep records for 5 years of its activities in accordance with the section.

18ZD—Obligation of regulated entities to provide information and data about compliance

A regulated entity must give the AER information and data relating to the regulated entity's compliance with the Retailer Reliability Obligation.

18ZE—Compliance audits by AER

The AER may carry out an audit of a regulated entity's activities to assess the regulated entity's compliance with the Retailer Reliability Obligation.

18ZF—Compliance audits by regulated entities

If required by the AER, a regulated entity must carry out an audit of specified aspects of the entity's activities relating to the entity's compliance with the Retailer Reliability Obligation.

18ZG—Carrying out compliance audit

A compliance audit must be carried out in accordance with the Reliability Compliance Procedures and Guidelines.

18ZH—Use of information

The AER may use any information or data given by a regulated entity under section 18ZD or 18ZF, or obtained under 18ZE, for the purposes of any of the functions and powers of the AER under section 15 of the *National Electricity Law*.

18ZI—Reliability Compliance Procedures and Guidelines

The AER must make procedures and guidelines in accordance with the consultation procedure provided for under the Rules.

10—Amendment of section 34—Rule making powers

The provisions in the Law relating to Rule making powers are extended to include any matter or thing related to, or necessary or expedient for, the purposes of the Retailer Reliability Obligation.

11—Insertion of section 67A

New section 67A is inserted:

67A—Conduct in breach of reliability obligation civil penalty provision

A technical provision relating to proceedings for multiple breaches of the reliability obligation civil penalty provision is provided for.

12—Amendment of section 72—Obligations under Rules to make payments

These amendments are consequential.

13—Insertion of section 90EA

New section 90EA is inserted:

90EA—South Australian Minister to make initial Rules relating to Retailer Reliability Obligation

The South Australian Minister may make National Electricity Rules relating to the Retailer Reliability Obligation amendments or on any other subject contemplated by, or consequential on, the Retailer Reliability Obligation amendments.

14—Amendment of Schedule 1—Subject matter for the National Electricity Rules

The list of subject matters for the National Electricity Rules is amended to reflect the measure.

15—Amendment of Schedule 2—Miscellaneous provisions relating to interpretation

A technical provision relating to reliability instruments is provided for.

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

SOUTH AUSTRALIAN PUBLIC HEALTH (EARLY CHILDHOOD SERVICES AND IMMUNISATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 March 2019.)

The Hon. K.J. MAHER (Leader of the Opposition) (12:19): I rise to speak on the South Australian Public Health (Early Childhood Services and Immunisation) Amendment Bill, and indicate that I will be the lead speaker for the opposition. Today, we are not yet debating a no jab no play proposal from the government. It is interesting that those in the government have portrayed this bill as a first step to such a policy, because this legislation falls far short of that.

A real no jab no play policy is as simple as this: children must be age-appropriately immunised on a catch-up program, or exempted for medical reasons, to attend early childhood services. No jab no play has straightforward, important aims: improving immunisation coverage in Australia, reducing pockets of under-immunisation, and ultimately preventing and reducing morbidity and mortality because of vaccine-preventable diseases.

These laws are particularly important for our young people who cannot be vaccinated for medical reasons, to make sure that there is the required herd immunity around them to keep them safe. Eighteen months ago, Labor introduced a real no jab no play bill—a bill that did not shy away from taking a strong stand on protecting South Australian children from preventable diseases. We know that early childhood education is important. Every parent knows that. That is exactly why no jab no play is such an effective tool for ensuring our children are vaccinated.

It sends a message that parents should take vaccine-preventable diseases seriously and learn the facts about just how important it is to ensure their child is up to date with their injections under the National Immunisation Program. Unfortunately, our bill did not pass before the parliament was dissolved prior to the last election. In July 2018, the opposition reintroduced that bill in another place as a private members' bill. Time and again in the nine months since, the government has categorically shut down any debate on that bill.

This is not the first time we have seen the government delay action on immunisation policy. Firstly, they failed to match Labor's plan to introduce free flu jabs for kids ahead of last winter, only committing to a policy after Labor publicly called them to account. They then refused to implement Labor's fully costed plan to introduce free meningococcal B vaccines for kids, using delaying tactics for months, before finally admitting they should get around to implementing this critical reform.

The government is now saying they want to consult on no jab no play before doing anything real about it; however, oddly enough, that consultation has already happened. The former Labor government undertook consultation on the no jab no play in July 2017—almost two years ago. Consultation has already occurred where strong no jab no play laws already in place: New South Wales and Victoria, and from July, Western Australia.

It looks as though the Liberals will attempt to hide behind an unnecessary repetition of this process as a way of avoiding a strong stand on the issue. In reality, all they are doing is delaying an important public health reform and providing a platform for mistruths that those in the anti-vaccination community will spread.

Let us take a moment to reflect on the content of the government's bill before us as it currently stands. This bill requires early childcare providers to ask for the immunisation records of children, and in the event of a outbreak, can require the centre to provide the immunisation records they have to the Chief Public Health Officer. The government has failed to mention that this bill, with just with those standalone amendments, does not do any more than what already happens.

The opposition received confirmation in our briefing with the department that almost all childcare centres already collect immunisation records of their enrolled children. In fact the health department is already able to obtain records of immunisation of children in child care from the national immunisation register. In fact, the health department is not aware of any childcare centre that does not already collect immunisation information, even though that is a central element of the government's bill.

Under public health legislation, the Chief Public Health Officer already has the power to require that unvaccinated children need to stay home in the event of a preventable disease outbreak. And of course, in any event, this is too late. We should be enacting laws that prevent outbreaks, not try to address them afterwards. The opposition asked, given that there was not anything real that was changing, why this bill was necessary and if there was any urgency in enacting it. It became clear from the opposition briefings that there is no reason or urgency for requiring this legislation in its current form.

Without an actual no jab no play effect in the bill, this bill is just a delaying exercise in addressing what the real issue is. The reality is that South Australia has now fallen behind other states, both Labor and Liberal, when it comes to enacting a no jab no play policy in legislation. The Liberal commonwealth government has already taken steps to increase vaccination rates with their no jab no pay reforms, with parents missing out on the family tax benefit and the child care benefit if they do not vaccinate their children.

In fact, it was the then Liberal prime minister Malcolm Turnbull who called on all states to implement thorough no jab no play legislation to ensure that we kept our kids safe. Following that, the former state Labor government did exactly that: we heeded then prime minister Turnbull's call and introduced our bill to the chamber.

The federal government, the Victorian government, the New South Wales government and the Western Australian government know that the truth is that the more we increase our vaccination rate, the better we facilitate herd immunity, meaning that it is harder for preventable diseases to spread. For those children who are not vaccinated for legitimate medical reasons, their vaccinated peers will help protect them from contracting those preventable diseases. We also know that the myths of the anti-vaccination lobby are just not true. We have seen that recently confirmed in a major study that completely dismissed myths about vaccination somehow being linked to autism.

In countries around the world, we have also seen rates of measles—a totally vaccine-preventable disease—on the rise and extreme measures of containment of unvaccinated people having to take place in the United States. We should not be delaying the real issue. We should not

be holding up implementing something in our state that has already been implemented in Victoria and New South Wales and is just about to be implemented in Western Australia.

We on this side are not buying what the anti-vaccination movement are selling. That is why Labor is going to try to fix this bill and actually enact some real change. The opposition will be introducing amendments that make this current bill a proper no jab no play law. Those amendments are consistent with legislation the former Labor government has introduced and are consistent with what is occurring right around Australia. We have an opportunity to strengthen this legislation to introduce a real no jab no play law that keeps kids safe, rather than perpetually delaying action on this issue. I commend to the chamber the amendments that will actually make this bill have some effect.

The Hon. C. BONAROS (12:27): I rise to speak on behalf of SA-Best in support of the second reading of the South Australian Public Health (Early Childhood Services and Immunisation) Amendment Bill 2019, which the government has stated is the first of two no jab no play bills that will be introduced to parliament. The bill before us encapsulates the first phase of the government's no jab no play policy, which aims to improve the ability to prevent and control outbreaks of vaccine-preventable diseases in early childhood services.

Most other states have the ability to exclude unimmunised children from an early childhood service when an outbreak is occurring. New South Wales, Victoria and Queensland have already enacted no jab no play legislation. Both New South Wales and Victoria require parents or caregivers to provide evidence that a child is fully vaccinated for age prior to enrolment in early childhood programs. Queensland legislation permits early childhood education and care services discretion regarding whether or not they will allow attendance of an unvaccinated or undervaccinated child.

Western Australia has recently commenced regulations to require caregivers to provide their child's Australian Immunisation Register statement upon enrolment in child care, kindergarten and school. This is the first step of Western Australia's proposed three-part process. The second part, which will require children to be fully vaccinated for age to be eligible for enrolment in child care and kindergarten, is currently undergoing consultation. The third part of the proposal will involve policy initiatives aimed at improving childhood vaccination coverage.

The Marshall government has stated that the second tranche of South Australian legislation will be introduced after public consultation and that it will deal with children being appropriately immunised in an immunisation catch-up program, or being exempt for medical reasons, in order to enrol in child care.

To that end, the government has committed to releasing a discussion paper on the matter shortly. Of course, there was, as we have heard, an earlier bill in the previous parliament, introduced on 27 September 2017 in this chamber by the then minister for health, Peter Malinauskas, which included both the catch-up program provisions and the provisions dealing with the containment of outbreaks of vaccine-preventable diseases.

That bill, as we know, was never debated and lapsed when parliament was prorogued. The former Labor government's bill was subsequently reintroduced in identical terms to its predecessor by the shadow minister for health, the Hon. Chris Picton, in the other place last year, where it has remained without debate since its introduction. The government has stated that the rationale for the carve-out of the immunisation catch-up program provisions—something we will deal with during the committee stage of the debate—in the bill before us is because of concerns raised by, as I understand it, the Royal College of Physicians.

The college has, according to the government and to advice I have received, highlighted the importance of affordable and accessible early childhood education, and consequently is concerned about children missing out on early education because they are not immunised. I hope the minister is open to tabling any correspondence from the royal college to that effect, or any other information he is able to provide.

In addition to the carve-out of the catch-up program provisions, the government has also reduced the penalty for persons contravening section 96E, under the bill, which deals with exemptions from $30,000, as expressed in the previous Labor iteration of the bill, down to $2,500, and I would also be keen to hear the rationale for doing so. Labor has filed, as we know, amendments

to reinstate the catch-up program provisions and to increase the aforementioned penalty to $30,000, as is the case in its bill.

I will have a number of questions at the committee stage of the bill, dealing with a number of issues centred around this bill, and I look forward to the responses that I hope to receive from both the government and the opposition, and the arguments surrounding their respective positions on the amendments recently filed.

It is important to note that this bill follows on from the federal government's no jab no pay bill, erroneously referred to by the minister in his second reading speech on this bill as no jab no play back in 2015. The no jab no pay bill was the federal government's attempt at improving vaccination coverage in Australia, by targeting parents in receipt of the Family Tax Benefit Part A supplement, with the effect that parents would no longer receive the supplement if they did not vaccinate their children.

As the mother of a toddler, I cannot emphasise enough the importance of immunising children against vaccine-preventable diseases to protect not only our own children but other children and some of the most vulnerable in our community, like pregnant women, the elderly and those whose immune systems are compromised. If I can say anything, it is probably that I took steps to, perhaps, overimmunise my own son to ensure that not only were we up to date with our immunisations but that we had any additional immunisations that were appropriate, given his age, because it is something in which I believe strongly.

What is happening in the United States and in the Eastern States of Australia should send a chill down the spines of parents in South Australia. Measles were declared eliminated in the US in 2000, but scattered outbreaks have occurred in recent years. As at the end of March, 314 individual cases were confirmed in 15 states alone. That is in just the first three months of 2019. New York has been particularly hard hit, with 153 confirmed cases in suburban Rockland County, which has taken the drastic and unprecedented step of declaring a state of emergency that bars children and adolescents who are not vaccinated against measles from public places: banning children from public places—playgrounds and shopping malls. What have we come to?

In England, there was a tripling of measles cases recorded between January and October last year, with 913 infections compared with 259 for the whole of 2017. The head of the UK's National Health Service, Simon Stevens, has blamed the increase on anti-vaxers and their proliferation on social media. Similarly, the number of measles infections across Europe tripled to 82,500 in 2018, compared to the previous year. The New South Wales health department has just issued its 15th measles warning for the year. Sadly, an eight month old and an 11 month old—too young for the vaccine, with the first dose ordered for around 12 months of age—have recently contracted the disease from public areas.

Measles, as we know, is highly contagious and can live for around two hours on surfaces after an infected person has left the area. Measles can cause deafness and encephalitis that in turn can cause brain damage. Ultimately, and in the worst-case scenario, measles can lead to death. The decision to leave a child unvaccinated is not just a threat to them individually but also the so-called herd immunity, the resistance among any given population to a disease. Because measles is so contagious, between 93 per cent and 95 per cent of people in a community need to be vaccinated to achieve herd immunity.

Sadly, the spectre of British doctor Andrew Wakefield, drummed out of the British medical profession for his 1998 paper that made a link between the MMR (measles, mumps and rubella) vaccine and autism, still looms large over the vaccine info wars. The publication of a major study last month revealed no link between autism and the MMR vaccine, which protects not only against measles but also mumps and rubella.

The Statens Serum Institut looked at all Danish children born between 1999 and 2010, more than half a million in total. The Danish study shows the MMR vaccine does not increase the risk of autism or trigger autism in susceptible children and is not linked with clustering of autism cases following vaccination, further enforcing what the medical community has long been saying about preventative shots.

The fear is that myths spread by anti-vaxers over decades means that the conspiracy around MMR will be impossible to defeat. I appreciate that this is an extremely divisive and contentious argument. However, the media has also reported this week that the anti-vaxer movement is now targeting our four-legged friends, making astounding claims that vaccinating your pet pooch will give them autism, which is simply outrageous because, for one, we know that our four-legged pooches cannot develop autism.

In just a few taps on Instagram you will find yourself deep in the realm of anti-vax conspiracies, with hashtags like #vaccineskill. People are being bamboozled and misled. For parents, and for parents like me, it is becoming increasingly difficult to distinguish between fact and fiction. Last month, Facebook agreed to ban adverts with anti-vaccination content, while Instagram says it will also introduce controls. It is also incumbent upon governments and upon us as legislators to do what we can to correct the damage done and protect innocent lives.

The Department for Health and the medical community also need to cut through the fake news with evidence-based, easy to understand health advice for parents. I make no apology personally for supporting the vaccination of children and policies like the no jab no play policy; I support it wholeheartedly. That said, however, I fully accept and indeed expect that there will always be exceptions. We need to ensure that we provide appropriate exemptions for those who fall within those exceptions, especially where they are based on medical grounds or other similar and important grounds. With those words, I am pleased to be supporting the second reading of this bill.

The Hon. T.A. FRANKS (12:39): I rise on behalf of the Greens to support this bill. I note that a previous incarnation in a different form came before this council but never reached a vote. The Hon. Connie Bonaros has summed up many of the arguments that I would echo today. The area of vaccination is something that has become highly charged, and much of the information is often not based on fact. It is often used as a political football, however, where people raise concerns on public health grounds that we get the legislation right.

The Greens absolutely support improving and increasing our vaccination rights. We absolutely acknowledge that vaccination works. However, when we are talking about public health measures, public health should be what guides the debate and not dramatic polemics. I note the words of the Royal Australasian College of Physicians, who have highlighted the importance of affordable and accessible early childhood education and their concerns that lack of access to early childhood education is highly detrimental to those children, should it impact on them. The Greens are not supportive of punishing the child for the parent's behaviour. We are also highly cognisant of the social determinants of health, which include access to education.

I note further that the SA Child Development Council has provided in principle support for the measures, which focus on improving the immunisation coverage rate, recognising the complexities of the issues around no jab no play legislation and the potential impacts on the human rights of a child's right to both health and education. They have cautioned against a blunt tool being used as a policy instrument, which might violate some of the core principles of the United Nations Convention on the Rights of the Child.

I echo some of those concerns. On the previous incarnation of the Weatherill government's bill, I raised in briefings questions around the impact on child protection of that blunt instrument. I was told in those briefings that the government of the day, the previous Labor government, had not considered child protection implications. I echo again my concerns that, in order to effect a public health measure where we are punishing the parents, it is not the child who should be punished. The child has that right to education and to access early childhood services.

So I think we can come through this parliament with a debate, I hope, that moves away from the polemics around vaxers and anti-vaxers. I put on record a personal observation as well, not of my child, who is fully up to date—indeed, my arm hurts at the moment because I have just had the flu jab in the last hour, as most members of this council have—but my uncle, who died early because he contracted polio back when polio was, of course, much more common in our society. Polio has been largely eradicated, but my uncle suffered his entire life. His access to a full life was impeded by that polio. My grandmother, similarly, was part of advancing education around those who had had polio and their rights and opportunities.

I am firmly pro-vaccination. I understand the public health outcomes, but I am also very cautious when it comes to punishing children as a public health measure and restricting their rights to full participation in our society. I think the first stage of this bill is a very welcome measure, and I look forward to appropriate consultation. There will be the polemics, there will be the hysteria, but I would hope that this council, with the information that we will gain as that second range of consultation is undertaken, will actually be able to make informed decisions in this place based on public health information, not on political games.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (12:44): If there are no other further contributions, I would happy be happy to sum up the debate. I thank the Hon. Kyam Maher, the Hon. Connie Bonaros and the Hon. Tammy Franks for their contributions. If it is not inappropriate, I would just reflect on what I think is the maturity of this council. Yesterday, we discussed euthanasia in a very rational, respectful way. Today, we have affirmed that all the major groups in this parliament support vaccination.

Certainly in the past, I can recall this parliament having people who were very sceptical about measures such as immunisation, and I think it is a strong statement today that all of the major groups in this parliament are reaffirming their commitment to immunisation and, if you like, taking a stand against the anti-vax movement.

I certainly take the point that the Hon. Connie Bonaros made in terms of the responsibility of SA Health and public health authorities to give the community the information they need to stand against misinformation. It is true in relation to immunisation; it is true in so many other areas. We have to find a way of people having a trusted channel of information and make sure that we rigorously defend it. Even when, shall we say, it might be convenient for politicians to present information, public health clinicians need to be able to provide information so that the community can look after its own health. Again, let me celebrate the fact that I am delighted, as Minister for Health and Wellbeing, that this parliament stands committed against the anti-vax movement and to immunisation.

I will perhaps just pick up on a few points that were made in the second reading speeches. The Hon. Connie Bonaros asked me to table the letter from the Royal Australasian College of Physicians. I am more than happy to do that. I might give a footnote to it. The recommendation that they made to the government was that:

> States and Territories in Australia with 'No Jab, No Play' policies urgently commission independent reviews of the effect of 'No Jab, No Play' on equity of access to early childhood education.

and secondly:

> South Australia and other States and Territories do not implement 'No Jab, No Play' policies until reviews have been undertaken and published.

In that context, I made inquiries of those other three jurisdictions: Queensland, New South Wales and Victoria. I was informed that the Queensland jurisdiction was indeed undertaking a review, and I spoke to the Queensland minister and was able to learn of the outcomes of that review. It basically indicated that the Queensland early childhood sector was supportive of the legislation. I also made inquiries in relation to the other two jurisdictions, and my understanding is that New South Wales and Victoria are not planning reviews in the foreseeable future. I think one of the jurisdictions is planning a review next year, but we are not intending to wait for that.

In the context of that response, the government has decided to do a two-stage approach in terms of introducing a public health measure bill, which is this one, and introducing an enrolment bill, which is the second part of the no jab no play. In that regard, it is remarkably similar to the approach being taken by Western Australia. Earlier this year, the Western Australian Labor government strengthened its public health outbreak laws, and they are, as we speak, as the Hon. Connie Bonaros mentioned, undertaking a consultation.

In terms of the Hon. Connie Bonaros's comments about why the government bill has a $2,500 fine versus the $30,000 fine, it was in the context of the two-stage approach. In the context of an outbreak response, we thought a $2,500 maximum fine was appropriate. Of course, if we were going to an enrolment approach, it may well be appropriate to increase the fine.

In terms of the contribution by the Hon. Tammy Franks, I think the Hon. Tammy Franks very persuasively put the need to make sure that we have a model that is designed for South Australian circumstances and that makes the best interests of the child paramount. As the honourable member highlights, this legislation raises issues in child protection and it raises issues in relation to education. In that context, I would remind honourable members that none of the Australian models are the same.

One thing I think is quite distinctive about the Victorian legislation is how broad their exemptions are. The Hon. Connie Bonaros mentioned that she was keen for exemptions to be medically focused. The Victorian legislation I think has quite broad exemptions—for example, if the child is descended from an Aborigine or Torres Strait Islander; if the child is in the care of a parent who is the holder of a Health Care Card, a Pensioner Concession Card, Gold Card or White Card; or if the child was a child of a multiple birth.

There are a range of issues I think we need to consider, like what I think the Hon. Tammy Franks would call the public health drivers but also medical exemptions and the issues in terms of other social disadvantage. I acknowledge the Hon. Tammy Franks quite rightly used the words 'social determinants of health'. I suppose many of those do relate to social determinants of health. We need to make sure that we act in the best interests of children, primarily through maximising the immunisation coverage, but do so without a blunt instrument and instead use the best possible instrument to provide positive outcomes for children. I seek leave to table a letter from the Royal Australasian College of Physicians, dated 19 October.

Leave granted.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: A question for the government: from the government's research, what proportion of childcare centres already take steps to collect immunisation records?

The Hon. S.G. WADE: We understand it is around 98.

The Hon. K.J. MAHER: Currently, can the Chief Public Health Officer require childcare centres to provide immunisation records?

The Hon. S.G. WADE: I think the issue here is not just the provision of information but the provision in a timely way. When an outbreak of a vaccine-preventable notifiable condition occurs in an early childhood centre, the services are asked by staff of the Communicable Disease Control Branch of SA Health to provide a list of children and staff who attend the service and their vaccination status. Most services currently comply with this request although not always in a timely fashion. The proposed legislation will improve timeliness and require services to comply. I would remind the honourable member that this element was in the 2017 bill.

The Hon. K.J. MAHER: I thank the minister for his response. Just so I am clear, I think the answer was that there is currently provision for the Chief Public Health Officer to require immunisation records to be provided; is that correct?

The Hon. S.G. WADE: Only when there is a notifiable condition that has been reported. This legislation does not wait for that: it requires records to be kept in anticipation of them being needed.

The Hon. K.J. MAHER: As it currently stands, can the Chief Public Health Officer exclude unvaccinated children from attending child care in the event of a preventable disease outbreak?

The Hon. S.G. WADE: This provision was in the 2017 Weatherill bill. The Chief Public Health Officer can currently exclude a child from an early childhood service if he or she has reasonable grounds to believe a person has, or has been exposed to, a controlled notifiable condition, and that a public health order is reasonably required in the interests of public health and that urgent action is required in the circumstances of the particular case.

The Hon. K.J. MAHER: In summarising—and I think this is correct, as the minister has explained—currently, 98 per cent of childcare centres already collect immunisation information and the Chief Public Health Officer can require a childcare centre to provide them, and the Chief Public Health Officer can then exclude unvaccinated children in the event of a preventable disease outbreak. So what are the actual new powers of the bill for the Chief Public Health Officer as a result?

The Hon. S.G. WADE: I think it is important to stress that the bill relates to vaccine-preventable diseases. The current powers relate to controlled notifiable conditions. Not all vaccine-preventable diseases are controlled notifiable conditions.

The Hon. K.J. MAHER: Can the minister give an example of some of those that he is talking about?

The Hon. S.G. WADE: If the Chair would prefer, we can take that question and bring back the answer when we next resume.

The CHAIR: Yes.

Progress reported; committee to sit again.

Sitting suspended from 12:58 to 14:15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas), for the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

Reports, 2017-18—
- Adelaide Hills Wine Industry Fund
- Apiary Industry Fund
- Barossa Wine Industry Fund
- Cattle Industry Fund
- Citrus Growers Fund
- Clare Valley Wine Industry Fund
- Eyre Peninsula Grain Growers Rail Fund
- Grain Industry Fund
- Grain Industry Research and Development Fund
- Langhorne Creek Wine Industry Fund
- McLaren Vale Wine Industry Fund
- Pig Industry Fund
- Riverland Wine Industry Fund
- Sheep Industry Fund

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

Pilot Visiting Program and Review of Records for the Adelaide Youth Training Centre Final Report dated February 2019

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

Review of the performance of South Australian health systems, the health of South Australians and changes in health outcomes Report dated 2015-18

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

Question Time

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): My questions are to the Minister for Human Services:

1. Is the minister aware that the Northern Territory government was able to negotiate a federal contribution of $550 million over five years for remote Indigenous housing, compared to the one-off $37.5 million being provided to South Australia?

2. Is the minister aware of any further detail regarding the $37.5 million? In particular, is there a requirement for matched state funding, and is the funding for the current financial year?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:19): I thank the honourable member for his question. As the Treasurer stated in a response to a similar question in the last sitting week, the commonwealth may have published that they believe this is a final payment, but it is the South Australian government's view that the obligation is ongoing. Similarly to the Western Australian government, we reserve the right to come back to seek more funding.

As the honourable member would be aware, in the 2019 federal budget there was an allocation of $37.5 million to South Australia to be released in this current financial year (2018-19) for remote housing. This is expected to be released in full to the state in coming weeks. The state government is supporting this investment by providing matched funding of $37.5 million over a period of five years.

This is the first time the South Australian government has matched the commonwealth commitment in this space. Now that funding has been secured, we will prioritise conversations with stakeholders, particularly the community, businesses and service providers, about how to maximise the outcomes that this can provide for Aboriginal people in the most remote regions of South Australia.

Previous investment was significant. Over 10 years it provided new houses, replaced houses and upgraded existing homes. The investment also reformed how families are supported and how housing was managed and maintained in remote communities. While it is essential that we maintain these reforms and our investment already made in communities and assets, we also need to work more closely with communities about where to prioritise future investment.

As part of our commitment to improving housing outcomes for Aboriginal people, an Aboriginal housing strategy has been developed by the South Australian Housing Authority in partnership with Aboriginal leaders from across South Australia. The strategy will drive how we deliver services to support families in remote Aboriginal communities and how we invest in housing. It will also need to draw upon what evidence we have already documented, such as the Remote Housing Review, which told us that there is a need for housing in remote communities and also a need to improve community governance and voice. This will be central to the strategy.

Partnering with Aboriginal people and giving them back their voice in the housing system is a priority for the board. To support a high level of engagement in the strategy, the South Australian Housing Trust Board has established an Aboriginal advisory committee. This committee will be led by Aboriginal leaders and experts in human services and delivery of services to Aboriginal communities. We will be engaging with relevant communities on how best to utilise funding.

As part of my visit to the APY lands in May, I will also be having discussions with people from the local communities as a first stage in what will be a comprehensive engagement about Aboriginal housing. In terms of current services, a 2018-19 property and tenancy management budget has been approved from savings accrued under the national partnership agreement and its successor. This budget allocation in new investment ensures that there is no reduction in the services to remote communities.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary arising from the answer: is the minister aware of any audits that have already been undertaken in relation to what the needs are in South Australia for remote Aboriginal housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): There have certainly been examinations of what assets are there and what needs to be done. Certainly, the report that I referred to is an assessment, Australia-wide, of the previous program and its success and otherwise. From my memory of reading that report, South Australia had been relatively successful in producing new builds and had relatively good value for money. What that report also stated was that a change in program priorities throughout the administration of the program had led to problems. So there is that report, which I understand is publicly available.

In terms of the Housing Authority itself, when I met with officials this week they were certainly trying to ensure that we at least have an asset register. I think it's fair to say—and I have said this in relation to housing, the community and public housing sector generally in South Australia—that we did inherit a complete mess in terms of housing. We didn't have audits of our other stock, of the South Australian Housing Trust stock. There had been no condition asset report done since 2003. That is something that the Auditor-General has picked up on in the past, and it is something that we have been working towards.

My understanding is that the Housing Authority has been working towards ensuring that we know what assets we have and what condition they are in because that gives us some baseline information. Clearly, the community consultation will be vitally important going forward.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Is the minister aware if, under the NPARIH agreement, an audit was undertaken, what level of overcrowding that showed in remote Aboriginal housing and what number of new builds that audit suggested there needed to be for this state?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): I have seen some of those figures—I think it might have been in the report I was referring to, but I do not have the figures in front of me at the moment.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary arising from the original answer: the figure of $37.5 million that the minister spoke about being the matched state contribution, can she inform the house whether that is solely for remote Aboriginal housing or is that for Aboriginal housing generally?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): It will depend on the conditions of the commonwealth agreement, so we are yet to receive those. We will be able to provide more details as they become available.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary arising from the original answer: I think that the minister seemed to indicate that there is not an agreement reached yet and that the figure in the federal budget papers of $37.5 million, as a one-off payment for South Australia assuming responsibility, was still contested in that South Australia does not necessarily assume full responsibility. Is this money coming to South Australia no matter what?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): As the honourable Treasurer would know, and as he stated in the last sitting week, it is about seeing the colour of their money, but in this sense, the fact that it has been published in the budget, we have been informed through housing that it is on its way. I cannot give an exact date for that yet, but what we do not agree with the commonwealth about in the future is that, at the expiry of the five years, they are off the hook, so to speak.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary for the sake of clarification: is the minister guaranteeing that there will be this money from the commonwealth, regardless of what is actually signed in any agreement?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): I can only restate that it has been in the budget papers. There has been an exchange of letters between our state Treasurer and the Minister for Finance.

The Hon. K.J. Maher interjecting:

The Hon. J.M.A. LENSINK: No—sorry, I had to check that detail with the Treasurer, but those letters have been signed, it is in the budget and I would be very surprised if that money is not made available.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary: the minister said there would be matched funding. Where in the South Australian budget papers does one find this matched funding that she speaks of?

The Hon. R.I. LUCAS (Treasurer) (14:27): If I could just answer that, it will be in the budget papers. It is currently held in contingency on the basis of trying to negotiate an agreement, but in the June budget it will be outlined clearly.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary arising from the original answer: with only $37.5 million from the commonwealth and $37.5 million from the state government, can the minister guarantee that there will be any new builds and that this money will not be spent solely on maintenance?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): I thank the member for that supplementary question. It is my understanding that without this money we were unable to do further capital builds, so that is certainly part of the suite of improvements we are hoping to make into the future.

REMOTE ABORIGINAL HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Final supplementary: has the minister had discussions with her Premier today in relation to remote Aboriginal housing and associated issues?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): I have not spoken to the Premier—I did speak to him in cabinet this morning, but not individually. We had time for our usual meeting, but I don't think I did have the opportunity to speak to him about it, but we are obviously very pleased that the funding has been made available. It is something we have all been very anxious to ensure that we were receiving. We are very pleased that, for the first time, the South Australian government has matched commonwealth funding, so this is something that should be celebrated.

REMOTE ABORIGINAL HOUSING

The Hon. I.K. HUNTER (14:29): Supplementary question based on the original answer: will the minister advise whether the $37.5 million provided by the commonwealth was contingent on the state matching that funding?

The Hon. R.I. LUCAS (Treasurer) (14:29): As I have indicated before in relation to the negotiations, the discussions with the commonwealth reached a stage where they made us an offer, and I am not going to go into all the detail. I put on the public record that we rejected that particular offer, and we left it. I think I placed on the record that the federal government, through the Minister for Finance's office, I think it was, came back only very recently with a changed position, and we have subsequently negotiated.

All the discussions that have been going on at officer level have been on an understanding of matching funding from state and federal governments in relation to the situation. That was the nature of the discussions. As I have placed on the public record, there had then been a change in negotiation position from the federal government. We rejected that position, and said we would not sign an agreement. Subsequently, there was another changed position from the federal government, and there's been an exchange of letters. I am absolutely confident, from the discussions Treasury

officers have had in recent days with commonwealth officers, that the $37.5 million will be paid to the state in this financial year.

The PRESIDENT: The Hon. Mr Hunter, another supplementary?

REMOTE ABORIGINAL HOUSING

The Hon. I.K. HUNTER (14:31): Well, for some clarity, sir. With respect, that didn't answer my question. My question went to this: was the provision of the $37.5 million from the commonwealth for remote Aboriginal housing only going to be made available if the state matched the funding?

The Hon. R.I. LUCAS (Treasurer) (14:31): I have given the member the answer to the question that I propose to give.

The Hon. I.K. Hunter: That's not the answer.

The Hon. R.I. LUCAS: Well, that's the answer I am giving, and he will have to be satisfied with it. All of the discussions—

The Hon. I.K. Hunter: You weren't going to get the money unless you coughed up $37.5 million.

The Hon. R.I. LUCAS: That's your view.

The Hon. I.K. Hunter: Why won't you tell us?

The Hon. R.I. LUCAS: That's your view.

The Hon. I.K. Hunter: Why won't you tell us, Rob?

The Hon. R.I. LUCAS: I am proposing to put on the record what I put on the record. That is—

The Hon. I.K. Hunter: You're in parliament; you're accountable to parliament. Tell us: is that what the commonwealth put on the table?

The Hon. R.I. LUCAS: I am accountable. I have just given you the answer I am going to give you. Mr President—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! Allow the member to answer your own question, the Hon. Mr Hunter.

The Hon. I.K. Hunter: He's not answering the question, sir; he's dodging it. Why?

The Hon. R.I. LUCAS: Mr President, all of the negotiations—

The Hon. I.K. Hunter: What's behind the dodge? What are you hiding?

The Hon. R.I. LUCAS: Have you quite finished?

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Allow the Treasurer to answer your question, the Hon. Mr Hunter.

The Hon. R.I. LUCAS: Keep going.

The Hon. I.K. Hunter: Give us the answer. Tell us.

The Hon. R.I. LUCAS: I am happy to stand here for as long as you want to keep—

The Hon. I.K. Hunter: Did they say $37.5 million, or no deal?

The PRESIDENT: This is not a time for a private conversation. Sit down, Treasurer. You are trying my patience. The Hon. Ms Scriven.

DISABILITY TRANSPORT SERVICES

The Hon. C.M. SCRIVEN (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability transport services.

Leave granted.

The Hon. C.M. SCRIVEN: Prior to the rollout of the National Disability Insurance Scheme, South Australians living with disability in group accommodation could access essential day options programs, attend work and socialise with friends and family through both state and NGO-operated shared bus services. The NDIS arrangement under the bilateral agreement means services, including transport, are now funded individually. While we are still waiting for thousands to transition, there are some immediate crisis situations regarding transport arrangements.

For clients of group accommodation, the annual transport subsidy under the NDIS is on average around $2,472 per year. Given that clients on the NDIS are unable to use transport funding to purchase a vehicle, either individually or as a group, their only option is to contribute towards running costs. Many group homes are now left without shared transport arrangements from either state government fleet buses or provider-operated buses, as the paltry figure under the NDIS of $2,472, even when combined amongst clients, is not enough to sustain a year's worth of travel.

My question to the minister is: what is the minister doing to ensure South Australians living in group homes, who previously had shared transport provided through the state government and/or through block funding, can still access day option programs, work and social encounters with regularity and ease?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I thank the honourable member for her question. I think they are actually the same questions that she asked me a couple of days ago, so I can only repeat the response that the cashing out of transport arrangements is something that her former government agreed to.

The issue of the levels of transport provided to people through NDIS plans is something that we are still working to resolve, as a national problem, with the NDIA through the various groups and through my colleague the Hon. Stephan Knoll. We will continue to lobby that this is a national matter that we are well aware of, and we are working to ensure that those levels of transport subsidies are improved.

I also mentioned in a previous response a couple of weeks ago, I think, that people can access transport not just through their particular transport subsidy in their NDIS plan but also through some of their personalised funding arrangements. The arrangements are not as the honourable member would like to outline, and I have already responded in terms of the work that we are doing to ensure that this matter is rectified.

DISABILITY TRANSPORT SERVICES

The Hon. C.M. SCRIVEN (14:35): Now that group home bus services have dwindled under the Marshall Liberal government, what is the status of those vehicles? Specifically, how many vehicles did the state government use in this capacity, how many do they use now and what is their intended use into the future?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): The honourable member didn't specify whether she was talking about non-government services or whether they were government services. My understanding is that, if they are government-run group homes, any of the fleet vehicles continue to be able to be used, because, while those clients are transitioning to the NDIS, they remain under in-kind arrangements and so those situations continue as long as the in-kind funding is in place.

DISABILITY TRANSPORT SERVICES

The Hon. C.M. SCRIVEN (14:36): I have a further supplementary. Thank you for that answer in regard to government-funded vehicles. What representations, if any, has the minister made to the non-government sector regarding their group home bus services?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): The resolution of this issue falls within the actions that I have already outlined in terms of this being a national matter that we are seeking to resolve through national means. On the matter of transport buses, I understand, there aren't actually fleet buses with the non-government sector.

DISABILITY TRANSPORT SERVICES

The Hon. C.M. SCRIVEN (14:37): A further supplementary: how many vehicles did the government previously support through block funding? How many services have ceased now that block funding has fallen away?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): I am not sure whether—because particularly if the honourable member is talking about non-government services, we don't keep those sorts of details. They are essentially private organisations. The decisions that they make about how to allocate funding is not something that we are involved in the day-to-day management of, in that sense.

DISABILITY TRANSPORT SERVICES

The Hon. C.M. SCRIVEN (14:37): A further supplementary: the minister has put on the record previously that she is not the minister for the NDIS. Is the minister the minister for supporting and advocating on behalf of South Australians with a disability? If so, when will the minister start conducting herself as such?

The PRESIDENT: I am going to rule that supplementary out of order. That is not arising out of the original answer. I am giving the call to the Hon. Ms Bourke.

HEALTH WORKFORCE

The Hon. E.S. BOURKE (14:38): My question is to the Minister for Health and Wellbeing. Under the minister's health governance reforms, will the powers for employment of staff sit centrally or sit with the local hospital network boards themselves?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:38): This is an industrial relations matter. In consultation with the Treasurer, it has been determined that the employing authority will continue to be the chief executive officer of the Department for Health and Wellbeing, with delegations—delegations that will support the maximum autonomy of boards to run their hospitals. But it is very important that we both balance the autonomy of the local health networks and the responsibility of the government to maintain an orderly industrial relations and employment policy framework.

HEALTH WORKFORCE

The Hon. E.S. BOURKE (14:39): Supplementary arising from the answer: have any of the new local hospital network governing board chairs raised concerns with the government regarding not controlling employment of their staff?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): Of course there is a diversity of views amongst people in relation to policies, but it is the government that sets its own policies.

HEALTH WORKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): Further supplementary: is the Minister for Health aware if a number of the local health networks are seeking a delegation to meet with the Treasurer, being not at all pleased with the decisions the health minister has made?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): If the honourable member wants to ask questions about the Treasurer's diary, I suggest he ask the Treasurer.

MOTOR ACCIDENT COMMISSION

The Hon. T.J. STEPHENS (14:40): My question is to the Treasurer. Can the Treasurer outline the government's policy on future road safety campaigns, given the former government's decision to privatise the Motor Accident Commission?

The Hon. R.I. LUCAS (Treasurer) (14:40): I thank the member for the question, because I think it is an important one. It has attracted some media publicity in recent times, and I do want to place on the public record, clearly and unequivocally, the government's position. There was some

recent media publicity when one of the morning presenters on FIVEaa, based on some discussions with the Motor Accident Commission, said:

> MAC is clearly of the view that there is a link between its inability to provide any kind of messaging around road safety and the fact that the rate of deaths and injuries on the road has gone up so much. We received this reply when we asked someone from the MAC to come on:
>
> > 'Sorry, we won't be available to make media comment. Since the Government's decision late last year that MAC would cease its road-safety responsibilities on June 30, 2018 and ultimately shut down, we have not provided any media comment since December last year, with those requests being referred to SAPOL or the Minister. It is disappointing, particularly as it is the removal of a constant road-safety voice and given during this time the road toll has sadly risen, but unfortunately the decision is out of our control.'

This is the end result of the former government's decision to privatise MAC, but putting that to the side, the government has given a clear and unequivocal commitment that all of the existing budget of money that MAC spends on advertising communications, including social media, together with sponsorship and partnerships programs, will be guaranteed into the future. I have given that commitment as the Treasurer and, whilst it will be transferred to South Australia Police and to the road safety sections and associated sections within the planning, transport and infrastructure department, that is a guarantee that the government has given and the Motor Accident Commission is aware of it.

I am disappointed at the comments that I have seen reported from someone within the Motor Accident Commission. We acknowledge that there are some who are unhappy, firstly with the former government's decision to privatise the Motor Accident Commission, and secondly with the fact that the Motor Accident Commission won't continue as a body post the full privatisation commencing on 1 July.

It is correct—and I quote from some recent board papers—that fatalities in the first couple of months this year have been higher than last year in particular. I think there have been 25 fatalities year to date in 2019, compared with 16 in 2018. I note from the same board papers that the serious injuries in that same period, up to 15 March 2019, have actually declined compared to the previous year—113 compared to 137 serious injuries—and that the third measure of road accidents and road safety, which is the number of casualties, has essentially stayed much the same: 1,304 casualties reported and in the previous year, 1,312 casualties reported. Yes, fatalities, very concerningly, have increased, but serious injuries have declined significantly and casualties have stayed about the same.

I do want to place on the public record that, as I said, there is a guarantee that ongoing funding will continue for the road safety message. The Motor Accident Commission has been told two things: one is that we are interested in portraying road safety messages. For example, the MAC Footy Express, which was actually advertising MAC, had to become a road safety message. A number of road safety messages were considered and it eventually became the Game Changer Footy Express, which is consistent with the road safety message that the MAC and others have used with football and others associated with Adelaide Oval.

What we have also indicated is that, on every occasion in the past where MAC may well have been—and this will have to be the case after 1 July as well—involved in terms of press statements or releasing an advertising campaign, either the police or the minister for road safety should be so advised and is able to be part of that road safety message. I congratulate the MAC and the RAA, who had a major road safety message down at the Entertainment Centre earlier this week, with 8,000 senior secondary students at the Entertainment Centre, as well as the minister, SAPOL and everyone, as I understand it, who was associated with that.

Finally, in terms of ongoing messaging in the future, there will be a coordinated group with South Australia Police, who clearly have a very significant role in terms of road safety, and the road safety people within Planning, Transport and Infrastructure working together on a coordinated campaign message for the whole of government.

Finally, the other message is that we have guaranteed not only the quantum of funding, as I indicated earlier, going forward but the partnerships and sponsorships that currently exist have been locked in for 2019-20. The Motor Accident Commission made decisions about changing partnerships and sponsorships as an entity in the past; that is, they might decide to not continue a particular

program and to fund another program in its place. The quantum of funding has been guaranteed but, as the MAC had in the past, it may well be in the future that this particular road safety coordinating group may well decide that post 2019-20 some particular programs might be funded and others might not be, but the quantum of funding going into partnerships and sponsorships will be guaranteed.

In concluding, I unequivocally place on the record the view that the road safety messaging will continue and the funding is guaranteed. In no way can anything that has occurred in the first two months of this year be sheeted home either to any reduction in funding or reduction in commitment and effort by the government through SAPOL, through DPTI and through MAC, albeit in a different way, in terms of the road safety messaging.

MOTOR ACCIDENT COMMISSION

The Hon. K.J. MAHER (Leader of the Opposition) (14:47): Supplementary arising from the answer: can the Treasurer please answer how long has this quantum of funding been guaranteed? On a yearly basis, what is this quantum of funding?

The Hon. R.I. LUCAS (Treasurer) (14:47): For so long as there is a Liberal government, it is guaranteed. I can't speak for any potential future Labor government; that might be the risk in terms of the quantum of funding, but we have guaranteed it. In terms of the quantum, the overall level of funding that MAC has broadly had in terms of its budget was around about—I will check these figures—$13 million to $14 million.

I think the quantum of funding that was spent in relation to communications, publicity, advertising, including social media, partnerships and sponsorships was to the order of about $10 million to $11 million. That has been guaranteed. There might be a little bit of additional money over and above that in terms of a small amount of corporate expenditure from the MAC that wasn't specifically being spent on advertising communication which might also be transferred across to SAPOL and/or DPTI.

The PRESIDENT: Leader of the Opposition, a further supplementary?

MOTOR ACCIDENT COMMISSION

The Hon. K.J. MAHER (Leader of the Opposition) (14:48): I think the Treasurer may have referred to it in his original answer, but can he indicate when MAC ceased these road safety message responsibilities?

The Hon. R.I. LUCAS (Treasurer) (14:48): It hasn't, but it will from 1 July. It has an ongoing responsibility in terms of road safety messaging; for example, the MAC Rescue Helicopter. There was a recent event in Victoria Square for the Tour Down Under where there was a very big, inflatable cycle that had 'MAC' all over it. So it has continued, albeit in a different way.

My clear message to MAC has been that we are not here advertising the MAC; we are actually here advertising road safety messages: don't drink and drive, don't speed, game-changer. Whatever their road safety message is is what we are interested in. I am not actually interested in the actual brand. What I am interested in is the road safety message that the MAC has been pushing and that is what the government certainly would like to see continue.

MOTOR ACCIDENT COMMISSION

The Hon. K.J. MAHER (Leader of the Opposition) (14:49): Further supplementary: is the Treasurer confident the quantum of funding for the financial year that we are currently in will be spent on the road safety message?

The Hon. R.I. LUCAS (Treasurer) (14:49): I am.

THE BEND MOTORSPORT PARK

The Hon. M.C. PARNELL (14:49): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Trade, Tourism and Investment, a question in relation to the Tailem Bend motorsport park.

Leave granted.

The Hon. M.C. PARNELL: Yesterday's version of InDaily has a story which suggests that the Marshall government is considering suspending a range of state laws for the operation of The Bend Motorsport Park at Tailem Bend, owned by the state's biggest private company, Peregrine Corporation. The article states:

> InDaily understands the Shahin family-owned Peregrine has approached the Government to request the formulation of an Indenture Act to govern the 700-plus hectare site, which would re-write the laws on environment protection matters such as native vegetation and noise regulations, as well as liquor licensing and vehicle registrations.

The article goes on to say:

> In response to inquiries about the possible introduction of an Indenture Bill, a spokesperson for Trade, Tourism and Investment Minister David Ridgway said he met in January 'with representatives of Peregrine Corporation to discuss the world-class Bend Motorsport Park'.

The quote from the minister's office statement is:

> 'Various matters, including liquor licensing, noise regulations and vehicle registrations during events were raised and the government is currently considering these issues'…

The article goes on:

> In response to further inquiries, the spokesperson confirmed 'native vegetation' was another of the matters raised during discussions.

I note that in the year 2017, the previous government gazetted three separate regulations to exempt the Tailem Bend motorsport park from planning laws, environment laws and native vegetation laws. My question of the minister is:

1. Has the Peregrine Corporation complied with all of the conditions of their current regulated exemptions, including payment of funds into the Native Vegetation Fund by way of significant environmental benefit and preparation of a native vegetation management plan?

2. Does the minister think that exempting big companies from having to comply with state laws sends the right signal to other law-abiding citizens and companies that the government is committed to a level playing field for business in this state?

The Hon. R.I. LUCAS (Treasurer) (14:52): I am happy to take the honourable member's questions on notice, in particular the issues in relation to compliance. What I can indicate is that, certainly to my knowledge, there is no intention of the government to bring in an indenture act. There is no doubting, from what the member has quoted as the minister's spokesperson indicating, that clearly they have raised a range of issues with this government and probably the former government.

I think, as the minister's spokesperson was quoted as saying, the government will address those particular issues over a period in the future, I guess. I am not sure what time frame minister Ridgway has in mind. Clearly, it wouldn't be minister Ridgway's responsibility for a number of those pieces of legislation. They would be in other ministers' areas and therefore there would need to be discussions with those ministers.

I do know that one of the issues that has been raised for a significant amount of time is the potential issue in relation to noise control legislation. I think one of the concerns from the operators, as I understand it—and I will stand corrected if I am wrong—is that there is the power, essentially, to withdraw whatever current provisions there are at a moment's notice, so that the organisers of the park may well have organised a motorsport event 12 months down the track and engaged in expenditure and arrangements only to have a particular exemption, or whatever it might technically be called, removed at a moment's notice, which, of course, would make the operation of a motorsport park and a motor event clearly very difficult, or not difficult: impossible.

I am aware that that general issue has been raised and I suspect that was what was raised with the former government in relation to any initial exemptions or exclusions, or whatever the appropriate word was that might have been applied at the time. There are clearly some issues that have been raised in relation to the ongoing viability. The former government was a huge supporter of the park. Considerable funding was provided by way of loans and/or grants to the particular project or venture by the former government, so there was certainly a strong degree of commitment from the former government.

Certainly, from the new government's viewpoint, we wish them well. It's a bold venture. I think the people of the Murray Bridge region are quite supportive generally and encouraging. The Murray Bridge region, as another member raised earlier this week, will be suffering in two years' time potential lost job opportunities, so clearly a successful motorsport venture, with all the tourism-related infrastructure, has the capacity potentially to provide additional job opportunities for locals and others at that particular venture. So it isn't the black and white issue that perhaps some might portray it as. These things are matters of balance. The former government has looked at it. It has now been raised with us as a new government. We are obviously, on the basis of the spokesperson's comments, considering it.

The PRESIDENT: The Hon. Mr Parnell, a supplementary.

THE BEND MOTORSPORT PARK

The Hon. M.C. PARNELL (14:55): I thank the minister for that answer. If the minister is ruling out indenture legislation, is he ruling out other legislative interventions to provide exemptions?

The Hon. R.I. LUCAS (Treasurer) (14:56): I think what I said was I am not aware of any proposal for an indenture in relation to it but, when you say any 'legislative interventions', I think the former government, if they did take action, must have taken action by way of regulation. I note that the member, who is a lawyer, said 'legislative'. I would include regulatory as part of a legislative intervention. I would invite the member to clarify his question, if he wanted to, but I would interpret legislative as being regulatory, or legislation through the parliament, so I am not going to rule anything out along those lines.

If the former government used regulations, for example, as its mechanism, that might be a mechanism the new government might like to contemplate, but I am not foreshadowing anything other than, clearly, the issues have been raised both with the former government and now with the new government. We will have to consider them, so I am not ruling anything out. I am just saying I am not aware of any proposition for an indenture. It doesn't necessarily require an indenture. It may well be a number of regulatory changes that might be proposed, which of course, as we have discussed earlier today, are capable of disallowance by the member or indeed anybody else.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I give the call to the Hon. Ms Pnevmatikos, may I acknowledge in the gallery the Hon. Ian Gilfillan and former federal member the Hon. Neil Andrew. Welcome. The Hon. Ms Pnevmatikos.

Question Time

ROYAL ADELAIDE HOSPITAL PSYCHIATRIC INTENSIVE CARE UNIT

The Hon. I. PNEVMATIKOS (14:57): My question is to the Minister for Health and Wellbeing. If it wasn't safe for the Royal Adelaide Hospital's psychiatric intensive care unit to open without fully functional duress alarms previously, why does the minister think it is safe now?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): Because the Chief Psychiatrist has done an inspection, put on conditions and said that the unit is an authorised unit in his view.

The PRESIDENT: The Hon. Ms Pnevmatikos, a supplementary.

ROYAL ADELAIDE HOSPITAL PSYCHIATRIC INTENSIVE CARE UNIT

The Hon. I. PNEVMATIKOS (14:58): Has the minister been made aware of, as a result of the review, any clinical safety issues that have occurred in the RAH mental health unit within the last month? If so, what were those issues?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I think the honourable member is conflating events. What I have been advised is there were two separate incidents in recent weeks, and they led to the Chief Psychiatrist reviewing the arrangements. I think it's important to stress that, after the former government opened the Royal Adelaide Hospital in September 2017, it

wasn't until January 2019 that the Chief Psychiatrist authorised the psychiatric intensive care unit at the Royal Adelaide as an I think the phrase is authorised treatment centre.

The issues that led to the unit not opening until January are not the same as the ones that have emerged in recent weeks. My understanding is that the issues that have emerged are particularly in relation to pendants.

Over the past six weeks, there have been two separate, unrelated incidents where the system has been reported as failing in the mental health unit. Both of those related to issues in relation to pendants. The pendants are being transferred. My understanding is that there are issues with the pendant software, and also that there is some replacement of pendant devices. That led to the Chief Psychiatrist issuing a notice dated 28 March 2019. In particular, that notice was in response to the second incident—an incident on 23 March. The Chief Psychiatrist has required that the hospital put in place a risk mitigation strategy.

ROYAL ADELAIDE HOSPITAL PSYCHIATRIC INTENSIVE CARE UNIT

The Hon. I. PNEVMATIKOS (15:00): Further supplementary, sir: have there been any safety issues for staff and/or patients since the unit was opened?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): I've certainly referred to the two incidents that were raised in relation to the pendants. I'm happy to take on notice whether there were any other incidents since the unit opened in January.

ROYAL ADELAIDE HOSPITAL PSYCHIATRIC INTENSIVE CARE UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (15:00): Further supplementary: what review was conducted?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): I didn't suggest a review was conducted; that was in the question of the Hon. Irene Pnevmatikos.

ROYAL ADELAIDE HOSPITAL PSYCHIATRIC INTENSIVE CARE UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (15:01): And a final, quick supplementary: the minister alluded to the first incident; what was the second incident?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): The second incident, I am advised, related to an attempt by a patient to self harm.

The PRESIDENT: The Hon. Mr Dawkins.

The Hon. I. Pnevmatikos: Just a point of clarification, sir.

The PRESIDENT: I have given the Hon. Mr Dawkins the call. You have the opportunity to ask another question if it comes up.

The Hon. I. Pnevmatikos: But—

The PRESIDENT: I gave the call.

The Hon. I. Pnevmatikos: I didn't raise the review: the minister did.

The PRESIDENT: I will take it as a point of clarification. Minister, this was not a supplementary. The Hon. Mr Dawkins has the call.

The Hon. I. Pnevmatikos: It was the Chief Psychiatrist's review.

The PRESIDENT: The Hon. Mr Dawkins.

EATING DISORDER TREATMENT SERVICES

The Hon. J.S.L. DAWKINS (15:01): Thank you, Mr President. I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding eating disorders.

Leave granted.

The Hon. J.S.L. DAWKINS: In my work as the Premier's Advocate for Suicide Prevention, I have seen firsthand some of the tragic effects of mental illness, often going unsupported or unrecognised because of the stigma still unfortunately attached to it in some quarters. Will the minister update the council on efforts to assist those suffering from eating disorders?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02): I thank the honourable member for his question. The honourable member is right to draw attention to the damage done to individuals, their families and those who care for them, through the impact of eating disorders. It's estimated that there are one million Australians living with an eating disorder; however, only one in four of those are actually diagnosed as having an eating disorder. This is particularly of concern because of the complex nature of eating disorders and the elevated mortality rate associated with them.

This danger is not recognised widely enough, but it bears emphasising. Anorexia nervosa, for example, is the deadliest mental health condition in Australia. The Marshall Liberal government takes that very seriously. Before the 2018 election, we committed $1 million in recurrent funding to a specialised paediatric eating disorder service. This will provide the equivalent of nine full-time medical and allied health clinicians and administrative support positions.

Knowing the importance of this issue, I warmly welcome the Morrison Liberal government's commitment in the 2019-20 commonwealth budget of $70 million to support Australians living with eating disorders: $63 million of this allocation will be for residential eating disorder treatment centres nationwide. Two of these centres have already been announced in Western Australia and the Australian Capital Territory. I am delighted that the federal budget included a commitment by the Morrison Liberal government to $5 million funding for a dedicated eating disorder treatment service centre in South Australia. The Marshall Liberal government has foreshadowed the potential for a statewide eating disorder service to be located at the reactivated Repat site, and options have been flagged in the consultation process and in the recently released master plan.

I want to acknowledge the work of the member for Boothby in the federal parliament, Nicolle Flint, for her tireless advocacy on eating disorders, which predominantly affect young women although not only young women, and for her advocacy in the areas of endometriosis and the provision of health services generally at the reactivated Repat site. Her voice helped to win $35 million in commonwealth funding.

As part of the commonwealth government investment in eating disorder services, $3.6 million will go to the Butterfly Foundation to support the establishment of the residential centres I previously referred to. Another $3.6 million will go to the National Eating Disorders Collaboration to provide the necessary resources to support people living with eating disorders, as well as their families and loved ones. As my federal counterpart, the Hon. Greg Hunt, said:

> This is about saving lives and protecting lives...it will be open to everybody, and it's about giving them real help, real hope, and real support.

The Morrison and Marshall Liberal governments have a strong track record of collaboration to deliver improved health outcomes to South Australia. I look forward to continuing to engage with my federal counterpart to maximise the benefits for South Australia from this investment. In particular, I want to ensure that it is delivered in tandem with the Marshall Liberal government's own significant programs so that we can have the best possible services available for South Australians.

SEAFORD AND TONSLEY RAILWAY LINE CLOSURE

The Hon. J.A. DARLEY (15:06): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Minister for Transport, a question about the Seaford and Tonsley line closures.

Leave granted.

The Hon. J.A. DARLEY: I have been contacted by a constituent with regard to the partial closure of the Seaford and Tonsley lines from 13 April until 6 May. I understand the closure is necessary to allow connection of the Oaklands crossing grade separation to the rail network. Notwithstanding the fact that my constituent catches this service over 10 times a week, they were not aware of the closure until a friend of theirs advised them of it. I am advised that there is no notice

at the station nor at the Adelaide terminus. My constituent signed up to the My Metro alerts years ago and all they receive notification of is free services for the football, via both text and email. They have never received any information on this planned closure.

My questions to the minister are: why has the closure not been more widely publicised to commuters? Why has there not been a notice sent out via the My Metro system, especially to those who have nominated to be updated about this route? Finally, has consideration been given to continuing to run train services between Adelaide to Edwardstown, in addition to Brighton to Seaford, in order to minimise disruption?

The Hon. R.I. LUCAS (Treasurer) (15:07): I thank my colleague. I am happy to take that question on notice and bring back a reply.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. R.P. WORTLEY (15:07): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding the NDIS.

Leave granted.

The Hon. R.P. WORTLEY: The minister yesterday made comments concerning NDIS underutilisation rates and asserted that the opposition was somehow late to the party when it came to this critically important issue. This is despite the opposition putting questions to the minister in estimates last year and the shadow minister for human services conducting a forum concerning the NDIS and NDIS underutilisation in 2018. Given all this, does the minister agree that nearly 25 per cent, or $1.6 billion, of the federal government's $7.1 billion surplus has been achieved through underspending and that the cut to the NDIS is fair and equitable to South Australians living with a disability?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:08): I thank the honourable member for his question. The federal NDIS program has been fully funded, so for the honourable member to portray it as a cut is certainly contested. Some of the comments that I read in the paper this morning related that the spending on NDIS was lower than expected because not everybody had been transitioned yet. That would be more likely to apply to jurisdictions other than South Australia, which is very close to being at full scheme.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. R.P. WORTLEY (15:09): Supplementary arising out of the answer: how many South Australians will be affected by this nearly 25 per cent underspend in NDIS funding? How many plans will be affected—

The PRESIDENT: The Hon. Mr Wortley, one question, one supplementary at a time. Minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09): I am not sure I can thank the honourable member for that question because, in terms of the number of people who are underspending their plans, we do not keep that information.

The PRESIDENT: Do you have a further supplementary, the Hon. Mr Wortley?

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. R.P. WORTLEY (15:10): Yes. What do those thousands of South Australians do while waiting for the NDIS plan or plan review after months and years of waiting, who this week are learning that billions of dollars—

The PRESIDENT: That is a new question, the Hon. Mr Wortley.

The Hon. R.P. WORTLEY: It's arising out of the answer.

The PRESIDENT: I am ruling it out of order. One of your own members can ask it later. The Hon. Ms Lee.

HOUSING AFFORDABILITY

The Hon. J.S. LEE (15:10): My question is to the Minister for Human Services about the government's commitment to improve housing outcomes for South Australians. Will the minister please provide an update for the council about how the government is collaborating with the community sector to provide more social and affordable housing in the Adelaide CBD?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:10): I thank the honourable member for that most important question. I was very pleased, together with the member for Adelaide in her capacity as the local member, to recently be involved in the sod turning for the Spence on Light new building at 69 Light Square, Adelaide. It is a joint project being undertaken between Housing Choices South Australia, the Aged Care and Housing Group and the South Australian Housing Authority.

For those who know that part of Light Square, at the sod turning we are trying to recollect what that particular building had been used for in the past. I think we came to the conclusion that at one stage it was the nightclub known as Regines. So the facade and some of those walls have been retained. It is a very exciting project and we are looking forward to its redevelopment.

Housing Choices is particularly excited. They have some 840 former South Australian Housing Trust properties and tenancies, and this new building will add to the suite of their offerings. As our community providers do more developments, it enables them to invest in other areas, and obviously to provide that very important issue of more housing for people. So it will be a 14-storey, 75-unit apartment building. It is a joint project.

I am sure that my colleague the Minister for Health and Wellbeing is very familiar with the work of the Aged Care and Housing Group. They have been a leading developer in South Australia and have been incredibly innovative, particularly in the aged care space, and have piloted a number of models in South Australia over the years that have led the nation, if not the world.

The housing authority will be purchasing 40 properties. The properties will have improved accessibility, and we anticipate there will be a number of people in particular who are older people. We know that older women are emerging as a cohort in the homelessness space, so we anticipate that there will be opportunities to live in the CBD. There are not many opportunities, I might say, for a lot of people to live within the CBD, so we are very excited about this new building and, particularly as we are celebrating our 125th anniversary of suffrage, it is appropriate that the building is named in honour of Catherine Helen Spence.

HOUSING AFFORDABILITY

The Hon. F. PANGALLO (15:13): Supplementary to the minister: according to Shelter SA, there are more than 500 tenantable Housing SA properties currently vacant. Can the minister explain whether they will go to those on waiting lists, or are they earmarked for sale?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:14): I would need to double-check those figures. There are a range of reasons why housing can be vacant. As I alluded to in an earlier question, we inherited a system, in terms of our public and community housing sector, which was really in quite a mess. I think there were a lot of unknowns about the state, condition and perhaps even the locations of some of those properties, so we have undertaken to ensure that we have a much better picture of our properties. As part of that as well, we are improving getting properties back into the system, if you like.

There are a range of reasons why they can be vacant. Some of them may be for sale, some of them are because there are repairs being done, and for some the tenants left and they need to be cleaned and painted and so forth. I would need to double-check those figures. They don't sound quite correct, but I will double-check and attempt to get a figure for the number of vacant properties. There are, generally, fair reasons why there are properties which appear to be vacant, but I think it is fair to say we have been doing a much better job at getting them back into the system so that we can house people.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: It's true.

APY LANDS, COMMUNITY CONSTABLES

The Hon. C. BONAROS (15:15): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing, representing the Minister for Police in the other place, a question about community constables on APY lands in the state's Far North.

Leave granted.

The Hon. C. BONAROS: Community constables play a vital role on the APY lands, working closely with sworn police officers to maintain community law and order by utilising their Indigenous language and cultural understanding, usually in high-charged environments, and filling an important gap when police officers are not available. I am advised it is not a popular or indeed easy role to fulfil due to the work involved and the restrictive entry criteria of no criminal record and the need to have a full driver's licence. This is, I am advised, one of the issues that needs to be addressed in terms of looking more closely to improve employment pathways for Indigenous people, as someone interested in applying to become a community constable may be knocked back because they committed an offence as a youth and/or the offending was minor.

That said, these community constables are in a high status role, respected by the community, but one that involves managing possible conflicts of interest with their communities and SAPOL and cultural authority complexities. I am therefore concerned by recent media reports that reveal only four of the10 full-time community constable roles are currently filled despite the fact that 10 full-time positions, paying upwards of $57,000 a year, have been available in the APY lands since 1986. My questions to the minister are:

1. How long have these reported six community constable positions been vacant?

2. What is the government doing in terms of an active recruitment strategy to fill the positions?

3. Will the government look at the suggestion of reducing the stringent entry criteria to improve employment pathways for Indigenous individuals?

4. How often are sworn police officers visiting areas of the APY lands that don't have community constables?

5. How many Indigenous people are currently in training as community constables and how many Indigenous people are currently in training as fully sworn SAPOL officers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I thank the honourable member for her questions. I undertake to refer them to the Minister for Police in another place and bring back an answer for her.

CLIFFORD HOUSE RESIDENTS

The Hon. J.E. HANSON (15:18): My question is to the Minister for Human Services. What plans, structures and safeguards has the minister put in place to ensure the 58 residents of Clifford House supported residential facility are assisted into alternate accommodations with minimal stress and disturbance, given the centre's announced closure this week, effective 30 June?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:18): I thank the honourable member for his question. On 1 April 2019, SACARE advised that they would cease provision of supported accommodation services at Clifford House by 30 June 2019. My understanding is that SACARE have informed clients, their families or guardians and supporting agencies. The Department of Human Services is in conversations with SACARE to discuss client needs and facilitation of moves to alternative accommodation.

The Department of Human Services is working closely with service providers and relevant agencies to source appropriate housing options and support clients during the transition. We are aware of this matter. We know that these clients can be particularly vulnerable, and we are assisting in their transition to new accommodation.

CLIFFORD HOUSE RESIDENTS

The Hon. J.E. HANSON (15:19): Supplementary: I believe it was mentioned that the minister has met with some supported residential facility service providers. I am just wondering which ones they are?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:19): I don't think I said that I did.

CLIFFORD HOUSE RESIDENTS

The Hon. J.E. HANSON (15:20): Supplementary: have you met with any supported residential facility service providers, considering the crisis, and if not, why not?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:20): I have received correspondence from SACARE in relation to this matter. My department has met with them and is in regular contact.

NYRSTAR

The Hon. D.G.E. HOOD (15:20): My question is to the Treasurer. Will the Treasurer update the chamber on the government negotiations with Nyrstar?

The Hon. R.I. LUCAS (Treasurer) (15:20): I am pleased to give a quick update on Nyrstar. I thank the member and others who have inquired about progress with Nyrstar. The last statement I made to the house and certainly publicly was that, having met Mr Hilmar Rode, who is the global CEO of Nyrstar, we had hoped to renegotiate some sort of agreement by the end of the first quarter. The first quarter has concluded and we have not actually concluded any discussions.

I can place on the record that I am advised that there are still constructive discussions going on between officers representing the government and Nyrstar. We are still hopeful that we might be able to reach some sort of satisfactory conclusion in the not-too-distant future. There is obviously some pressure on Nyrstar to reach some sort of satisfactory conclusion to the negotiations with the government.

As international financial reports have highlighted, there continues to be continuing pressure on Nyrstar globally. They are seeking to renegotiate their financial structure internationally. A successful conclusion to negotiations with the state government of South Australia is obviously an important prerequisite to those discussions. In the coming months they will also have an annual general meeting, which obviously is of critical importance to the future of the company globally.

The state government's position remains as it has been consistently. We are desperately keen to see a successful project continue at Port Pirie for the workers, their families and the community of Port Pirie—and the state, frankly. Secondly, we are also desperately interested in protecting the $291 million that taxpayers, potentially, have at risk in relation to the financial success or otherwise of Nyrstar at Port Pirie. I can indicate that on behalf of the government I have kept in close contact with the local member for Port Pirie to keep him as fully informed as I can in relation to the negotiations. He clearly has an ongoing interest on behalf of families and workers at Port Pirie.

To conclude, we did not meet the deadline that we had self-imposed to try to conclude these arrangements, but we remain hopeful that in the not-too-distant future we might be able to conclude successfully those discussions.

Bills

STATUTES AMENDMENT (SCREENING) BILL

Standing Orders Suspension

The Hon. R.I. LUCAS (Treasurer) (15:23): I move:

That standing orders be so far suspended as to enable me to move that the order made this day for the adjourned debate on the second reading of the Statutes Amendment (Screening) Bill to be an order of the day for the next day of sitting be discharged, and for the order of the day to be taken into consideration on motion.

The PRESIDENT: I note the absolute majority.

Motion carried.

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

That the order made this day for the adjourned debate on the second reading of the Statutes Amendment (Screening) Bill to be an order of the day for the next day of sitting be discharged, and for the order of the day to be taken into consideration on motion.

Motion carried.

SOUTH AUSTRALIAN PUBLIC HEALTH (EARLY CHILDHOOD SERVICES AND IMMUNISATION) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 1.

The Hon. S.G. WADE: I was wondering if I may come back to the question in relation to the extent to which these powers expand the powers of the public health officers. I think it is important to stress that the bill relates to vaccine-preventable diseases, whereas the current general health powers relate to controlled notifiable conditions. Not all vaccine-preventable diseases are controlled notifiable conditions.

When the committee last met, the Leader of the Opposition asked whether I could give him examples of some vaccine-preventable diseases that are not controlled notifiable conditions. In response to the Leader of the Opposition's questions, some examples of vaccine-preventable diseases that are not controlled notifiable conditions are pertussis, also known as whooping cough; mumps; varicella, also known as chickenpox; and rubella, also known as German measles.

For clarity, the bill provides specific powers to the Chief Public Health Officer, which allow the Chief Public Health Officer to exclude children in the event of an outbreak of vaccine-preventable disease occurring in an early childhood service. That extends the general powers of the Chief Public Health Officer which are applicable to controlled notifiable conditions. Under the SA Public Health Act, if a person has, or has been exposed to, a controlled notifiable condition and the Chief Public Health Officer considers that an order is reasonably necessary for the public health, then the Chief Public Health Officer has powers under section 73 of the South Australian Public Health Act 2011 to require a person to undergo an examination or test, and powers under section 75 of the act, such as to refrain from visiting a specified place.

These are general powers and are only applicable to controlled notifiable conditions. As I said, there are several vaccine-preventable diseases that are not controlled notifiable conditions. The bill provides specific and clear powers to the Chief Public Health Officer to take immediate action, which avoids both confusion and delay.

The Hon. K.J. MAHER: I think the minister has talked about this being, in his view, stage 1 and a stage 2 later on after some consultation. Can the minister outline when that consultation is due to commence, what the process will be and when that consultation will end?

The Hon. S.G. WADE: Like my Western Australian colleague, the Hon. Roger Cook, Deputy Premier of Western Australia, I think it is wise to engage the community as we shape a model that suits our state best. My expectation is that a discussion paper will be released in about a month's time. I have not discussed with my officers the time frames, but in the normal course of events, my expectation would be that the response time beyond that would be three to four weeks.

The Hon. C. BONAROS: Can the minister update the chamber as to the number of reported cases of measles, rubella and mumps in South Australia for 2019?

The Hon. S.G. WADE: I thank the honourable member for her question. I can advise the chamber that in 2019 in South Australia there have been two cases of confirmed measles, no cases of confirmed rubella and one case of confirmed mumps.

The Hon. C. BONAROS: Can the minister also confirm the percentage of children up to two years of age who are currently immunised against measles, mumps and rubella?

The Hon. S.G. WADE: I can advise the chamber that according to the annualised quarterly coverage data from the Australian Immunisation Register for March, June, September and December 2018, the coverage for South Australian children aged two years with MMR vaccine is 93.74 per cent. In that context, I would just mention that the national aspirational rate is 95 per cent, so we still fall short of that.

The Hon. C. BONAROS: What are the areas of underimmunisation in South Australia, generally speaking, and have we identified specific reasons for underimmunisation in those areas?

The Hon. S.G. WADE: I thank the honourable member for her question. The Australian Immunisation Register coverage reports for all assessed vaccines using the March, June, September and December 2018 rolling covering data indicate that there are eight areas in South Australia with coverage below 90 per cent in any of the assessed age groups—one year, two years and five years.

These areas are as follows: Adelaide City; Port Adelaide West; Murray and Mallee; Adelaide Hills; Outback, North and East; Fleurieu and Kangaroo Island; Burnside; and Campbelltown. The honourable member also asked whether I might like to suggest what the reasons might be. Three reasons have been identified as the key reasons for underimmunisation in South Australia. These are data management and reporting, vaccine hesitancy and vaccine access.

The Hon. C. BONAROS: This might fit into the answer, but have there been any specific assessments undertaken with respect to Indigenous communities in particular?

The Hon. S.G. WADE: SA Health undertakes a monthly review immunisation coverage for Aboriginal and Torres Strait Islander children to maximise immunisation coverage. SA Health undertakes data cleaning to ensure the Australian Immunisation Register accurately reflects administered vaccines and also works with immunisation providers to encourage timely vaccination. Aboriginal and Torres Strait Islander children are sent reminder postcards prior to immunisations being due and another postcard if the vaccinations are not administered.

The key reasons identified for true underimmunisation with respect to Indigenous communities is access to immunisation services and access to culturally appropriate immunisation services. I think it is appropriate to refer back to one of my previous answers. I think it is noteworthy that in the areas I identified as areas of underutilisation, whilst Outback, North and East was part of it, the Pitjantjatjara lands were not. In that regard, I can remember discussions with representatives of the Nganampa Health Council, who highlighted to me the pride that they have in their primary health program and, in particular, their immunisation program.

If I could share an anecdote, it was suggested to me by one of their medical officers that whenever a prime minister came onto the lands, they would check the immunisation rate in their home electorate and often they were below that on the lands. I think that highlights the value of primary health programs and the fact that in spite of the issues we raised, which included vaccine access—and I am sure there are challenges delivering a reliable supply of vaccines onto the land—the Nganampa Health Council has been able to maintain an effective program.

The Hon. C. BONAROS: In the 95 per cent target rate that we have talked about, there are eight areas that fall below. Can the minister also confirm if that applies to all of those or is that just in relation to the three that I raised—measles, mumps and rubella?

The Hon. S.G. WADE: If I could respond on that in two parts. First of all, the 95 per cent that I was referring to was the national aspirational rate. To respond to the honourable member's question in relation to underimmunisation, we use the below 90 per cent threshold. The state average is 93.74 for MMR. The 90 per cent in terms of immunisation is relating to all of the elements of the Australian Immunisation Register, which therefore relates to the NIP. I am advised that not all of the vaccines are measured in terms of coverage, but it is not limited just to MMR.

The Hon. C. BONAROS: Has the government undertaken any modelling as to how much a catch-up program is expected to cost and how many children would be expected to be included in a catch-up program?

The Hon. S.G. WADE: I must admit, I am not clear what the honourable member is referring to there. Each of the elements of the—

The Hon. C. BONAROS: Those children who are not up to date in their vaccinations.

The Hon. S.G. WADE: I will rely on my advisers on this. We often use the word 'catch-up rounds' for when we are introducing a new program; for example, meningococcal B. For this first year of the program, not only is it year 10, but it is also year 11 that are in the catch-up phase, and then I think, from next calendar year, it will only be available to year 10s. So there is that catch-up element as you establish a program.

If the honourable member is referring to a situation where the enrolment legislation might say—and I think this relates to the enrolment aspect rather than this (this is about outbreaks)—either a child that is vaccinated or is scheduled to get vaccinated, if you mean catch-up in that sense, that would, if you like, be a stage 2 issue, from my perspective. The point is made, no matter the nature of the catch-up round, if it is a catch-up element, if it is part of the National Immunisation Program, it will be funded through the National Immunisation Program for children.

The Hon. C. BONAROS: It was the phase 2 element that I was addressing in terms of the enrolments.

The Hon. S.G. WADE: Considering the bill relates to elements of the National Immunisation Program, the delivery of the vaccinations to children would be funded through the national program, as long as they have a Medicare card.

The Hon. C. BONAROS: I note the reasons that the minister gave earlier about the lower threshold and the fact that that applies in terms of outbreaks rather than the enrolment issue, but can the minister just clarify a little bit further for the record why it is that that lower threshold has actually been proposed, as opposed to the $30,000 threshold previously proposed by the Labor bill?

The Hon. S.G. WADE: The Labor bill and, for that matter, the Labor amendments talk about a higher threshold, and we certainly think that is worth discussing in the context of the stage 2 of the bill, which relates to exclusion and measures under that. But, in relation to this part of the bill, which is this stage, which relates primarily to the keeping of immunisation records and exclusion in the event of an outbreak, we think that the $2½ thousand is more appropriate.

The Hon. C. BONAROS: Given the importance of the issue that we are dealing with, has there been any recent moves on the part of this government or, indeed, others that the minister may know about, in terms of placing this on the COAG agenda in terms of its next meeting of health ministers or future meetings of health ministers?

The Hon. S.G. WADE: Immunisation legislation such as this is a state matter, so it is up to each state as to how they choose to legislate. I would like to advise that the Council of Australian Governments has:

> …agreed the Health and Education Councils will develop options to implement a consistent national approach to increase immunisation rates in early childhood and care services, and advise COAG at its next meeting. This work will consider the desirability of excluding unvaccinated children who do not have a medical exemption from childcare centres and preschools. This work will also examine mitigation strategies to address potential adverse impacts for vulnerable children and families; providing information to parents about vaccination rates in early education and care services; and regulatory cost, data collection feasibility and privacy implications.

I am just getting the date of that. My understanding is that was a statement by COAG two or three years ago, but let me just clarify that for the council.

I do not have the date, but my understanding was that statement was made before I became a minister, so it predates March last year.

The Hon. T.A. FRANKS: Following on from the Hon. Connie Bonaros' question, in the minister's answer, which cited one of the areas where the aspirational targets were falling short, he stated that data management and reporting was a factor. Could he expand on that, please?

The Hon. S.G. WADE: I am advised that there are two particular risk areas there: one is the effectiveness of the vaccine provider to actually provide the relevant input, and perhaps organisational issues within the registry itself is the other.

The Hon. T.A. FRANKS: In the briefing I had with the minister and the departmental staff, it was stated that the provision and auditing of these immunisation records to be taken by early

childhood services would be undertaken by the Education Standards Board. Could the minister please put on record how that will take place?

The Hon. S.G. WADE: Compliance with the collection of immunisation records will be monitored in conjunction with routine assessment of compliance with the Education and Early Childhood Services (Registration and Standards) Act 2011. This is assessed by the Education Standards Board, which takes a risk-based approach to determining the frequency of assessment. Services are assessed, on average, every two years. Compliance with the outbreak aspect of the policy will be monitored by the Communicable Disease Control Branch of SA Health.

The Hon. T.A. FRANKS: Just to clarify, the ongoing assessment and regular auditing will be done through Education provisions, and outbreaks will be treated as a Health matter. Why is Education and not Health undertaking those ongoing assessments and auditing?

The Hon. S.G. WADE: It seems efficacious, considering the Education Standards Board are already in there assessing the units, to include that. In this particular respect, we are talking about the maintenance of student records, basically.

The Hon. C. BONAROS: I cannot recall if I asked this directly. If I did, I did not quite catch the answer, so I am going to ask it again. Are there specific programs that the government is intending to implement to increase the rate of immunisation across the state?

The Hon. S.G. WADE: I thank the honourable member for her question. SA Health is working with the commonwealth Department of Health through the National Partnership Agreement on Essential Vaccines to increase vaccination coverage, including in Aboriginal children and in geographical areas with low immunisation coverage. I also hasten to add that the Marshall Liberal government introduced free influenza vaccines for under fives. That is a measure to try to increase vaccination rates.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. K.J. MAHER: It may assist if I move, perhaps with your permission, the four amendments I have to clause 4 together. Amendment No. 2 is in effect the substantive amendment. Amendment No. 1 is consequential on amendment No. 2, and amendments Nos 3 and 4 are also consequential on amendment No. 2. With the indulgence of the committee, I would suggest I move all four amendments together and speak to them together.

The CHAIR: Please do.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Maher–1]—

Page 4, after line 15 [clause 4, inserted section 96A]—After the present contents of inserted section 96A (now to be designated as subsection (1)) insert:

(2) For the purposes of this Part, a child *meets the immunisation requirements* if—

(a) an extract, or extracts, from the Australian Immunisation Register under the *Australian Immunisation Register Act 2015* of the Commonwealth indicates that the immunisation status of the child is up to date; or

(b) a document of a kind approved by the Chief Public Health Officer indicates that the child meets the immunisation requirements within the meaning of the *A New Tax System (Family Assistance) Act 1999* of the Commonwealth; or

(c) a certificate in writing issued by the Chief Public Health Officer indicates that the child meets the immunisation requirements.

Amendment No 2 [Maher–1]—

Page 4, after line 41—After inserted section 96B insert:

96BA—Prohibition on providing early childhood services to child not meeting immunisation requirements

(1) A person who provides an early childhood service must not enrol a child for the provision of the service and must suspend the existing enrolment of a child if—

(a) immunisation records relating to the child have not been provided to the person in accordance with section 96B(1); or

(b) the child does not, according to immunisation records provided in accordance with section 96B(1), meet the immunisation requirements.

Maximum penalty: $30,000.

(2) A person must not provide an early childhood service to a child if—

(a) immunisation records relating to the child have not been provided to the person in accordance with section 96B(1); or

(b) the child does not, according to immunisation records provided in accordance with section 96B(1), meet the immunisation requirements.

Maximum penalty: $30,000.

Amendment No 3 [Maher–1]—

Page 6, after line 21 [clause 4, inserted section 96D]—After inserted section 96D(5) insert:

(5a) For the avoidance of doubt, a child may be excluded from premises under this section irrespective of whether the child meets the immunisation requirements or not.

Amendment No 4 [Maher–1]—

Page 7, line 10 [clause 4, inserted section 96E(4), penalty clause]—Delete '$2,500' and insert '$30,000'

The first amendment, as I said, is consequential on the passage of the second amendment. It inserts the definition of what it means to meet the immunisation requirements for the purpose of the no jab no play offence brought about in amendment No. 2.

Amendment No. 2, which is the substantive amendment, makes it an offence for a child to attend an early childhood centre if they do not meet the immunisation requirements. The amendment makes this an actual no jab no play bill, rather than one that has very little effect, as we have discussed during the debate on clause 1.

Amendment No. 3 is consequential to amendment No. 2 and clarifies that a child may be excluded from early childhood premises by the Chief Public Health Officer, irrespective of whether they meet the immunisation requirements.

Amendment No. 4 is again consequential to amendment No. 2. This amendment increases the penalty for a breach of a condition of an exemption from $2,500 to $30,000, in line with the opposition amendments for the maximum penalty for breaching the no jab no play requirements under amendment No. 2.

The Hon. S.G. WADE: I thank the Leader for moving them en bloc because I think it is helpful to see them as a package. The simple choice before the chamber is whether the chamber is minded to the government's two-stage approach. We have been more economical than Western Australia. Western Australia is currently going through a three-stage approach. They have put out a consultation paper.

We think it is appropriate that just as Queensland has a different model to New South Wales, which has a different model to Victoria, and given that Western Australians are not willing to accept any of those models, it makes good sense for South Australia to look at its own model. As the Hon. Tammy Franks eloquently put at the second reading stage, we should make sure we maximise the public health benefit taking into account all factors, including the social determinants of health.

The Hon. C. BONAROS: I indicate for the record that SA-Best does not oppose the amendments in principle, insofar as what they try to achieve. However, I think in this instance, and given the discussions we have had, it is only fair that we give this government the benefit of the undertaking it has given in relation to the consultation process, bearing in mind that the ultimate benefits to be gained are for the wider community.

On that basis, we will not be supporting the amendments proposed by the Hon. Kyam Maher, but I make the point that that is not because we oppose in principle what he has proposed but rather because we think it is more appropriate that we allow the government to undertake its two-phase consultation process, for the reasons that the minister has already outlined.

The Hon. K.J. MAHER: A question to the Minister for Health and Wellbeing: if these amendments do not pass, would the minister concede that, in effect, the bill as it currently stands is not a no jab no play bill and that it could not at a later stage be characterised as no jab no play without these amendments?

The Hon. S.G. WADE: I think the honourable member is ignoring the earlier plea from the Hon. Tammy Franks that we should not descend into polemics. The Western Australian implementation of no jab no play is a three-step approach. They have done some public health audits and consultation on an enrolment model. We are doing exactly the same. It is a no jab no play policy, and we are getting on with the job.

The Hon. K.J. MAHER: Can the minister explain in what way this bill could at all be fairly characterised as no jab no play, in and of itself?

The Hon. S.G. WADE: It relates to children in early childhood services and their vaccination status.

The Hon. K.J. MAHER: In this bill, is there any sense at all that if a child is not immunised they cannot attend those centres?

The Hon. S.G. WADE: Yes. There are clear powers in the legislation that the Chief Public Health Officer can exclude people.

The Hon. J.A. DARLEY: I indicate that I accept the government's two-stage approach and will therefore not be accepting the opposition's amendments.

The Hon. T.A. FRANKS: I have some questions for the opposition in regard to their amendments. Which health and education groups or similar advocacy groups support the Labor amendments?

The Hon. K.J. MAHER: I do not have a full range of details in front of me, but I would repeat something that I said in an earlier contribution, namely, that there were—I think it was in 2017—consultations undertaken at the time.

The Hon. T.A. FRANKS: Since those consultations were undertaken, the Royal Australasian College of Physicians has raised some concerns. Has the opposition taken on board those particular concerns raised by the Royal Australasian College of Physicians with regard to access to early childhood education?

The Hon. K.J. MAHER: What has been taken into account are the consultations that have already occurred on this and, obviously, regimes that exist in other states and regimes that are about to commence in Western Australia.

The Hon. T.A. FRANKS: I will take that as a no. Is that the case?

The Hon. K.J. MAHER: Take it any way you want. I do not have any other information on it.

The Hon. T.A. FRANKS: Okay. What about the concerns raised by the SA Child Development Council? Have they been taken into consideration by the opposition?

The Hon. K.J. MAHER: I do not have anything to add to what I said before. There were previous consultations on a bill that was very similar to this, and of course there are regimes operating and coming into operation in other states.

The Hon. T.A. FRANKS: I thank the Leader of the Opposition but, as I noted in my concerns in my briefing on the previous bill, child protection concerns had certainly not been taken into consideration at that stage and were not involved or even thought of in the previous consultation process. Yet, we know that one of the main drivers of reform in child protection in this state was the terrible situation of Chloe Valentine. The only time Chloe had access to assistance, indeed to any of

the agencies that potentially could have saved her life, was when she was involved in these early childhood services. That is the sort of child that we are talking about potentially being put into further isolation through a blunt instrument.

I did say that I would not be getting into polemics, and there are a lot of polemics in this debate. However, I will give you a new one. I will call this particular amendment a no shot no school amendment. It is not about no jab no play. This is not just play we are talking about here, it is actually a child's access to the full breadth, including education and early learning, that increasingly is delivered through our early childhood education services that we are talking about here. We are weighing up those particular child's rights, and the interests of that particular child, and so for that reason, on behalf of the Greens, I will not support the opposition amendments today.

I am disappointed that there was no response with regard to the quite significant concerns of the Royal Australasian College of Physicians and the SA Child Development Council, and I ask that child protection be very much part of any consultation process on these particular measures. Yes, they are somewhat emotive in the community, and certainly a lot of the polemics around no jab no pay is a way to punish some parents through punitive financial means, but no jab no play, no shot no school, is punishing the child, and I certainly cannot support that today.

The committee divided on the Hon. K.J. Maher's amendment No. 1:

Ayes 6
Noes..... 11
Majority..... 5

AYES

Bourke, E.S.	Hanson, J.E.	Hunter, I.K.
Maher, K.J. (teller)	Pnevmatikos, I.	Wortley, R.P.

NOES

Bonaros, C.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Pangallo, F.
Parnell, M.C.	Wade, S.G. (teller)	

PAIRS

Ngo, T.T.	Ridgway, D.W.	Scriven, C.M.
Stephens, T.J.		

Amendment thus negatived.

The Hon. K.J. Maher's amendments Nos 2 to 4 negatived; clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SCREENING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 February 2019.)

The Hon. C.M. SCRIVEN (16:02): I rise to speak on the Statutes Amendment (Screening) Bill and indicate that the opposition will be supporting this bill but has a number of questions regarding some of the detail. The Marshall Liberal government's bill seeks to standardise and streamline screening requirements throughout South Australia, which we believe to be a necessary step. These legislative changes are being put in place after three volunteer screening checks to South Australian volunteers were implemented from 1 November 2018.

This implementation date was brought forward, I might add, under sustained pressure from the volunteering sector and members of this side of the house. I congratulate them again on that victory late last year. Regardless, the reforms at the heart of the bill make sense. They tighten up South Australia's many tranches of screening checks and clearances and will likely lead to better outcomes for South Australian children and the vulnerable in our community.

Under the bill before us today, all South Australians working with children, supervising people working with children, or with access to data related to children, including volunteers, will be required to undertake a DHS (Department of Human Services) working with children check through the new child-related worker screening scheme. This is in response to and implementation of both the state Nyland royal commission and the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse.

Approved screenings will now last five years rather than three, with continuous monitoring through data sharing between DHS, the Department for Child Protection and South Australia Police, making it easier to identify and cancel screening approvals as required. DHS screenings will also supersede existing screening requirements for allied health professionals and educators, with a transition period from 1 July 2019 enabling the transition from one system to another. South Australians affected by these changes, including nurses and teachers, will be subject to the act the day their existing registration requires renewal.

The bill is in many ways a continuation of Labor's good work in office, continuing the reform agenda for screenings and working with children checks pursued by the member for Ramsay in the last parliament. A special mention must go to her and those involved in driving such positive change in this policy space. A major component of the bill is the 12-month grace period for all South Australians currently in possession of a volunteer organisation authority number (VOAN) or police check. Under existing legislation, South Australians employed or volunteering with children in possession of only a VOAN check will be in breach of the act and liable for serious criminal penalties.

The bill seeks to give 12 months leeway for employees and volunteers to transfer to an approved DHS working with children check, with a promise from the government of an information campaign as a priority, should the bill pass. Currently, more than 50,000 South Australians are anticipated to be affected by this 12-month migration from a VOAN check to a DHS working with children check. The opposition is concerned by the slow progress of these reforms and the risks involved with implementation, given the significant funding cuts to the Department of Human Services under the 2018-19 state budget.

The bill also introduces the NDIS worker screening national system. Full national implementation is still subject to the passage of commonwealth legislation, which is unlikely to pass until late 2019 at the earliest. However, the intergovernmental agreement requires South Australia to establish an appropriate legislative scheme to assist in upholding NDIS standards via the NDIS Quality and Safeguards Commission. Under this system, the central assessment unit under the Child Safety (Prohibited Persons) Act will be responsible for conducting NDIS worker checks in South Australia. This includes a national criminal history check and workplace misconduct information for the NDIS Quality and Safeguards Commission.

The bill seeks to facilitate information sharing between South Australia, the commonwealth and other jurisdictions when a person has been prohibited. These powers include the sharing of disciplinary, misconduct, child protection information or any other information that is relevant to the screening process or to risk assessment. It also inserts provisions that facilitate the sharing and receipt of information with the commonwealth and other jurisdictions when a person has been prohibited.

However, as I flagged at the start of my contribution, the opposition has important questions about some aspects of the bill. The bill imposes a requirement on those who obtain a free DHS check as a volunteer to pay back the cost of that check if they later require one for paid employment. I must add that the opposition is extraordinarily disappointed in the Marshall Liberal government's penny-pinching policy of clawing back the cost of a free volunteer screening check for an individual who gives up their time to volunteer for our community but then finds themselves in paid employment at a later date.

The bill appears to give scope to someone volunteering, for example, for 10 years at a local sports club with a DHS volunteer screening, then being offered casual work at that same sports club and being required to pay back the department for a free screening check that they had done years ago or otherwise commit an offence. The message Premier Marshall and the minister opposite will be sending to South Australians under the provisions of this bill as it stands is this: 'You've got yourself a job. Congratulations. Now pay the Minister for Human Services $107.80 for a screening check that you were using in good faith to serve your community.'

This clearly breaks the government's election promise to provide free screenings to volunteers. There was no mention of a heartless clawback of fees from young people, students and some of our lowest-paid workers. It is truly shameful. Only and out-of-touch government could punish hardworking South Australian's for getting a job.

But it is not really a surprise. *Hansard* from estimates last year shows the minister and her department floundering when asked about VOAN checks, DHS screenings and costings. It seems that the government has inserted this clawback provision in the bill just to try to make up for blowing out their own budget, released only six months ago. The opposition maintains its concerns with these provisions of the bill and would urge the government and the minister to re-evaluate their priorities. I foreshadow that the opposition intends to further examine these issues in the committee stage of this debate.

We have asked for further briefings for our party, the crossbench and the sector in the next few weeks, prior to returning to parliament in May. For that reason, we have negotiated an adjournment at clause 8 today, and we indicate that the opposition may be moving amendments, depending on the information provided in those briefings.

We believe the overall intent and scope of the bill is positive and builds on the good work done by the former state Labor government. The bill is also an important step towards streamlining the volunteer screening process and bringing the South Australian system in line with the national framework. Bringing South Australia in line with national agreements for NDIS worker checks is an important step on the road to a properly functioning NDIS whose workers are properly equipped for their important task.

In addition, bringing South Australia in line with national standards for working with children checks is an important streamlining of the process many South Australians undertake in order to work with children. Nationally consistent standards and a nationally consistent system are important for both volunteers and the children they work with. We look forward to working with all in this chamber over the break on this bill.

The Hon. C. BONAROS (16:10): I want to make a few brief comments or observations in relation to the bill, which we know in effect, based on the information we have been provided with, creates two classes of working with children screenings, one for volunteers and one for persons with paid employment. The scheme that applies to volunteers is intended to ensure that those volunteers are not subject to fees in obtaining their screening checks.

The government has said that it has taken this approach for a couple of reasons: firstly, to ensure volunteers do not need to pay a fee for screening services conducted by the relevant DHS unit and, secondly, to ensure that free screening is limited to those individuals who are genuine volunteers; that is to say, it is not accessed by someone on the basis that they are a volunteer but in fact that person is intending to enter the workforce and paid employment in the near future.

I can appreciate those points made by the government, but it is this area of the law, I think, that has given rise to a number of questions regarding when someone who was, or is, a volunteer will be required to undertake an employment check rather than a volunteer screening check. It is fair

to say that the bill, as currently drafted, is not entirely clear in this regard, because the underlying scheme, as we know, will be contained in the regulations.

The advice I have received—and I have asked several questions on this front, and I will be asking the minister to confirm this—is that we will end up with two classes of screening, as I have said. In order to work with children in paid employment, it will not be sufficient for any individual to rely on any previous class a person may have held as a volunteer; that is, they will not be able to rely on their volunteer check in terms of their paid employment if they subsequently enter into paid employment within the parameters set out in the legislation. Therefore, those volunteers will need to apply to fall within the appropriate class, that is to say, the paid person's employment class.

That screening check will then, as I understand it—and I hope the minister will correct me if I am wrong—override any other check that may have applied previously, i.e. the volunteer screening check. For example, someone who volunteers with the Scouts will need a volunteer clearance. If that same person then gets a job with, say, DHS, they will not be allowed to rely on that same volunteer check. Their employer, in fact, will not be able to rely on that same check. Even though the test is the same, they will need to be reclassified. I understand they will have their own unique identification number, but they will need to be reclassified to fall under the appropriate class. If I am incorrect, then I hope the minister will correct me.

The insertion of section 33A, therefore, has given rise to concerns for good reason. The shadow minister has highlighted, for instance, that as it stands a volunteer who works one shift a year as Father Christmas would be required to undergo paid employment screenings. Ideally, we should be dealing with this in legislation, but I am sure that this is one instance of many that we are going to have questions about.

In relation to the specific example I have just given, I am now advised that there is actually a seven-day grace period, if I can call it that, that currently applies. That would mean that Santa working the one shift actually would not be required to get a clearance. If the minister can provide further clarification in relation to that seven-day grace period—I will call it that for want of better words—I think that is going to be very useful for all of us.

The other issue is the government has left the underlying scheme to regulation. I think I speak for all of us when I say this is an important piece of legislation and I, along with other members, do not want to stand in the way of its passage. That said, I am mindful of the sort of issues that I have referred to and others that, no doubt, will arise. I am certainly hopeful the government will be open to some undertakings in terms of possible solutions to ensure we do not unintentionally capture individuals, perhaps like the Father Christmas who does eight shifts or over seven shifts, or whatever the case may be, especially in the context of the hefty penalties that are to apply otherwise.

I think it is a fine balancing act, though, and I appreciate that, because we want to ensure that anybody who is working in this environment has the appropriate checks. Ultimately, that will benefit the group of people we are trying to protect. With those words, on behalf of SA-Best, I support the second reading of the bill and look forward to some further clarification from the minister in relation to the points that I have raised.

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:17): I will sum up. I just want to clarify, too: I understand this area of legislation is quite complex now that the federal parliament has a role in this space. To try to unpick the whole issue is quite complicated, hence I have a very large folder that has lots of different pieces of legislation in it.

This particular bill does three things: it amends the prohibited persons act to allow for free screening and differentiate that from worker-based screening, it has transitional arrangements for people with a clearance via a national police certificate, and it enables the NDIS worker screening. If we can go back a few steps, in 2016, the parliament passed the prohibited persons act, which has not yet commenced. There are a number of provisions in there that I think, it might be fair to say, may be assumed to be in this particular bill. That is not the case; it has already been passed by the parliament.

It gets difficult when we start talking about classes. There is currently a child-related screening you can obtain via a national police certificate or you can obtain a DHS check. Those will

become one and will become valid for five years across multiple roles. We also have continuous monitoring, as well, and then there are a range of offences that are already in the prohibited persons act, uncommenced, for people who work or volunteer with children without a working with children check.

It is also the piece of legislation that brings in a whole range of other employees: teachers, healthcare workers, emergency services, current police check holders, children's party entertainers and ministers of religion. We have transitional provisions in this piece of legislation before us that will assist teachers, for instance, once their registration comes up; they will not require a working with children check until their registration expires. That has already been passed by the parliament so this allows for transitional provisions. In 2017, there was also a transition act. There are also regulations. My understanding is that, under the former government, the consultation on the prohibited persons regulations commenced in late 2017, so we have been working as fast as we can to implement those.

I thank honourable members for their contributions on this important piece of legislation. As I have said, the purpose of the bill is to implement our election commitment to abolish fees payable for volunteer screenings and to meet nationally agreed obligations regarding the screening of workers who work with children and NDIS recipients. This government values the incredible dedication and hard work of volunteers and the selfless work they do helping in our community and that is why we have made a commitment to abolish all screening fees for volunteers, which we were able to implement on 1 November.

The amendment bill amends both the prohibited persons act and the Disability Inclusion Act, which I have not mentioned as yet. The Disability Inclusion Act anticipates that there will be a screening regime, which was awaiting further detail from the Australian parliament. Those two acts are being amended by the bill to enable free screenings to continue. The amendment bill also ensures that a person and an organisation can only use a free volunteer screening for a volunteering role and not for paid employment. This is necessary to ensure that this commitment directly benefits the volunteering sector.

In terms of the national standards for the working with children check and the NDIS intergovernmental agreement, the bill will enable South Australia to meet its obligations under the national standards for working with children checks and the NDIS intergovernmental agreement by bringing South Australian child-related screenings in line with the national standards and implementing NDIS worker screening checks.

In terms of the transitional provisions for the prohibited persons act, which passed through the parliament in 2016, the bill provides essential transition arrangements to the new working with children check under the prohibited persons act by, firstly, recognising the assessment of relevant history and national police checks conducted by individual organisations as a working with children check and assessments of national police checks conducted for emergency services for 12 months and recognises organisations that have adhered to existing legislation and rules and provides time for their workforces, comprising mainly volunteers, to transition to the new working with children check.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C.M. SCRIVEN: I have a number of questions at clause 1. Could the minister advise who was consulted on the development of the bill, and is she able to provide copies of any submissions made during the development of the bill?

The Hon. J.M.A. LENSINK: In relation to the consultation for the bill, essentially, because it does these three things, the volunteer screening was something, effectively, which Volunteering SA had lobbied for and which the Liberal Party was happy to commit to during the election campaign, so that was a very public process.

If we go back a bit to the Child Safety (Prohibited Persons) Act 2016, which in effect changes a number of the provisions for working with children, which will come in on 1 July, that consultation started under the former attorney-general. In relation to the parts of the legislation that relate to complying with the outcomes of royal commissions into child abuse, and the NDIS IGA, those consultations have taken place through those processes.

The Hon. C.M. SCRIVEN: So the only approach that you have received was prior to the election, up until the introduction of the bill. Is that my correct understanding of your answer?

The Hon. J.M.A. LENSINK: This bill is a culmination of a range of processes, both national and some which commenced under the former government, so those consultations have taken place through those means.

The Hon. C.M. SCRIVEN: Have there been submissions made since the introduction of the bill and, if so, are you able to provide copies of such submissions?

The Hon. J.M.A. LENSINK: We have been contacted by Volunteering SA. I do not think it would be appropriate for me to provide all of that correspondence because their position has changed on that, but we have received information from them this morning that they support the bill in its current form.

The Hon. C.M. SCRIVEN: Were any concerns raised by stakeholders during the consultation period?

The Hon. J.M.A. LENSINK: The advice I have received is we are not aware that there have been any other submissions on this.

The Hon. C.M. SCRIVEN: Have any concerns been raised either with yourself as minister or with the department about any aspect of the bill?

The Hon. J.M.A. LENSINK: Several by members of parliament, which I think we have been canvassing. Those outstanding concerns are matters which we have committed to have further consultation on with members as soon as possible so that we can expedite the bill.

The Hon. C.M. SCRIVEN: Just to clarify, members of parliament are the only people who have raised concerns about the bill? Is that correct?

The Hon. J.M.A. LENSINK: I do not think I am able to elaborate any further on the particular concerns that have been raised.

The Hon. C.M. SCRIVEN: I am a little confused. If there have been concerns raised by people other than MPs, can you not elaborate on those concerns for the sake of consideration by the chamber?

The Hon. J.M.A. LENSINK: I am not aware of any other concerns.

The Hon. C.M. SCRIVEN: I will not pursue that, but it does seem to be contradictory in the answers. Assuming the bill passes through the parliament, can the minister commit to her department conducting face-to-face information sessions in the community about the changes?

The Hon. J.M.A. LENSINK: I thank the honourable member for the question. The advice is that we have a very comprehensive communication plan that will include face-to-face meetings, particularly through the volunteering sector, and also social media. I am assuming we will send emails to all of the organisations, and we will be producing packs for members of parliament in order to assist them with any queries they might have as well.

The Hon. C.M. SCRIVEN: As the minister knows, I am from a regional area. There is a lot of confusion in regional areas about the changes and the impacts they will have. Can she commit that some of those face-to-face sessions will be in regional areas?

The Hon. J.M.A. LENSINK: Yes. The advice is that we do intend to visit some regional areas as well.

The Hon. C.M. SCRIVEN: Is the minister able to provide the timing and locations—not specifically, '7pm on Monday the whatever date'—in a general sense? Will it be within weeks? What locations will be included? What sort of timing are we looking at?

The Hon. J.M.A. LENSINK: The advice I have received is that there will be targeting of where the volunteer sector numbers are the highest. At this stage, we think there will be a session for Mount Gambier, and perhaps Port Augusta and other regional area as well. The timing is difficult because, I think out of an abundance of caution, the communication relies on this bill passing the parliament. Obviously, the sooner we can get that out, the sooner we can let people know about the changes.

The Hon. C.M. SCRIVEN: Sure, and I guess that comes back to the general sense of the question. Once this has passed, would you expect to roll that out within days, within weeks, or over a long period?

The Hon. J.M.A. LENSINK: Anticipating that this legislation will hopefully pass through the Legislative Council in the next sitting week, I will seek that the bill goes through the House of Assembly, in fairness to the volunteer sector, in that sitting week. Within a matter of days, we will be able to publish where those sessions will be and we will run the campaign, particularly through social media, very quickly.

The Hon. C.M. SCRIVEN: For 2018-19 so far, how many volunteers have applied for screening, and can you provide that information broken down by child-related, disability services, vulnerable person-related, aged-care and general employment probity? I have a number of questions along those lines, so if the minister does not have that data available, I will be if happy if she commits to bring that back before the next consideration of the bill.

The Hon. J.M.A. LENSINK: We do have the information. I think it might actually be physically located in my office at the moment, in one of my other folders. Aha, that looks like something. Could the honourable member perhaps repeat her question? If she has other questions about data, we might be able to resolve them quickly for her.

The Hon. C.M. SCRIVEN: Would the minister like me to read out all the questions I have on data?

The Hon. J.M.A. LENSINK: We have plenty of time.

The Hon. C.M. SCRIVEN: The first one, which I have already asked, is: for 2018-19 so far, how many volunteers applied for screening, broken down into the categories of child related, disability services, vulnerable person related, aged care and general employment probity? The second one is: for 2018-19 so far, what is the total number of screening applications? How many of these were volunteer screening applications? What is the percentage of volunteer applications against the total number of screening applications? The third question is: what is the current average waiting period for all screening applications from time of application through to approval or rejection?

The Hon. J.M.A. LENSINK: I will attempt to respond to these. If I have not given you the right statistics we will go away and get them. The volunteer applications received for 2018-19 (this is from July 2018 until now) is 131,209. Of those, the number that were received from volunteers is 36,199 (28 per cent). We do not have those numbers broken down into child related, disability, aged care and so forth, so we will undertake to get those.

We do have an additional figure that might be useful. It talks to the total number of people who have screenings, but they are all people who have current screenings. In total, there are 430,401. Of those, 294,420 are child related; 34,334 are disability related; 48,210 are vulnerable person related; and for the aged-care sector there are 53,437 but, again, we do not have those broken down into disability, work related or student. In relation to your question about the average waiting time, I will answer it this way—

The Hon. C.M. SCRIVEN: Sorry, minister. I do not think you indicated the number for general probity in that set.

The Hon. J.M.A. LENSINK: The advice I have received is that we do not keep the data about general employment probity because they are a once off for a specific purpose. If I could just

continue in relation to average times, if I could put it this way: we now have the screening unit processing 80 per cent of screenings within five business days, which I think is very impressive. That is down from—I cannot remember what was the figure—April last year, when it was significantly higher. Furthermore, within 30 business days or less 98.5 per cent are processed within that time.

The Hon. C. BONAROS: Can I just clarify in relation to those two figures: the 80 per cent within five days and 98.5 per cent within 30—do those screening rates apply equally to volunteers and paid individuals? There no distinction between the two?

The Hon. J.M.A. LENSINK: No, we do not distinguish in terms of breaking down those numbers.

The Hon. C.M. SCRIVEN: Thank you for that information, minister. I assume that you do not have the data on the current average waiting period for all screening applications from application through to approval or rejection? If you do not have it with you, will you take it on notice and bring it back before the next sitting week?

The Hon. J.M.A. LENSINK: The advice I have received is that we do not keep an average wait time. Generally speaking, I will get poked in the leg if this is not correct, but a lot of applications are pretty straightforward, and those we manage to process very quickly. There are some that do take longer, which relates to either identifying that the person is who they say they are and also checking any other potential names they may go by, and also the assessment process for what information has come up through the databases that needs to be assessed.

The Hon. C.M. SCRIVEN: Thank you. I appreciate that it may not be information that you keep and have to hand, but is there any reason why that could not be calculated?

The Hon. J.M.A. LENSINK: The advice I have received is that the data we keep is about the number of applications processed within a specific time frame. There are some that may take some months, which are very much the outlier issue, but what I have referred to is the way the data is kept, and I think what the member is seeking is not available.

The Hon. C.M. SCRIVEN: Is the minister saying that the only data that is kept in terms of time frames are those processed within five business days and those within 30 business days, and that there is no other time frame kept by the department?

The Hon. J.M.A. LENSINK: The table that I have before me is in relation to the applications determined. The statistics that are kept that are regularly reported to me, through the screening unit, are: in the period nought to five days, six to 10 days, 11 to 15, 16 to 20, 21 to 25, 26 to 30 and 31 days plus. It is also possible to determine, say, for a six-month period or over six months what those numbers would be, but that is the way the data is collected.

The Hon. C.M. SCRIVEN: Would the minister be able to table the document that she is reading from?

The Hon. J.M.A. LENSINK: I am more than happy to table the table that provides the data with those percentages that I have just read out. We will get that information and table it.

The Hon. C.M. SCRIVEN: Given my question was about all screening applications, are you able to provide that information for all volunteer screening applications and, if so, with it broken down by child-related disability services, vulnerable person-related aged care and general employment probity? Although, noting your answer to the previous one, I take it that you will not be able to do general employment probity.

The Hon. J.M.A. LENSINK: Yes; we can do all that.

The Hon. C.M. SCRIVEN: So far in 2018-19, how many screening applications have been approved?

The Hon. J.M.A. LENSINK: We have a figure for the 2018-19 year. At 27 March 2019, there were 121,160 applications received and determined. That includes those who were approved and those who were not approved. We will get back to you with a breakdown of those that were approved versus those that were not approved.

The Hon. C.M. SCRIVEN: Could you also get back with the same breakdown, specifically in regard to volunteer screening applications, so both of those? How many have been approved and how many have been rejected?

The Hon. J.M.A. LENSINK: Yes; that is fine.

The Hon. C. BONAROS: I apologise in advance, again, if the minister already answered this. Did the minister indicate whether Volunteering SA&NT has been consulted and whether any concerns were raised by that group?

The Hon. J.M.A. LENSINK: We have had several conversations, both through the department and through my office, with Volunteering SA&NT. We have clarified the provisions in the bill. We received advice today from them that they support the bill in its current form.

The Hon. C. BONAROS: Could the minister also elaborate on what I call the seven-day grace period, or exemption, that applies regarding casual or one-off employment arrangements?

The Hon. J.M.A. LENSINK: This relates to the Child Safety (Prohibited Persons) Act 2016, which was passed in 2016 by the parliament but has not yet commenced, but it will commence on 1 July. Section 9—Meaning of excluded person, subsection (3), which I will call 'the Santa Claus clause', refers to an excluded person as somebody who does not need a check. It provides:

> (3) This subsection applies to the following persons:
>
> (a) a person who believes on reasonable grounds that they will not work with children on more than 7 days (whether consecutive or not) in a calendar year;
>
> (b) a person who, at the time of engaging in particular child related work on a particular day in a calendar year, had worked with children on less than 7 days (whether consecutive or not) in that year,
>
> however, this subsection will cease to apply to a person referred to in a preceding subsection if they work with children on more than 7 days…

That does not apply because that is the previous subsection. Hopefully that clarifies that one.

The Hon. C. BONAROS: During my contribution I referred to the shadow minister's press release in relation to Father Christmas. Can I take it from your answer, then, that the claim that Father Christmas working one shift will not be able to rely on their volunteer screening—is that incorrect, based on the advice you just provided?

The Hon. J.M.A. LENSINK: We will be working with parliamentary counsel to make sure that that is the intent.

The Hon. C. BONAROS: Can I clarify again for the record. Have the regulations relating to this bill already been drafted, or have circumstances already been identified that will be included in those regulations or indeed any amendment?

The Hon. J.M.A. LENSINK: There are some prohibited persons regulations which were gazetted earlier this year in January. In relation to this specific legislation, we will be needing to promulgate some regulations that relate to fees, but we are also, as I said, going to look at clarifying that Santa Claus clause.

The Hon. C. BONAROS: Thank you for clarifying. I am aware of the regulations in relation to the prohibited persons legislation and regime, but the ones in relation to this bill have not yet been drafted; is that correct?

The Hon. J.M.A. LENSINK: No, they have not as yet.

The Hon. C. BONAROS: Has the government identified other working arrangements—other than the ones that we have already addressed—that need to be addressed as part of that process? If so, do we know what they are?

The Hon. J.M.A. LENSINK: No, we have not identified any that fit in this kind of area that people have concerns about.

The Hon. C. BONAROS: In relation to ensuring the speedy passage of this bill, the minister has given an undertaking to work with the opposition and the crossbench in terms of clarifying which

arrangements may need to be covered. In relation to the smooth passage of this bill through parliament, you are undertaking to work with the crossbench and the opposition to perhaps identify some of those arrangements and ensure that they are dealt with either by way of amendment or regulation, whatever the case may be.

The Hon. J.M.A. LENSINK: Yes, I think we probably need to do some additional briefings to ensure that the provisions that are in the legislation are well understood, and if members have any outstanding concerns after that we will take those on board.

The Hon. C. BONAROS: I am pleased that the minister has raised the issue of prohibited persons. I wonder if she can confirm, for the record, that this bill that we are currently considering does not in any way undermine the prohibited persons regulatory regime and the register that is intended to come into effect on 1 July.

The Hon. J.M.A. LENSINK: I can confirm that that is the case.

The Hon. C.M. SCRIVEN: To come back to the Santa Claus clause, is there a similar Santa Claus clause in other legislation, for example, applying to someone being Santa Claus in a facility that is not for children, for those under 18? My question is, potentially are there other pieces of legislation in existence where there would need to be a similar excluded persons clause to ensure that someone who was working less than seven days in a year, but not with children, would not be caught by the provision that we were discussing?

The Hon. J.M.A. LENSINK: Can I ask the honourable member, is she asking in relation to particular screening matters?

The Hon. C.M. SCRIVEN: In terms of having to pay back if one gains paid employment.

The Hon. J.M.A. LENSINK: My understanding is that there is not any other legislation that relates to this type of matter.

The Hon. C. BONAROS: Can I just go back to a point that I made during my second reading contribution. I think it is important to clarify this. Can the minister confirm that my understanding of the bill is correct, based on the advice received, in that volunteers will not be able to rely on a volunteer screening if they gain employment—within the relevant meaning of employment—and that paid employment checks will then override any existing volunteer check?

Therefore, if somebody effectively moves from a volunteer screening check to a paid employment screening check, and that is required under the regime that is being proposed because if you are an employee, irrespective of whether you were a volunteer, you have now gained employment and therefore you are effectively falling under—I know I called them a class—a different class and that is one that applies to people in paid employment.

The Hon. J.M.A. LENSINK: Yes, I think the honourable member is correct in that if you have an employment working with children check then that enables you to volunteer using that screening.

The Hon. C. BONAROS: So on from that then, it follows that, irrespective of whether you had a free volunteer screening, that does not carry any weight when you gain paid employment. If you have been entitled to a free volunteer screening because of the volunteer work that you do, you are in one basket, but the minute you gain employment it is a condition that your employer must meet that you have a paid person's employment screening?

The Hon. J.M.A. LENSINK: The advice that I have received is that, in that scenario, someone who is a volunteer and then needs a worker screening has 28 days' grace and will then receive a new screening check, which will be valid for five years.

The Hon. C. BONAROS: Irrespective of whether they were a volunteer or not, by virtue of the fact that they have entered into paid employment, they require that screening. I suppose that is the point I am trying to make. So it does not matter. We are not undermining the volunteer screening scheme, but are saying the minute you become a paid employee, you need to comply or your employer needs to comply with those arrangements that stipulate that you need a paid employment screening check. I think they are two very different issues. This is what I want to understand. We are

not saying to a volunteer, 'You have to pay back that money within 28 days.' We are saying, 'You are now in paid employment and your employer is required to provide a paid employment screening.'

The Hon. J.M.A. LENSINK: Yes, my advice is that that is the case because of the provisions in the prohibited persons legislation following on from Nyland. That is not the scenario you outlined before where I said there is a 28-day grace period. That is in this legislation, but the Child Safety (Prohibited Persons) Act means that if you are an employee, you have to have a working with children check.

The Hon. C. BONAROS: I just think that is an important distinction we need to make. The criticism that is being levelled against the government or anyone else in this instance is that we are effectively making volunteers pay for their screening check, but that is not actually the case. We are not saying to volunteers, 'You have to pay back the money that you did not pay and were exempt from paying in the first instance.'

The fact of the matter is, they are now a paid employee and, as such, employers of those individuals are required to ensure that anyone who is in paid employment has a different level of check. I understand that it is effectively the same, but they are bound by different rules insofar as they have to have an employment check. If we can confirm that as the reason for the distinction, if you like, I think that will go a long way towards alleviating the concerns that have been raised around this notion that volunteers are going to have to pay back money for an exemption that they were granted.

The Hon. J.M.A. LENSINK: Yes, the honourable member is correct in her assessment and it is the case at the moment that people need, if in employment, to have a child-related screening and pay the relevant fee, as it has been for some time.

The Hon. C.M. SCRIVEN: Just for clarity, the minister has referred to the current situation. If the passage of this bill is successful, can the minister explain, then, how the insertion of section 33A will operate? The minister's response to the Hon. Ms Bonaros's question seems to be contradicting what it says in there, which is that the working with children check is conducted and the central assessment unit is satisfied the person is a volunteer and so pays no fee in relation to the working with children check. Subsequently, if the person uses that check to work other than as a volunteer, so in paid employment, then the person must repay their fee that had been waived. Can you just clarify how that will work and how there is not a contradiction in terms of your answer to the Hon. Ms Bonaros?

The Hon. J.M.A. LENSINK: I will get some advice on part of this question, but if I can just clarify out of an abundance of trying to outline the time frame in terms of how we have got to where we are, it is the Child Safety (Prohibited Persons) Act 2016 that was passed by this parliament, obviously in 2016, that requires that employees have a working with children check. It is not in operation yet, because we have had to continue the consultation in terms of the regulations, but we have determined that it should start in operation on 1 July. There are a lot of things happening on 1 July, but some of them have been in train for some time. But I will seek some advice about the operational aspects for the honourable member.

The Hon. C. BONAROS: I think, just by way of clarification—because words here are particularly important—that subclause that we are referring to actually states:

> A payment under subsection (1) must be made as soon as is reasonably practicable (and in any case within 28 days) after the person commences work with children other than as a volunteer.

So if they do commence paid employment, they are no longer deemed to be a volunteer for the purposes of the legislation that we are talking about. That is an important distinction that I think needs to be made, because we are talking about someone who is in effect no longer a volunteer and insofar as they have entered paid employment. So then the different rules apply about what level of screening they need.

The Hon. J.M.A. LENSINK: I have a couple of responses to that. Yes, the honourable member's assessment is quite correct that if somebody does become a paid employee, then the legislation will, I guess, trigger their requirement that they need to have a working with children check as an employee. They can then use that once they have been approved. They can then use that in

a voluntary capacity as well, which I think we have already explored. Does that sort of answer the question?

The Hon. C. BONAROS: That absolutely answers my question and what it clarifies for me—and I hope I am right—is that we are no longer talking about someone in their volunteer capacity. So those individuals who are entitled to an exemption in their volunteer capacities will continue to be granted those exemptions and those individuals who are paid employees will be required to pay for their screening as paid employees. That is my understanding.

The Hon. J.M.A. LENSINK: That is correct. The intent of this legislation, in addition to the transitional provisions for the prohibited persons check implementation of the NDIS worker screening check and all those other federal matters, is that we do, through law, want to enshrine that volunteer screenings are free, so I reject any other portrayal of this clause. To delete this clause will mean that we will not be able to make volunteer screening free.

The Hon. C.M. SCRIVEN: I appreciate that there have been a number of different questions and that we do have an undertaking from the minister that there will be further briefings in the break. In particular, I think it is clear, but just for the record what the opposition wants to know is: if someone has been a volunteer and then does undertake some paid employment, perhaps with that same organisation, (1) whether they have to repay the cost of the original volunteer screening; or (2) based on what the Hon. Ms Bonaros has asked and the minister has responded, is the minister then saying that she needs to then go and get another screening that they are paying for and they are just keeping the volunteer one in the back pocket, if you like, if they are going to be a volunteer again; and (3) coming back to the Santa Claus clause, what happens for someone who works for two weeks as Santa leading up to Christmas? We want to know whether that person will be caught and will need to either repay or pay an extra fee.

The Hon. C. BONAROS: Can I just confirm for the record that I was not suggesting that we will be able to keep the other one in the back pocket as a volunteer. What I was suggesting is that, the moment you become a paid employee, you are subject to the screening that applies to a paid employee, and that in effect overrides any other screening, and the only other screening you have is as a volunteer. So the volunteer one becomes redundant and any work that you do in a volunteer field will be covered equally by your paid employment screening check.

The Hon. J.M.A. LENSINK: Yes, that is my understanding. We will clearly examine all this in this committee stage, go through it chapter and verse and make sure that everything I have said is correct.

The Hon. C.M. SCRIVEN: I look forward to that clarification, thank you. Minister, you and your department have told members of parliament, as well as stakeholders, that clause 9 and clause 20, page 35, paragraph 10 are essential to ensuring that free volunteer screenings can continue. Quoting from your own explanation of clauses, clause 9:

> …inserts new section 33A into the principal Act, requiring persons who did not pay a fee for the conduct of their working with children check on the basis that they are a volunteer to pay a fee should they commence working with children other than as a volunteer. It is an offence to fail to comply with the requirement.

The same is found in clause 20, page 35, paragraph 10, in regard to the NDIS screenings. If clause 9 and clause 20, page 35, paragraph 10, are integral to free volunteer screenings, why is it that the explanation of clauses completely omits that fact?

The Hon. J.M.A. LENSINK: Can you repeat that last sentence?

The Hon. C.M. SCRIVEN: Sure, and perhaps the first sentence as well. You have said to stakeholders that clause 9 and clause 20 are essential to ensuring that free volunteer screenings can continue. If clauses 9 and 20 are integral to the continuation of free volunteer screenings, why does the explanation of clauses not mention that fact?

The Hon. J.M.A. LENSINK: The advice I have received is that the way the explanatory clauses are drafted relate to technical matters, rather than the political rationale behind them.

The Hon. C.M. SCRIVEN: I am advised that this was not at all raised in briefings with the opposition either.

The Hon. J.M.A. LENSINK: What aspect, sorry?

The Hon. C.M. SCRIVEN: The apparent necessity of clause 9 and clause 20 to ensure that free volunteering can continue. Apparently that was never raised in the briefings with the opposition.

The Hon. J.M.A. LENSINK: The way that I always conducted briefings as a member of the opposition was to read the legislation and pull out the things, on the face of it, that I was concerned about to consult with stakeholders and the like. I not think it is necessarily appropriate that every clause is spelled out in every manner for the opposition. That is your job.

The Hon. C.M. SCRIVEN: I would simply put on the record that if this particular clause is integral to the bill and to ensuring that volunteer screenings continue, that should have been mentioned.

The Hon. J.M.A. LENSINK: We have checked in with members on a number of occasions to discuss their concerns, so we have tried to be as available as possible for any concerns they might have had. We have done our best to make our officers available to MPs to raise matters of concern.

The Hon. C. BONAROS: Perhaps if I can flip the question of the Hon. Ms Scriven: if clauses 9 and 20 were left out of the bill in their entirety, how would that affect volunteers?

The Hon. J.M.A. LENSINK: The advice I have received is that without those two clauses, we are unable to differentiate between the two types of screenings—that is, volunteers versus workers—which means that there will only be one fee applicable.

The ACTING CHAIR (Hon. D.G.E. Hood): Before I give you the call, the Hon. Ms Bonaros, if I may, I remind the committee that clause 1 is of course for general questions about the bill. If we are questioning specific clauses, it is best that we wait for those clauses and deal with them then. As the Acting Chair, I will give you some latitude, but I will just make that general point. Did you have another question, the Hon. Ms Bonaros?

The Hon. C. BONAROS: I am happy to proceed on the basis that you have just indicated.

The ACTING CHAIR (Hon. D.G.E. Hood): Thank you. The Hon. Ms Scriven?

The Hon. C.M. SCRIVEN: I am certainly happy to proceed, on the understanding that in answer to questions raised at later clauses, even on another day, we will not be told, 'Well, you should have asked that earlier on.'

The ACTING CHAIR (Hon. D.G.E. Hood): Are you able to give that assurance, minister?

The Hon. J.M.A. LENSINK: I undertake that I will not behave like some of the Labor ministers in the previous government, and I will respond to any questions as they come up.

The Hon. C.M. Scriven: Or minister Wade recently, with the CIPB bill.

The ACTING CHAIR (Hon. D.G.E. Hood): Thank you, minister.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. C.M. SCRIVEN: Could the minister advise what work concerning the reallocation of screening to the functions of the central assessment unit was undertaken during the passage of the Disability Inclusion Act 2018 through the parliament?

The Hon. J.M.A. LENSINK: In relation to the change in the terminology, the advice I have received is that the title 'central assessment unit' is a creature, if you like, of the prohibited persons act of 2016. Now that we are having a regime similar to that for NDIS worker screening in the drafting of the disability inclusion bill (now act), that same title was adopted. Going forward, we will have a central assessment unit that is very much part of the screening changes that have come through to us from the child abuse royal commission and which will be part of the national arrangements.

The Hon. C.M. SCRIVEN: How many volunteers does the minister anticipate will be applying annually for free screening? What is the budget for this?

The Hon. J.M.A. LENSINK: Can we take that on notice and get back to the honourable member?

The Hon. C.M. SCRIVEN: Yes, certainly. Thank you. What modelling has the minister drawn these numbers from?

The Hon. J.M.A. LENSINK: We will endeavour to get back to the honourable member on the number of anticipated additional screenings to be undertaken by the unit. In terms of how we have arrived at those numbers, we have had to consult with other agencies, for instance, with teachers and the Teachers Registration Board, health, emergency services and the like. We have had to consult with them in order to obtain data from them. We are a bit reliant on them providing us with accurate information.

The Hon. C.M. SCRIVEN: How many additional FTEs have been placed in the screening unit to meet the volunteer demand over the 12-month transition period from 1 July? If they have not as yet been placed in the screening unit, when will they begin?

The Hon. J.M.A. LENSINK: The advice I have received is that we have adequate resources for the current financial year, and any ongoing additional demand through the screening unit is subject to the budget.

The Hon. C.M. SCRIVEN: Does the minister anticipate that the existing resources will be sufficient, or will she be seeking additional resources?

The Hon. J.M.A. LENSINK: I think it is inherent in my response that we will be seeking additional resources.

The Hon. C.M. SCRIVEN: What additional FTEs do you anticipate will be needed to meet the demand?

The Hon. J.M.A. LENSINK: We are anticipating that we may require up to 20 additional FTEs.

The Hon. C.M. SCRIVEN: And what additional budget do you anticipate will be needed to cover the FTEs and any other additional related costs?

The Hon. J.M.A. LENSINK: Far be it from me to breach convention, but I am unable to comment on budget negotiations.

The Hon. C.M. SCRIVEN: My question was not about budget negotiations, simply how much is anticipated will be the additional cost required to ensure that this transition is effective?

The Hon. J.M.A. LENSINK: It was pretty much asking me how much is in our budget bid, to which I am unable, by convention, to provide an answer.

The Hon. C.M. SCRIVEN: How long would additional FTEs be in place, based on your anticipated demand?

The Hon. J.M.A. LENSINK: The advice I have received is that we anticipate having the additional FTEs for a period of 12 months, and we will review it after that.

Clause passed.

Clause 8.

The Hon. F. PANGALLO: New section 26A, which is on page 5 at around line 10, provides:

> (ii) such exceptional circumstances exist in relation to the person that the person does not appear, or no longer appears, to pose an unacceptable risk to children.

Can you give me some examples of what would constitute 'exceptional circumstances'?

The Hon. J.M.A. LENSINK: What we are talking about in this clause is a presumption to exclude people, which means that people who have been charged or found guilty of a range of offences are prohibited unless proved otherwise. There is a range of presumptive disqualifications. An example includes murder, or attempted murder, of an adult. It may well be that someone applies

or has as their defence that the murder took place, through a domestic violence situation, in self-defence. That is an example of one case that may enable that judgement to be revisited.

The Hon. F. PANGALLO: I am not sure whether that particularly answers the question. Is this clause trying to say that it will not apply to people, where there are exceptional circumstances, who no longer appear to pose an unacceptable risk?

The Hon. J.M.A. LENSINK: If I can explain: the presumption is against the individual. The presumption means that you are excluded unless you can prove, through circumstances, otherwise.

The Hon. F. PANGALLO: What happens if a person, who perhaps would have fallen into the category of presumptive disqualification, is then found not guilty of a particular offence? Would that information have to be disclosed?

The Hon. J.M.A. LENSINK: Can I make two separate observations. In the hypothetical that the honourable member has raised, if somebody is subsequently found not guilty, then they can put in a fresh application and they will be assisted accordingly. What the clause does is make it less likely than under the Child Safety (Prohibited Persons) Act, which previously has passed. In the 2016 legislation, which is due to come into effect on 1 July, everyone is out. If you are on the list, you are automatically excluded. What this clause says is that there are circumstances in which you may be reconsidered. It actually makes it slightly more flexible.

Clause passed.

Progress reported; committee to sit again.

SENTENCING (SUSPENDED AND COMMUNITY BASED CUSTODIAL SENTENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 April 2019.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:37): I rise today to speak to the Sentencing (Suspended and Community Based Custodial Sentences) Amendment Bill. This bill makes a number of changes to the way suspended sentences, home detention orders and intensive correction orders are handed down. The changes that the bill will make, particularly in regard to child sex offenders, are largely very minor. Only one amendment grants any real further restriction on such people.

The rest of the changes simply clarify the law and fix outdated wording. The bill makes slight changes to the special reasons test in section 71 of the Sentencing Act, which currently states that an offender being sentenced for a serious sexual offence cannot serve that sentence in home detention unless special reasons exist.

Referencing those special reasons, the court may have regard to whether the defendant's advanced age or infirmity means they are no longer a risk to the community and where the interests of the community would be better served by them serving their sentence in home detention. The bill specifically changes this provision so that both of those must be satisfied in order to grant home detention, and the infirmity must be permanent.

It is very clear what has happened here. The Attorney-General has been found out. She has been found out on a number of occasions in relation to these matters, not acting swiftly and not acting as the community expects the Attorney-General to act. She has clearly been told that community sentiment is not with her, that crossing her fingers and hoping that child sex offenders are not released into the suburbs of Adelaide and around South Australia simply does not cut it. What has happened is that the Attorney-General has rushed the preparation of a bill that is full of errors and inconsistencies and that hardly deals with the issue of child sex offenders and the risks they pose to the community at all.

We have seen the government, embarrassingly, come back to this place with a whole raft of amendments because their bill was so riddled with errors when it was introduced. It is an exceptional embarrassment for an Attorney-General who indicated that the government was taking a lot of time

and care and effort with this bill to have to come back with so many amendments. It is a botched job and it requires further amendments that the opposition has helpfully put forward.

It would appear that this bill has created a dramatically inconsistent test for whether home detention and intensive correction orders are available for perpetrators of serious sexual offences. To be eligible for home detention, a serious sexual offender must satisfy the court that they are either aged or permanently infirmed, that they no longer pose a present risk and that the interested communities are better served by that person serving their sentence on home detention.

To be eligible for an intensive correction order, a court must be satisfied that a special reason exists, but the legislation does not spell out what they might be. This area was unpicked during debate in the other place. When asked by my colleague in the other place, the member for Lee and shadow treasurer Stephen Mullighan, about this, the Attorney-General replied:

> The only reason that has not been addressed here is that, as I said earlier, we are still awaiting any proposed recommendations from the corrections department as to recommendations they may have as to how we deal with these.

Again, this indicates just how flawed and botched this bill has been, that they had not completed consultation and rushed an incomplete bill into parliament that is still full of errors. As a result, and as an ever helpful opposition, we have filed amendments to fix some of the government's embarrassing oversights—because we are helpful and constructive.

I note that the Treasurer has filed an amendment to remove the special reasons from the intensive correction regime. If stakeholders had been consulted—including Corrections—in the first place, we would not have needed that amendment and we are, of course, minded to support the amendment because that is what we have been saying all along.

The fundamental point I want to return to is the way the Attorney-General has left the door open for dangerous child sex offenders to be released back into the community. Under this bill, there are still possibilities that such paedophiles could be released back into the community. The Attorney-General's bill retains the special reasons for child sex offenders to receive home detention as what we have put before. The Labor opposition does not agree with that proposition. Paedophiles are some of the worst kind of offenders and if given a gaol sentence should be locked away under the terms of that sentence.

As I said, we are being constructive. We did not stand in the way of the bill passing the other place and we would like to see it dealt with as speedily as possible. We have filed amendments to close off the possibility of court-ordered home detention for serious child sex offenders. We will talk about those amendments in greater detail when we get there. There are also amendments that have been filed by the opposition that take into account instances where we have seen a dangerous child sex offender given at first instance indefinite detention for an unwillingness or inability to control their sexual instincts but having that overturned on appeal because they did not take into consideration other regimes.

We think if a Supreme Court judge has taken into account all the things they ought to take into account and hasn't taken into account matters they shouldn't take into account, the mere fact that there were other regimes available should not preclude the determination of indefinite detention for being unable or unwilling to control their sexual instincts to stand. We think that is a sensible amendment that gives effect to, I think, what most in the community would think is reasonable.

With those few words, I indicate that Labor will be supporting this bill. We look forward to the government supporting our amendments, which will help to resolve the many inconsistencies and lack of meeting community expectations that the Attorney-General has created with this bill.

Debate adjourned on motion of Hon. T.J. Stephens.

Resolutions

END-OF-LIFE CHOICES

The House of Assembly concurs with the resolution of the Legislative Council contained in message No. 78 for the appointment of a joint committee on the end of life and will be represented on the committee by three members, of whom two shall form the quorum necessary to be present at

all sittings of the committee. Members of the joint committee to represent the House of Assembly will be Mr Basham, Mr Duluk and the Hon. A. Piccolo.

The House of Assembly also concurs with the Legislative Council's resolution to suspend standing order 396 to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

The Hon. K.J. MAHER (Leader of the Opposition) (17:46): I move:

That the members of the council on the joint committee be the Hon. D.G.E. Hood, the Hon. M.C. Parnell and the mover.

Motion carried.

At 17:47 the council adjourned until Tuesday 30 April 2019 at 14:15.

Answers to Questions

FUTURE JOBS FUND GRANT

In reply to **the Hon. M.C. PARNELL** (13 February 2019).

The Hon. R.I. LUCAS (Treasurer): I have been advised of the following:

1. I am advised that the Australian Walking Company's development approved by the former Labor government is consistent with the original intent of the grant which was around creation of employment (30 FTEs).

I have been advised that the project approved under the previous government never contemplated that the accommodation would be on the trail and the current proposal is consistent with that intent.

In relation to the claim that there are now 10 kilometres of new road and trails, I have been advised that this is not the case. The project always required some level of trails to be developed and the 'roads' to be developed are better classified as narrow access tracks that can only be accessed by quad bikes or small vehicles. I am told that the tracks utilise existing disturbance where possible and are to be made of mulched vegetation to minimise soil disturbance.

I can further advise:

- The structures envisaged for the development and their relative impact on the ground is consistent with the structures including luxury eco tents that were previously envisaged.
- There are now two less structures than under the original proposal, and in total, the structures are now smaller than what was originally envisaged.

2. The full terms and condition for the grant are stated in the grant deed with the Australian Walking Company Pty Ltd. The grant deed is published in full on the SA Tenders and Contracts website in line with the government's policy for the disclosure of government contracts.

3. I am advised that the respective development applications are being processed in accordance with the relevant and established statutory requirements of the *Development Act 1993*.