LEGISLATIVE COUNCIL

Tuesday, 2 June 2020

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:15 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.

Bills

GENETICALLY MODIFIED CROPS MANAGEMENT (DESIGNATED AREA) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J.S.L. DAWKINS (14:19): I lay upon the table the report of the committee on Aboriginal languages in South Australia.

Report received and ordered to be published.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Summary Offences Act 1953—
- Section 74B Road Blocks Authorisations issued for the period 1 January 2020 to 31 March 2020
- Section 83B Dangerous Area Declarations issued for the period 1 January 2020 to 31 March 2020

By the Treasurer (Hon. R.I. Lucas)—

Fee Notices under Acts—
- Legal Practitioners Act 1981

Notices under Acts—
- Mutual Recognition (WA Container Deposit Scheme) Notice 2020
- Trans-Tasman Mutual Recognition (WA Container Deposit Scheme) Notice 2020

Regulations under Acts—
- COVID-19 Emergency Response Act 2020—
  - Commercial Leases (No. 2)
  - Section 14

Section 14—Variations
Legal Practitioners Act 1981—
Fee Notice—Variations
Foreign Lawyers
Liquor Licensing Act 1997—Miscellaneous
Retail and Commercial Leases Act 1995—Miscellaneous
Southern State Superannuation Act 2009—Inactive Low Balance and Lost Member Accounts
Summary Offences Act 1953—Variation of Schedule 2—Exemptions
Superannuation Act 1988—Prescribed Authority
Superannuation Funds Management Corporation of South Australia Act 1995—Construction Industry Training Board
Taxation Administration Act 1996—Information Disclosure
Rules of Court—
District Court Act 1991—
Criminal—Supplementary—Amendment No. 7
Special Applications—Amendment No 2
Uniform Civil
Environment, Resources and Development Court Act 1993—
Amendment No 2
Native Title—Amendment No 1
Supreme Court Act 1935—
Corporations—Amendment No 10
Criminal—Amendment No 8
Criminal—Supplementary—Amendment No 7
Land and Valuation Division—Amendment No 2
Special Applications—Amendment No 3
Uniform Civil
Youth Court—Youth Court Act 1993—
Adoption—Amendment No 1
Care and Protection—Amendment No 1
General—Amendment No 1

By the Minister for Trade and Investment (Hon. D.W. Ridgway)—

Regulations under Acts—
Fisheries Act 2007—
Demerit Points—Rock Lobster
General—Section 70—Prescribed Fishing Activities
Rock Lobster Fisheries—Quota
Primary Produce (Food Safety Schemes) Act 2004—Food Safety Schemes—(Meat Food Safety Advisory Committee) Revocation

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

Regulations under Acts—
Child Safety (Prohibited Persons) Act 2016—Prohibited Persons—Exemption No. 2
Children and Young People (Safety) Act 2017—Safety—Exemption from Psychological Assessment No. 2
Disability Services Act 1993—Assessment of Relevant History—Exemptions—No. 2
Youth Justice Administration Act 2016—Expiry

Ministerial Statement

SMITH, MS A.M.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I seek leave to make a ministerial statement into the death of Ann Marie Smith.

Leave granted.

The Hon. J.M.A. LENSINK: Just over two weeks ago, no-one in this chamber knew the name of Ann Marie Smith. Today, sadly, we all know her name, for all the wrong reasons. Ann Marie Smith, however, was more than the name we have heard repeated many times over the past few weeks. She was more than the photo we have seen on our television screens and across print and social media.

Ann Marie was a daughter, a sister, a friend, a neighbour. She was 54 years old, living in her own home in Kensington Gardens, where she had lived for many years. Ann Marie should have been living a happy, healthy and safe life as independently as possible without fear of neglect. Yet it is clear that was not the case.

She should have had choice and control over her life. She should have been visiting friends or libraries or local cafes, leading a life we all take for granted. Instead, from what the South Australian police have reported, Ann Marie's last year was a life confined to a cane chair surrounded by filth; she was malnourished and suffering from horrific pressure sores. No-one should ever have to endure such pain, suffering and apparent isolation.

As a minister and a mother, I am personally horrified by what has happened to Ann Marie. It brings home the fear that many parents who have adult children living with disability have expressed to me over many years—the fear of what will happen to their child when they die. Who will be there to look after them, to laugh with them, to care for them, to advocate for them and to protect them? I can only imagine how this fear has intensified, hearing the horrific details surrounding Ann Marie's tragic death. My heart goes out to all those parents.

This is why we need answers quickly, why we need to collectively identify the gaps that have led to this tragedy. We need to find practical solutions that give parents and people living with disability more reassurance that they, and their loved ones, are not being forgotten, that their voices are being heard and that we are all taking time to check.

These solutions need to be done carefully and respectfully, without grandstanding or paternalism involved. We need to be doing this in consultation with the people with disabilities and their families. This is not a time to hastily force upon people with disabilities solutions that will unintentionally erode their rights, rights they have had to fight so hard to achieve for so long.

This is why the work of the task force is so important. The members on it are not political, they are not trying to get a quick headline. There are members who are disability experts, who have worked in the field for years and know the landscape, but more importantly there are members who know what it means to live with a disability or have a child with a disability. It is these lived experience voices we must be listening to and learning from: voices that are fearless, strong and considerate; voices that should never be accused of not being independent.

The South Australian community does not want to wait years for a judicial inquiry before we act. They do not want sound bites, they want real and effective solutions as quickly as possible, which is why the task force will be handing down an interim report on 15 June and their final report at the end of July. As we await their recommendations, I would like to thank the members of the task force for their diligence and considered haste during this time.

While we must look back at what appears to have gone wrong, potentially over many years, we need to also heed the words of advocate Samantha Connor, who herself lives with a disability and who, on Saturday 30 May, during a memorial held for Ann Marie, said that Ms Smith's death was about more than just service failures. It was also about loneliness, isolation and ableism, about people not wanting to have anything to do with disabled people. Ms Connor said that, while preventative safeguards such as police checks were important, it was crucial that the community also did its part. It was a brutal but honest statement and one we should all pay close attention to.

I would also like to remind everyone that this should not reflect badly on those disability providers and their dedicated careworkers who do such a fantastic job of caring for their clients on an hour by hour, day by day basis. I think, now more than ever, we need to recognise their amazing efforts and their commitment to ensuring their clients receive the support and care they need to live independent and meaningful lives.

Ann Marie died under the National Disability Insurance Scheme, a scheme that had bipartisan support in this state when it was first conceived. It is clear that while the NDIS implementation in South Australia was defined under a bilateral agreement, signed several years ago, its implementation has occurred under both Labor and Liberal governments. We therefore collectively owe it to Ann Marie Smith to close those gaps.

I take this opportunity to ask all members of parliament, providers, carers, families and community members to be vigilant, to check in on your loved ones and your neighbours, and to never be afraid to speak up.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before we move on to questions without notice, can I acknowledge the presence in the gallery of the Hon. Neil Andrew, former Speaker of the House of Representatives.

Honourable members: Hear, hear!

Question Time

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): My question is to the Minister for Human Services regarding disability services. When was the first meeting of the task force that was formed in response to the death of Ann Marie Smith? What are the terms of reference for the task force, where can they be found, and when were those terms of reference finalised?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): I thank the honourable member for his question. The first meeting of the task force was, from memory, Wednesday at 6pm. The terms of reference were determined by the task force themselves. I am more than happy to make those publicly available; indeed, contact details for the task force are disability.advocate@sa.gov.au, and I will get back to you about the contact phone number as well.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Supplementary question arising from the answer: can the minister outline when the terms of reference were finalised and when the task force was originally set up?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): The task force was discussed on Monday 18 May by government. Once the announcement was made, a number of people expressed interest in the task force, so those names were fed in to Dr David Caudrey. The exact date of when they were finalised I would have to double-check but it was certainly within a day or two of the announcement of the task force.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Further supplementary question: when were the terms of reference for this task force finalised?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I would need to double-check that with Dr Caudrey because that is something that the task force determined themselves.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Supplementary arising from the original answer: is the minister certain that the terms of reference have in fact been finalised and has she sighted them?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): I have seen some terms of reference. They are three dot points, and my understanding was that they had been finalised.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:33): My question is to the Minister for Human Services regarding disability services. In media interviews, minister, you mentioned that the system has failed Ann Marie Smith. What do you consider to be the greatest failings that led to her tragic death and what do you consider to be the greatest failings of you as a minister that allowed this death to occur?

The PRESIDENT: The Minister for Human Services will disregard the opinion that was in that question.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): Mr President, I will let others be the judge of where I have failed. I think it is apparent—certainly I have received a lot of very heartfelt correspondence, phone calls, from people. Naturally, the whole community has been shocked about how this could have taken place. In response to that as well, a number of people have made comments about safeguarding, which is the issue that the task force is certainly looking at going forward.

We wanted to make sure that we had a broad range of people on the task force, particularly well represented by people with disabilities, because they tell us that they feel hidden, and those comments from Samantha Connor really relate to things where people with disabilities can be seen as 'other' in our community and not fully participate. Going forward, inclusion is a very important issue. I think South Australia's Disability Inclusion Act is an important part of having people with disability in our community participating with full equal rights. I think that is the vision of everybody in South Australia going forward.

We have a number of inquiries, of course, that are looking at these very specific issues about what could have been missed along the way. Certainly, the police are looking at the exact details of Ann Marie Smith's death. The federal inquiry is looking at matters going back to 2009, when it is understood that Ann Marie's parents passed away. There is an intensive investigation of all of these matters, and I do not wish to pre-empt what they might find.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Supplementary arising from the answer: is there a particular failure of the system in South Australia that you consider to be most responsible for the death?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): I think it would be easy to speculate, but I think speculation is not particularly helpful. I think some of the public commentary around this situation that Ann Marie came into has not been assisting the official inquiries, and therefore I think we need to allow those investigations to go forward. I am quite confident that the task force is going to identify areas—I have spoken about these publicly in terms of things that people said early on about quarterly health checks and ensuring that there is not a single worker operating in terms of someone as their sole carer. There is a range of things that will be identified further, and I think we need to allow those investigations to take place.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:37): My question is to the Minister for Human Services regarding disability services. Minister, are you aware of any deaths in disability accommodation in South Australia since you became minister, and how many reports of deaths have you become personally aware of that have arisen from a critical incident or potential lack of care in the disability services area?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): I would need to take that on notice. I certainly receive incident management reports, but I would need to double-check. If it was a death from natural causes, then that is not something that would be reported through our critical incident system. If it was a death by a failure of care, then that would be something that I

would be made aware of. But in terms of those incident management reports, they relate to things that are within the state system. At the moment, that would involve state disability accommodation services, and we do not receive information about deaths of people who are within the NDIS system.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): Supplementary arising from the answer: minister, have you been made aware of any deaths due to failure of care or other than from natural causes of people receiving disability services in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): I think that I just answered that I need to double-check what the incident management systems have alerted me to, so I have taken that on notice.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): Supplementary arising from the answer: minister, since you became aware of the tragic death of Ann Marie Smith, have you sought to find out whether there have been other deaths from a failure of care for people living with disabilities in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): I would think that I would be alerted to any of those that are within the state scheme. Also, the Coroner does investigate a number of deaths, and when the Coroner has completed his report he provides that to the Attorney and the Attorney provides those to any state ministers.

I am aware of receiving a report via that process, which related to a death from 2017, but I would need to double-check that system to see what other coronial reports have been referred to me by the Attorney. There have been a few, but that is across my portfolios, so I would need to double-check what we have received and get back to the honourable member.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Supplementary arising from the answer: minister, have you asked of your department, or any statutory authority, since the death of Ann Marie Smith if there have been other deaths like this in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): I think the answer to that question is that those reports will come to me if there is a coronial inquiry into it, and I will receive those details.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Supplementary, and for the sake of clarity: are you telling the chamber that you have not asked if this has happened before?

Members interjecting:

The PRESIDENT: Minister for Human Services, that's not out of the original answer to the question. However, you may answer if you choose.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): It's a bit of a long bow, because I think the honourable member would be going to matters that would have taken place prior to me becoming minister. There are not that many coronial reports that I have received where there has been something of this nature. I think he is asking me to do a review of every coronial matter that the department is made aware of.

INTERNATIONAL TRADE

The Hon. J.S. LEE (14:41): My question is to the Minister for Trade and Investment. As this week marks further easing of COVID restrictions in South Australia and we are paving the way for COVID safe recovery, can the minister please provide an update to the council about how the Marshall Liberal government is reopening freight routes with global markets?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:41): I thank the honourable member for her question and, indeed, her ongoing interest in our trade routes and trading

with other countries around the world. As members would know, at the end of last year South Australia was welcoming, on average, 47 international flights from nine airlines into Adelaide each week. In fact, over Christmas and Chinese New Year I think it went to just over 50.

Since that time, of course, South Australia and virtually every other jurisdiction across the world has put in place restrictions of movement in order to minimise the spread of the COVID-19 virus. This has had significant consequences for our exporters of high value and perishable goods that previously were able to take advantage of the numerous freight options from Adelaide and go direct into key markets around the world.

With a commitment to support our businesses in these difficult times, the Marshall Liberal government has stepped up to the plate. We have been working closely with the Morrison federal government to recommence flights out of Adelaide Airport and, as I have previously shared, an early success came through Singapore Airlines with the International Freight Assistance Mechanism (IFAM), which has already flown four times since 6 May.

Flying again tomorrow, the Singapore flights carry up to 40 tonnes of high-value produce into Singapore and then on to key markets each week. The flights have been a big success—

The Hon. I.K. Hunter interjecting:

The Hon. D.W. RIDGWAY: —and the initiative has been extended for an additional six weeks.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. D.W. RIDGWAY: I know the members opposite don't like to hear good news, but they will have to sit—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, we have missed you, but not that much. Minister, continue.

The Hon. D.W. RIDGWAY: Furthermore, Singapore Airlines announced yesterday evening that they will recommence one flight a week to Adelaide from next week, which will further bolster our inbound and outbound freight capacity.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. D.W. RIDGWAY: The Singapore government has given clearance for this additional flight to carry passengers, and the Changi Airport in Singapore has reopened for transit passengers with stringent measures as of today. I think it is fabulous that Singapore Airlines, as members opposite would know, has been our longest serving international airline carrier. In fact, it has been servicing South Australia since 1984, and they are the first international airline to come back into service to help us be stronger than before.

I can also share with the council that from next week we will see another long-term carrying partner, Cathay Pacific, flying freight again from Adelaide for an initial six-week period. Hong Kong is a key market for South Australia, for its seafood and other types of high-value produce, as well as a gateway into China, which is our largest trading partner.

This is yet another outcome of the Export Recovery Taskforce working with the IFAM initiative, and I would like to acknowledge the support from my federal colleague, the Minister for Trade, Tourism and Investment, the Hon. Simon Birmingham, and the federal government for their support. These developments are critical milestones in our return to the pre-COVID business conditions and the Marshall Liberal government will continue to seize the initiative in facilitating opportunities for our exporters to ensure that we come back stronger than before.

INTERNATIONAL FLIGHTS

The Hon. R.P. WORTLEY (14:45): Supplementary question: will any passengers who come into South Australia on Singapore Airlines be required to do their compulsory two-week self-isolation?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:45): The answer is, of course. The international borders are controlled by Border Force and the federal government, and I know that Singapore Airlines have had some conversations in relation to the carrying of passengers.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. D.W. RIDGWAY: They are very excitable across the chamber today, Mr President. So, yes, the simple answer to the honourable—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. D.W. RIDGWAY: —member's question is, yes, everybody entering South Australia will have a two-week period, but really that is a matter for the federal government because the Border Force and international border controls are a matter for the federal government.

PORT PIRIE, BLOOD LEAD LEVELS

The Hon. M.C. PARNELL (14:46): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the health impacts of lead pollution in Port Pirie.

Leave granted.

The Hon. M.C. PARNELL: The ABC Radio National's *Background Briefing* program on the weekend revealed some disturbing new information about the ongoing health impacts of lead emissions from the Port Pirie lead smelter. As members would know, the Targeted Lead Abatement Program for Port Pirie, known as TLAP—a joint program between the state government and Nyrstar—promised to improve the lead levels in the community and thereby improve the health of Port Pirie's children in particular.

The TLAP's goal was to have 95 per cent of children below 10 micrograms of lead per decilitre of blood within 10 years. However, the latest results show that they are further away from that target than when the program began. According to cabinet-in-confidence documents leaked to the ABC, the TLAP program was known to be unlikely to have any major impact and the only way to continue to improve health in Port Pirie is to reduce emissions from the smelter. As one official told the ABC, the program was in reality an expensive PR exercise. As a result of the failure of the lead smelter upgrade, the level of lead contamination in the blood of Port Pirie's children is the worst it has been in 10 years.

Back in 2013, the previous government, with the support of the current government, passed legislation that prevented the EPA from modifying the lead smelter's pollution licence to strengthen lead emission standards unless the company agreed. That legislation still has three years to run. My questions to the minister are:

1. What action will the government now take to reduce lead pollution in Port Pirie to protect the health of children and the population generally?

2. Given that the smelter upgrade has not been achieved in the last seven years and is unlikely to be achieved in the next three years, will the minister recommend to his colleague, the Minister for Energy and Mining, and his other cabinet colleagues that the Port Pirie Smelting Facility (Lead-In-Air Concentrations) Act 2013 be repealed so that the EPA might have a free hand in setting pollution licence standards that properly protect the community of Port Pirie?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): I thank the honourable member for his question. I must admit that I wasn't aware of the ABC program on the weekend. I gather it was broadcast on either 30 or 31 May, but it didn't seem to take account of results which I understand were released on 28 May. The first quarter 2020 analysis of children's blood levels in Port Pirie, I'm advised, reported a decrease in the number of children with highly elevated blood levels above 20 micrograms per decilitre, so the results the honourable member referred to must have been earlier results.

I admit that there have been some disappointing results in recent times. The improvements we have seen in the first quarter 2020 blood lead level trends indicate a reduction in the exposure of children to lead after an extended period of high lead contamination at Port Pirie between 2016 and 2018; however, the number of children with blood lead levels above the national lead exposure level remains a concern.

My understanding is that the Targeted Lead Abatement Program is about halfway through its life and is being reviewed. I am happy to take on board the concerns that the honourable member believes it is not meeting its purpose. I can assure you that this government is determined that the health and wellbeing of South Australians in Port Pirie and particularly children is continued to be enhanced.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): My question is to the Minister for Human Services regarding disability services. Minister, what do you understand to be the duty of care that the state has to people living with a disability and, in particular, what are South Australia's specific duty of care arrangements under the NDIS?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50): If I can just address the line of questioning that the honourable member was asking about previously, which I think may have been prompted by comments that Mr Maurice Corcoran made recently about the Health and Community Services Complaints Commissioner and a range of concerns that had been raised. The advice that I have received from the current commissioner in relation to a range of those investigations that took place in acute care settings is that they were all investigated and that the health system has amended its practices as a result of those.

The duty of care is quite a broad discussion, I think. In terms of duty of care—in fact, in a general sense—we all have a duty of care to one another to not ensure harm and neglect and a range of things. In relation to somebody who is a client of the NDIS, the front-line safeguarding mechanism for them, which I think was well understood by a range of people previously—indeed the member for Reynell in a speech in 2017 identified that the Quality and Safeguards Commission would be the front-line agency to regulate and ensure safety for people with disabilities, and I have also received that same advice from Mr Corcoran.

There is a general duty of care that we all have as citizens. The Quality and Safeguards Commission clearly has the regulatory and safeguarding oversight for all NDIS clients. Anyone else who comes in touch with what you might call a mainstream service, whether that is a health setting or the like, has a duty of care under those areas. There is a broad duty of care by everyone over everyone and specifically if someone is in a specific care setting, then that follows through that particular regulatory authority.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (14:53): Supplementary: apart from that broad societal duty of care that the minister spoke of, are there any specific duty of care arrangements that South Australia has under the NDIS?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): I'm not sure that I understand what the honourable member is asking me.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (14:53): Supplementary arising from the original answer: is the minister aware if the concept of a state's duty of care to people living with a disability has been discussed at either a ministerial or a national officers level?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): We would call that safeguarding and safeguarding certainly has been something that has been under discussion at various points throughout the transition to the NDIS. It is quite clear, through the statute of the NDIS Act, that the Quality and Safeguards Commission as the regulator has the primary safeguarding role.

In terms of other ways of safeguarding, those things are also being looked at by the task force because it is relating to these other elements, the community elements, and a whole range of other ways in which people with disabilities can, if you like—and if I can put it the way that Dr Caudrey often explains it, 'additional sets of eyes over someone'. So for someone who is receiving a quarterly health check, the GP or the doctor will have that oversight.

There are local area coordinators who have some oversight; the allied health providers, whether it's an occupational therapist or a physiotherapist, who might assess someone for what their equipment needs are. There are a range of these areas in which those safeguards will help to form a framework and a network for vulnerable people.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (14:55): A supplementary arising from the original answer: specifically, is the minister aware if duty of care arrangements under the NDIS have been discussed by ministers or senior officials at a national level?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:55): I just answered that question. We also call it safeguarding. That is a topic that is something that does get discussed in a range of forums.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.J. MAHER (Leader of the Opposition) (14:55): Final supplementary: is the concept of duty of care exactly the same as safeguarding arrangements, in the minister's view?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:56): Broadly speaking, I think we are talking about the same continuum of issues.

INDUSTRIAL RELATIONS

The Hon. D.G.E. HOOD (14:56): My question is to the Treasurer. The federal government has recently announced five working groups to investigate reforming industrial relations and improving productivity in Australia. My question is to the Treasurer and that is: to what extent has South Australia been consulted?

The Hon. R.I. LUCAS (Treasurer) (14:56): It's correct to say that the Prime Minister, the Treasurer and the federal Attorney-General have made public and private statements in relation to the importance of trying to work together in terms of reforming industrial relations and, more importantly, implementing productivity reform and productivity improvements within Australia. So there are clear implications for all of us within the states and territories.

Certainly, there was the recent teleconference discussion with the federal Minister for Industrial Relations, the Attorney-General, Christian Porter, and in broad terms there has been discussion about this, certainly at the Board of Treasurers level and at the Council on Federal Financial Relations with other treasurers around the nation. There has been discussion about needing to work together in the interests of productivity reform in Australia.

I have recently convened a meeting of the Industrial Relations Consultative Council in South Australia, which is a representative body of employer and employee representatives in South Australia. When this recent initiative was announced by the commonwealth government in relation to the establishment of the working groups or the task groups in this particular area, I rang my long-time acquaintance, comrade Angas Story, who represents unions in South Australia. I have kept in regular contact with Angas during the COVID-19 pandemic with regular telephone calls and discussions about areas of mutual concern and mutual interest.

I raised with him the prospect of perhaps having another meeting, albeit at short notice, of the Industrial Relations Consultative Council, and he readily agreed that it would make great sense to do so, so I have convened a meeting of that consultative group for this Friday. We will be discussing the five issues that the commonwealth government has placed on the record, I note with the support of Sally McManus and other representatives of the trade union movement at the national level.

I think it an important indication of government working together with representatives and workers nationally and, as I said, following on from that, in my discussions with Angas Story a willingness to sit down again to discuss these particular issues on Friday afternoon. So those working groups simply are: award simplification, enterprise agreement making, casuals and fixed-term employees, compliance and enforcement, and greenfield agreements for new enterprises. They are the working groups that are to be established at the national level.

I will be asking the representative employer and employee groups represented on the council on Friday for their views as to what views I should pass on as the South Australian minister to people at the federal level in relation to the results of the consultation at the South Australian level. Represented on that group, as I said, is my long-term acquaintance, Mr Story; but also, representing the shoppies union, Monique Gillespie; representing the AWU, Peter Lamps; representing the PSA, Natasha Brown; representing the AEU, Leah York; and representing the CEPU, Jessica Rogers. From the employer side we have the various employer stakeholder groups, Business SA, the MTA, HIA, MBA, I think I said the AHA, and also the Commissioner for Public Sector Employment, Erma Ranieri, will be represented on that particular group as well.

I will enter those discussions on Friday simply not to put a position to that particular group but to listen to the views, which I am sure will be diverse. I am not expecting a consensus view to be arrived at on these contentious issues from employer and employee representatives. But it is an opportunity for employer and employee representatives, through me and through the state government, to put a point of view to the federal level on these important issues, which are going to be discussed at the national level by representatives of employers and employee representatives.

The final point I make is that, whilst at the national level it is sometimes possible for the views of Eastern States employer and employee representatives to dominate the national agenda, it is important that those of us not in those big Eastern States to have our particular points of view put, both from an employer and employee viewpoint as well. This will be an opportunity for those employer and employee representatives, through me and through the state government, to have their views at least considered at the national level. I think that is important, and I am sure all members in this chamber would share the commonwealth government's initiative to look at how we might be able to work together in the interests of improving productivity in Australia post COVID-19.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (15:02): I seek leave to make a brief explanation before asking the Treasurer a question related to the Whyalla Steelworks.

Leave granted.

The Hon. F. PANGALLO: The Whyalla Steelworks have been in significant financial difficulty for years. It was given a potentially lifesaving lifeline in 2017, when British billionaire Sanjeev Gupta bought the steelworks and unveiled a multimillion-dollar redevelopment, much of which is still to happen.

As part of his purchase Mr Gupta's company, GFG Alliance, secured a $50 million funding commitment from the previous Labor government, a commitment the current Treasurer, Rob Lucas, said he would honour, with certain conditions. The ABC is reporting today that freedom of information documents reveal GFG last year approached the state government for further financing. The request, the ABC says, caught the government by surprise.

In the meantime, Mr Gupta's companies have been actively making multibillion-dollar acquisitions of distressed steel and aluminium plants across the globe, making him one of the world's largest steel producers. All of this is occurring in an environment where GFG OneSteel continues to fail to pay some suppliers in Whyalla on time. Many are owed many hundreds of thousands of dollars —one over $1 million—and some payments are more than 90 days overdue through a rather unorthodox arrangement which at one stage also included creditors being asked to shave 8 to 10 per cent off the original debt if they wanted their payment on time.

Promised deadlines for partial payments are regularly being missed, leaving some on the brink of collapse. One has already closed its doors. Others are fearful and are afraid to speak out because of the alarm it might cause in the still jittery community, which is totally reliant on the

steelworks. Myself and My Centre Alliance colleague Senator Rex Patrick have been aware of these issues for some time. We have also had meetings with some of the creditors and Mr Gupta and his executive team, where these legitimate concerns were raised.

I have also seen correspondence from an insurance company to one of its clients seeking trade credit cover in the event of a default. The advice was that no new cover was being given on OneSteel. The supplier was advised to reduce their exposure to the group and that trade credit insurers are reducing their exposure after meetings in Australia and the UK. This was in late 2018. However, I am told that advice still applies.

My questions to the Treasurer are:

1. Has Mr Gupta, GFG OneSteel or any of his other associated companies approached the state government requesting further funding above the $50 million committed?

2. Why is there a delay in finalising the initial $50 million funding commitment?

3. Should the government be concerned over the financial viability and long-term future of the Whyalla Steelworks?

4. Has the government had discussions with GFG OneSteel and any of its suppliers over its continued late payment of invoices?

The PRESIDENT: Before I call you, Treasurer, the Hon. Mr Pangallo, that was hardly a brief explanation. You really do need to tighten them up, otherwise we are probably not going to be able to indulge you. Treasurer.

The Hon. R.I. LUCAS (Treasurer) (15:06): Thank you, Mr President. There might have even been the occasional rhetorical flourish, as has previously been referred to by the honourable member. Mr President, I will do my very best to remember the myriad questions that the honourable member has put, but if my failing memory in my advanced years fails me, I will take on notice anything I might miss out.

In relation to the issue of payment of accounts, that is an issue of the public record. The Small Business Commissioner in South Australia became involved sometime last year, I believe, and I think at one stage the federal small business commissioner, Kate Carnell, involved herself in discussions, public debate and media debate through 2019, I believe, in terms of the payment of accounts. At the end of those discussions, there was some resolution in relation to, at that particular time, the payment of accounts.

I am not aware of the timing of the particular accounts to which the honourable member has referred. To that end, I can indicate that because of COVID-19, which may or may not overlap some of the ongoing issues at Whyalla, I don't know, the government has, in relation to a series of loans the former Labor government issued to small businesses, most of whom I suspect were suppliers to GFG, entered into commitments to extend the repayment options on behalf of taxpayers for a range of those small business operators. That's of great comfort and great assistance to some of those small business operators in the Whyalla area.

I was lobbied by members of parliament, I think from all sides, in relation to whether or not I would be prepared, on behalf of the government, to provide some at least deferred payment relief to those particular operators and on behalf of the taxpayers of South Australia, the government did so. As I said, the issues that relate to those particular loans may or may not have been influenced in some cases by COVID-19 and other issues perhaps in relation to accounts in Whyalla.

In relation to the former government's commitment, which I think goes back to perhaps as early as 2016, 2017, it's that long ago, the $50 million commitment to the process, I think it was actually made prior to the actual bidding process that was entered into; that is, the details of the loan I believe might have been included in the data room when the various bidders were considering whether or not they would make the offer; that is, the former government made this offer of $50 million. It was heavily contingent on it being, in essence, part of a viable—these are my words of summary—long-term Whyalla transformation plan. That is, something that would see an ongoing viable future for the steelworks at Whyalla and it was on that basis that the former government made that particular commitment.

The incoming Marshall Liberal government indicated publicly, and we have done so privately, that we are prepared to honour that particular commitment. That is, we are prepared to meet those particular conditions, provide $50 million as part of some sort of capital investment, which leads to or is part of a transformation plan which leads to a viable long-term future for the steelworks at Whyalla. They were the conditions of the former government; they are the conditions of the new government. We are simpatico with those particular conditions that were outlined. So there has been no major change there.

In relation to the member's very kind invitation for me to speculate publicly about the ongoing viability or otherwise of a business operation in South Australia or Australia, I politely decline to do so. They will be issues ultimately for individual companies, in particular one that is of great interest to the honourable member. All I can say is we have been recently briefed (we being state government officers) by representatives of GFG in relation to their latest version of a transformation plan. In that particular plan, they have outlined their respective requests of governments generally—that is, state and federal, possibly local was well; I am not sure—and we will continue to engage with the company in the interests of trying to see a viable long-term future for the steelworks at Whyalla.

It is in this government's interest, it is in the Whyalla community's interest, it is in the workers' interest, and it is in the nation's interest for there to be a viable long-term future for the steelworks at Whyalla, but the prime responsibility for that rests with the people who have taken it over. They went through a complex bidding process, as I understand it, under the former government. The former government ministers will be much more aware of that process than I am.

A decision was arrived at at that particular time. We will continue to work with the operators in the interests of trying to see a viable long-term future for the steelworks at Whyalla. That is a commitment from the Premier, it is a commitment from the state government, it is a commitment from, I know, the Minister for Energy and Mines, who has been actively engaged, and it is a commitment that I give on behalf of the taxpayers of South Australia as well.

WHYALLA STEELWORKS

The Hon. F. PANGALLO (15:12): Supplementary question to the Treasurer: have they asked for additional financing, Treasurer, and for what reason?

The Hon. R.I. LUCAS (Treasurer) (15:12): I answered that question. Even with my failing memory I can remember I did answer that. That is, they were seeking additional funding from governments, both state and federal, and I indicated possibly from even local government. I am not sure whether they were seeking additional support from local government. They are the particular issues which would be part of the latest version. There have been a number of versions of a transformation plan for the steelworks at Whyalla. The latest version, which in recent weeks has been outlined to state government officers, was a quite detailed plan and proposition which did involve requests for further assistance from state and federal governments.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (15:13): My question is to the Minister for Human Services regarding disability services. Minister, you informed the chamber in your ministerial statement today that in relation to the death of Ann Marie Smith we need answers quickly and we want effective solutions as quickly as possible. Minister, can you confirm, finally, whether final terms of reference for the task force have been finalised and have you approved those terms of reference?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:13): I took this question on notice, so I will bring back a response.

SAFEGUARDING TASKFORCE

The Hon. K.J. MAHER (Leader of the Opposition) (15:14): Supplementary arising from the answer, that it's taken on notice—

Members interjecting:

The PRESIDENT: The Hon. Leader of the Opposition, I will listen but it is extremely difficult to get a supplementary question out of that answer. The Hon. Leader of the Opposition.

The Hon. K.J. MAHER: Is the minister aware if she has approved final terms of reference or not?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:14): I don't need to because the task force is independent.

CORONAVIRUS

The Hon. J.S.L. DAWKINS (15:14): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on community health during the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I thank the honourable member for his question. Australia has responded well to COVID-19. Governments across Australia have acted swiftly and appropriately, consistent with the advice of the AHPPC nationally and our Chief Public Health Officer, Professor Nicola Spurrier, in South Australia. The primary focus of the response has been on the coronavirus itself and the rollout of a suite of public health measures ranging from social distancing to reducing crowded places to staying home when sick.

COVID-19 has also been at the forefront of the minds of individual South Australians. Health professionals are now becoming concerned that, focused on COVID-19, people are not giving sufficient attention to other health concerns, particularly chronic conditions. That is why the Marshall Liberal government launched the Keep Well, Keep Connected campaign, encouraging South Australians to look after their general health and to stay connected with their GP.

During the pandemic we have seen a reduction in emergency department presentations, ambulance call-outs and GP visits. In the first two weeks of April, South Australia's major metropolitan hospitals received about 8,000 ED presentations, a 32 per cent decrease compared with the same time last year. There were approximately 8,400 hospital inpatient admissions to our major metropolitan hospitals in the first two weeks of that month, which is a 25 per cent decrease compared with the same time in 2019.

A survey of South Australian general practitioners taken in April shows approximately 78 per cent had noticed a considerable drop in patient numbers, and 85 per cent of respondents were concerned about the impact of COVID-19 and isolation on chronic health conditions. While presentations have been trending upwards since, they do remain below last year's levels. There is concern that this fall may relate to South Australians who do need care, whether in our hospitals or with GPs, but who choose not to seek that care, perhaps out of concern about contracting COVID-19 or adding to the demand in hospitals.

Concern about a lack of engagement is shared by many health professionals, including health professionals beyond government. In late April, the Royal Australian College of General Practitioners launched its own campaign to encourage people to seek medical help. The campaign named Expert Advice Matters has run nationally and complements the South Australian campaign in getting out the message: it is safe to seek medical help.

South Australians have responded to the coronavirus in an exemplary way, listening and complying with public health advice. It is critical that they listen and comply with this advice also. They should not delay seeking treatment for other health conditions. The message from our public health officers and clinicians is clear: if you have an acute illness or a chronic health condition, including mental illness, you should seek the care that you need. Our healthcare sites and staff have strong plans in place to minimise the risk of COVID-19 exposure.

CORONAVIRUS RESTRICTIONS

The Hon. T.A. FRANKS (15:18): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Health and Wellbeing on the topic of hospital visitation restrictions as a result of the COVID-19 pandemic.

Leave granted.

The Hon. T.A. FRANKS: Based on the public web pages of hospitals across our state, it would appear that each hospital is providing quite different information to its visitors and that the onus of decision-making on who is able to go and visit a loved one in hospital in fact is sitting with doctors and nurses. I have been told that at one hospital at least, patients there are only allowed to have one visitor per 24-hour period—one visitor per day.

That means that those patients are having to choose each day who is allowed to visit them, and this is causing extreme emotional distress, particularly since these restrictions persist when we are seeing an easing of other restrictions across the state. I am aware of where family members have passed away without family being able to say their goodbyes.

During the recent evidence to the COVID response committee we also heard from doctors and nurses directly that it is being left to them to tell families that only one visitor in that particular case is allowed. Indeed, this causes quite a range of distress at several hospitals. To quote Bernadette Mulholland, the senior industrial officer for the South Australian Salaried Medical Officers Association:

> …it has been an ongoing discussion in the Royal Adelaide Hospital and the QEH…that it is left up to doctors and nurses to be able to tell families. It is not done at the entrance. They come in—

visitors to their loved ones—

> quite agitated, to the service…

And then it is the doctor who has to tell them that they need to turn away and that there can only be one person.

I note however, though, that this one person per day rule does not apply across all hospitals. It appears to be that different local health networks have made different decisions. I also note that the AHPPC has provided no overall guidance and SA Health has not provided any guidance to the individual LHNs. My questions to the minister are:

1. What, if any, guidance, rules and directions have been given for our hospitals with regard to this matter?

2. In terms of this sensitive issue, can SA Health, through the minister, provide some clarity, so that doctors and nurses aren't being put in the position where they are placed in unnecessary conflict from this confusion?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20): I thank the honourable member for her question. On the one hand, I want to associate with the concern that we continue to provide compassionate access to hospitals for visitors and family, but I also want to say that this government has taken a decentralised approach to health governance, so LHNs in this area are developing their own policies.

It would not surprise me if a particular LHN had different policies for different sites. For example, a site such as the Royal Adelaide Hospital, which on the one hand is a COVID testing facility and a COVID treatment facility, also has significant numbers of both inpatient and outpatient cohorts that are vulnerable. The challenge at, for example, the Hampstead Rehabilitation Centre would be very different to the challenge at the Royal Adelaide. Whilst acknowledging that the LHNs might have different policies between each other, I would also not be surprised if particular LHNs had different policies for different sites.

I do acknowledge that there is perhaps a higher level of restrictions than would be consistent with the stage of the pandemic. My understanding is that the Department for Health and Wellbeing has sought advice from all local health networks about both their visitor policies and also their concierge services. I think the honourable member was referring to them being greeted at the front door. That is what we commonly call concierge services, where people might be being asked if they have been overseas, if they have been interstate, if they have any symptoms, and particularly asking them to take the opportunity to cleanse their hands and so forth.

We are, if you like, doing a scan to see what are the policies. To be frank, I suspect it will still tend to fall on the clinicians at the unit level to have a conversation with family, because particularly at a big facility like the Royal Adelaide Hospital there would be—

The Hon. T.A. Franks: Let's talk about the Lyell McEwin.

The Hon. S.G. WADE: Okay. It would differ for different hospitals, but it may be that a particular hospital would not be able to manage that level of information at the concierge level. I will take the honourable member's question on point, and I will certainly take the opportunity to refer the honourable member's question and explanation to the officers who are doing the scan.

I would also like to take the opportunity to say that, particularly with vulnerable cohorts, I think we need to get used to the idea that there will be some quite unusual restrictions on for some time. For example, in residential aged-care facilities I don't see those restrictions coming off anytime soon. The federal and state governments have worked very cooperatively. I am not just meaning the Morrison government and the Marshall government; I mean all of the state and territory governments have worked strongly with the federal government to help the residential aged-care sector to get the balance right.

On the one hand, we want to have strong infection control to protect a vulnerable cohort and, at the same time, we don't want to impact on the quality of care that we are providing in terms of what are, after all, people's homes. It directly relates to the point the honourable member is making: we have situations where people are writing to me about visitor requirements in the birthing context, and that is a special time that will never come again, so these are not unimportant policies, but there are policies in place in our hospitals—and I think they will be in place for quite some time—which disrupt what people might normally hope for in a birthing experience or in a broader care experience.

I certainly acknowledge the honourable member's point, that SA Health and its network of services could perhaps revisit some of its visitor policies and concierge policies, and I will certainly undertake to refer the honourable member's remarks to the relevant officers.

CORONAVIRUS RESTRICTIONS

The Hon. T.A. FRANKS (15:25): Supplementary: given the absence of the AHPPC advice and any SA Health directive, and the differences across the state, could they at least be signposted both on the website of the hospital and before people get, in fact, very close to the patient's room?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26): I thank the honourable member for the suggestion. I think putting it on a website could well make the visiting experience less disruptive. I will certainly pass that on.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:26): My question is to the Minister for Human Services regarding disability services. Minister, when did you first ask the Principal Community Visitor for any information they have about the tragic death of Ann Marie Smith? What obligations, particularly mandated, legislative obligations, does the Principal Community Visitor have to inform you of serious incidents or matters of concern?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:26): I thank the honourable member for his question. In relation to the Principal Community Visitor there was a range of discussions on the weekend in relation to some of the safeguarding issues that had arisen from this case. In her specific role, I think via the Attorney, we were trying to establish whether she was actually indeed a client of the Public Advocate, which as it turned out she was not. In relation to the original question, the honourable member might like to repeat that.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:27): Supplementary arising from the answer: what obligations, particularly mandated legislative obligations specifically under the Disability Services (Community Visitor Scheme) Regulations, does the Principal Community Visitor have to inform you, as minister, of serious incidents or matters of concern that come to their attention?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:27): This is a technical—my understanding is that legal advice has been sought about what her obligations are in relation to these matters. My understanding is that because Ann Marie Smith was not a client within the state jurisdiction there was no obligation to provide that to the Minister for Human Services.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:28): Supplementary arising from the answer: very specifically, can the minister confirm that if a person living with disability in South Australia does not receive specific state-funded services, that there is no obligation under section 4(b) of the Disability Services (Community Visitor Scheme) Regulations to pass on a critical incident to the Minister for Human Services? Is that the minister's understanding?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:28): I have already outlined what I understand the legal position to be.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:28): Supplementary arising from the original answer in relation to the role of the Principal Community Visitor: do the obligations and operations of the Principal Community Visitor form any part of the terms of reference of the task force that is going to respond very quickly to these matters?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:29): My understanding of the way the task force is going to operate is that it broadly has terms of reference which are going to look at all oversight matters.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke, the question wasn't asked of you. Minister, continue.

The Hon. J.M.A. LENSINK: The question that I have—

Members interjecting:

The PRESIDENT: Sit down, minister. Are you finished, the Hon. Ms Bourke? Minister.

The Hon. J.M.A. LENSINK: The question that I have asked the task force to look at is what gaps in oversight exist through a whole range of systems. I fully expect that they will consider a whole range of matters because there will be a whole range of people who will make submissions to the task force. They may well come up with a whole range of recommendations on a whole range of areas. I am not seeking to limit them in any way.

As I spoke about previously, I have had a lot of comments from people, personal telephone calls, emails, and a whole range of other ways in which people have contacted me and raised a range of concerns about systemic issues. What we have done is provide all that detail about the task force in terms of the fact that they can potentially look at a whole range of these issues. I do not wish to limit the scope of the task force because there are a range of systemic issues across the system that are contributing to gaps in safeguarding. They may reside within particular acts of parliament or they may well be community responses. I am looking forward to receiving that advice from the task force.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I call the honourable Treasurer, can I acknowledge in the gallery Senator Andrew McLachlan CSC, former President of the Legislative Council.

Members

CENTOFANTI, HON. N.J.

The Hon. R.I. LUCAS (Treasurer) (15:31): By leave of the council, I move:

That this council welcomes the Hon. N.J. Centofanti, elected by an Assembly of Members of both houses on 7 April 2020 to replace the Hon. A.L. McLachlan (resigned).

Leave granted.

The Hon. R.I. LUCAS: In speaking briefly, because I am not going to delay any further the first speech of the honourable member, I acknowledge the fact, firstly, that COVID-19 has had many impacts, but one of them, of course, has been the delay of the honourable member's first speech to the chamber. We thank her for her willingness to comply with a delayed first speech to this house.

Can I say briefly on behalf of government members, but I suspect I speak on behalf of all members, that we do welcome the honourable member to this chamber. We on our side acknowledge the enormous contribution she has already made to the community and to the party and the contribution she will make in what will be a long career, I am sure, in the Legislative Council. We look forward to that contribution.

I cannot refer to the members in the gallery, because that would be contrary to the standing orders, but I suspect a number of members and colleagues from her party room and from another place may well be taking a close interest in the proceedings and I am sure her local member, the member for Chaffey, may well also be taking a close interest in the contribution that the member will make. We look forward to this contribution. We wish her well in her career ahead and we thank her very much for what we are about to receive.

The PRESIDENT: Before calling on the Hon. Nicola Centofanti, I note that this will be the member's first contribution in the council and, as such, remind honourable members of the usual courtesies that are extended to members when making their maiden speech. I call the Hon. Nicola Centofanti.

The Hon. N.J. CENTOFANTI (15:33): Thank you, Mr President. I am delighted to rise today to deliver my maiden speech. Firstly, I wish to congratulate you on your recent election to the chair. I have no doubt that you will do an excellent job presiding over this chamber as you bring integrity, humility and experience to the role.

I also note the presence of the Premier and of my predecessor, Senator Andrew McLachlan CSC, in the chamber today. I congratulate the senator on his election to the federal parliament and acknowledge the contribution he has made to this chamber as President and as a member of this council. Senator, my chamber colleagues tell me that your cheerful, almost beatific, countenance has been missed.

Standing in this chamber, I am acutely aware of the journey that others have made before me. We must always acknowledge and protect our forebears' legacy. At the end of World War II, the government opened up land for war service settlers for fruit growing. In those days, irrigation was by channels and furrows. After the 1956 flood, irrigators needed to relocate to higher ground. It was during this period that three Riverland fruit growers and an engineer teamed up to devise a workable system, beginning with the laying of galvanised pipe to concrete mainlines, known as the Golden Heights irrigation scheme.

This innovative concept of land utilisation resulted in Waikerie horticulturalists having the infrastructure for more efficient water use and better crop production. The project spawned the establishment of household brands such as Berri, Nippy's, Angove and Angas Park. This efficient and progressive scheme has been duplicated all around the country. I tell you this for two reasons: firstly, to illustrate that a good idea, collaborative effort and a strong work ethic can achieve results and, secondly, because two of those men were my grandfathers, Rex Coats and Jack Andrew. The third was my great uncle, Rex Andrew, and I am extremely proud of this. The engineer, Bill Pollitt, died in Waikerie in 2013, aged 100.

As Marcus Garvey once said, 'A person without the knowledge of their past history, origin and culture is like a tree without roots.' I was born and raised in Berri, the second child to Stuart and Suzanne Andrew. I was named as such, not because my parents had premonitions that 28 years later I would marry a Centofanti, but because my father harboured a crush on the then famous actress Nicola Pagett.

My father is a man of conviction and decency. He is a voracious reader and ensures he does so widely. He has served his community over many decades in his role as chairman of the Riverland Regional Health Authority and Renmark Flying Group, as well as his involvement as a member of the Riverland Winegrape Growers Board, the Wine Grape Council of South Australia and, more

recently, Citrus SA. Over my life, my father has taught me about the importance of one's beliefs and that these should not be swayed by populist opinion.

My mother is a woman of strength and many talents. Those who know her well will have had the privilege of experiencing her cooking, catering for many large Liberal Party fundraisers. She has the ability to whip up a gourmet feast with a near-empty fridge, a skill passed down to her from her mother and my grandmother, Nita Coats. Furthermore, my mother is an incredible artist and I admire her willingness to create, her practicality and her kindness. Most importantly, she is always generous with her time, love and support.

Both my mother and my father started out with relatively little. My father worked as a delivery driver to put himself through law school and my mother worked in a convenience store whilst attending teachers' college. After their marriage in 1973, they moved up to the Riverland, purchasing an old fruit block which has subsequently grown to 120 acres of citrus and wine grapes. My father built up his law firm over the next 40 years, now known as Andrew and Dale Riverland Legal Chambers, before his retirement in 2017. My mother steadily advanced her career while simultaneously raising my elder sister, Joanna, and I and was a primary school principal for 22 years before her retirement in 2019.

Whilst both retired from their professions, they continue to manage the family orchards. Their story is one of perseverance and ambition. My parents worked hard and applied themselves to their chosen trades in the hope that they could make available to my sister and I the greatest possible opportunity to follow our ambitions. I am forever grateful for my upbringing and I carry my parents' teachings with me today. I believe that it is one of the greatest duties to work towards a state where our citizens have available the greatest opportunities to succeed. We must foster a South Australia which encourages and rewards perseverance. I am incredibly fortunate to have both my mother and my father here in the gallery today. Their story and life experiences have led me to join the Liberal Party.

It is the party that believes in freedom of speech, individual responsibility, liberty and free enterprise. The party that believes in a representative government where people are plucked from shearing quarters, pruning ladders, classrooms, law firms, fishing boats, butcher shops and veterinary clinics, not from the ranks of trade union officials or staffers.

My first introduction to Liberal Party campaigning started with handing out how-to-vote cards as a teenager at the Croatian Association Hall in Winkie for my uncle, former member for Wakefield, the Hon. Neil Andrew AO. I acknowledge my Uncle Neil and Aunty Carolyn, who are both in the chamber today. At the age of 16, I was fortunate to attend Uncle Neil's swearing in as Speaker of the House of Representatives on 10 November 1998. I distinctly remember the feeling of pride and a sense of democracy and debate. That was the genesis of my interest in politics. It was also a trip that I remember so vividly for all the adventures that followed.

My father had flown a small group of us, including Neil's daughter, my cousin Kate, in a Cherokee (bravo oscar whisky) from Renmark to Canberra via a quick stopover in Wagga Wagga. On the way home, we ran into a spot of bother with the weather conditions and had to make an emergency landing in Hay, New South Wales. Whilst I was pleased to be able to visit the Australian Shearers Hall of Fame—something every South Australian should do—I was less enthusiastic about the plague of locusts that were visiting my beef parmigiana during dinner that evening.

Thank God for Mozz, the local barmaid at the Riverina Hotel in Hay, who supplied those of the group who were of the legal age with free-flowing beer and me with copious amounts of raspberry lemonade. She and other locals were kindly feigning to believe us when stories were told of how we had dined at The Lodge less than 24 hours previously.

Typically, Mozz was not only the barmaid but operated a taxi business and was the wife of a local farmer. She had many roles in her community and in doing so, Mozz made me acutely aware of the practical impacts that legislation had on her world. We must never forget how the decisions we make in these four walls impact those around us.

There is a long history of political involvement in my family. My late grandfather Jack Andrew stood for the old seat of Ridley (now known as Chaffey) in 1962. He was narrowly defeated on

preferences by the Independent Tom Stott. Tom, who originally won the seat of Ridley in 1938, went on to hold the seat for its entire existence until it was abolished at the 1970 state election, making him the longest serving Independent in Australian political history.

Some years later, in 1993, my father's cousin, Uncle Kent Andrew, won the seat of Chaffey, allowing the Andrew family name to have a home within the walls of this parliament. My Uncle Neil, whom I have mentioned previously, was the member for Wakefield from 1983 until 2004 and was Speaker for his last six years of service. When people speak to me about Uncle Neil they use words such as 'committed', 'unwavering', 'true to his word' and 'a gentleman'—the latter two characteristics rarely used in the current political sphere. I will strive every single day to earn that same respect whilst here in this chamber

Growing up in the Riverland, I attended the local high school in Glossop, and I am grateful to my teachers, who put up with my neurotic nature. I certainly was not a naturally gifted student, but I was assiduous and worked hard and therefore found myself accepted into veterinary science at Murdoch University in Western Australia. After five years of study, I then chose to return to South Australia and began my career as a professional at the Riverland Veterinary Clinic under the mentorship of Dr John Hammond. I am grateful to have John here in the gallery today.

Being part of a mixed veterinary practice in regional South Australia highlighted the important role of biosecurity within our state, which cannot be underestimated. Biosecurity underpins the success of South Australia's exports in both agriculture and horticulture. Vets and farmers underpin the success of biosecurity in agriculture.

Dr Hammond's commitment to animal health and his dedication to his patients, as well as his staff, has been an inspiration to me. He is also a committed Liberal and I will miss our political banter whilst attending to a TTA surgery or a late night emergency thoracotomy. Dr Hammond, like my husband, David, and I, also understands the difficulties and the triumphs of owning his own business.

Small businesses form the backbone of our economy and employ hundreds of thousands of South Australians. Having owned our own hospitality business, David and I learnt quickly how to be productive and resilient. The responsibility of risking your own savings, working long hours, paying wages and supporting staff weighs heavily on all business owners. Yet, there is also the joy of your first sale, a happy customer, upskilling a staff member or supporting the community. Not to mention your first net profit. This is why small businesses are so important, contributing $35 billion to the state's economy and employing more than a third of South Australian workers.

I am proudly from the country and the River Murray is my home. Eckert's Creek is a mere stroll from my back door and I am one of 350 people who call the township of Winkie their home. As with many country towns around South Australia, our population is small but our community spirit is abundant. This community spirit forms the backbone of our nation and is the reason I have immersed myself into the Rural and Regional Council for the best part of the last decade. The Rural and Regional Council was originally known as the primary producers committee on its formation in 1938. It was established to represent the views of the large proportion of Liberal Party members who derive their income from the land.

This committee has a longstanding reputation of advocating for grassroots policy and its members have worked hard to maintain close links with its parliamentary representatives and other agricultural industry bodies, such as Grain Producers SA and the National Farmers Federation. I was fortunate to chair this state committee from 2016 until 2019 and then went on to chair the federal Rural and Regional Council from 2019 until my election to this chamber.

The importance of these platforms for both regional South Australia and the nation cannot be underestimated. Issues such as drought, energy, bushfires, trade and water are at the forefront of the minds of those who attend. Drought and fire have been a significant and regular part of the Australian landscape and our recent summer was no exception. The fires that ravaged our state have had a devastating effect and continue to leave physical, emotional and economic scars. But what it has demonstrated is that our communities are proud and generous.

I believe that we will need to address our native vegetation legislation. Research has found that doubling the fuel in a forest will double the rate of spread and quadruple the fire intensity. Fuel

load reduction, as well as sensible and practical fire mitigation strategies, are critical to ensure our state's prosperity and recovery. We cannot remain captive to the extreme elements of the hard Green left. To ensure the safety of many of our communities, we must learn the lessons of the bushfire season and make practical changes now.

Mr President, I cannot ignore the fact that I have arrived in this chamber at a time like no other. The virus has highlighted some fundamental problems that we, as a state and a nation, must address. It is a bit like the old saying, 'Only when the tide goes out do you discover who's been swimming naked.'

We were once a very proud manufacturing state and I think we can be again. We need to secure what we now realise are essential products for a nation state. We cannot be ignorant of the reasons why we lost manufacturing in this great state to begin with. In doing so, we must foster opportunity and be advocates of sensible and pragmatic reform. We must continue to look to and support our small and medium businesses as they lead our economic recovery.

We must also look to our regions during this time and recognise the important role they will play as the economic drivers of this state. The notion that new industry need only be developed this side of Gepps Cross is a fallacy. Our regions have the space, the workforce and the commitment to take the lead. In doing so, we will be supporting people in their choice to live in our regional communities and ensure regional South Australia is prosperous.

Innovation leads to growth. However, we must have the infrastructure to support this growth otherwise any new industry will be short-lived: critical infrastructure such as reliable and affordable energy, as well as water security. We must also reduce both red and green tape, which is turgid, onerous and counterproductive. We must concentrate on reliability as well as cost. One of the most significant things we can do to combat rising electricity prices is to reduce or better manage peak demand. We must do this by using all of the tools that are available to us—renewables, gas and coal—whilst remaining open to new tools, such as nuclear. After all, the South Australian Nuclear Fuel Cycle Royal Commission determined that nuclear power as a future energy source should not be dismissed.

Our state's water security is vital for our industry and is a finite resource. Because of this, the Murray Darling Basin Plan is critical to striking the balance between delivering water to the communities and industries that rely on the river and ensuring the future health of the basin environment. South Australian irrigators are the most efficient water users in this country. We must continue as a state to advocate on their behalf to ensure river communities like my own continue to prosper.

Creating an attractive environment for the industry in our state extends beyond securing reliable and affordable resources. We must also carefully navigate the complex interrelations between employers and employees, trade unions, employer organisations and the state, enabling the correct and sensible balance to ensure sustainability into the future. Without these necessary reforms our ambition to rebuild our manufacturing capabilities will remain just that: an ambition. The people of South Australia deserve for this to become a reality. At the very least, the recent circumstances we have found ourselves in have given us the reason and the drive to have the conversation and debate about the future direction of our state.

I hold a degree in veterinary science. Serious science should be respected but not revered. We must ensure that we teach our students that scientific theories consist of hypotheses and that nature is complex. I believe the words of Andre Gide ring true when he said, 'Believe those who are seeking the truth. Doubt those who find it.'

The plus of being a trainer and water runner at the Berri Football Club is that I am constantly reminding the lads that they are only as good as their volunteers and members. With that, I would like to thank the members of the Liberal Party of South Australia, state councillors and the people of South Australia for the honour of representing them in this chamber. I thank my family for their love, support and guidance.

To my husband, David, who is in the gallery today, our partnership spans over two decades, and I could not imagine being on this journey through life with anyone but you. Thank you for your

patience, strength, love and honesty. To my children, Anna, Lucia and Angus, your unconditional love is what drives my decision-making every single day, and I am here because I want you to have every opportunity to excel at doing what makes you happy.

To my mum and dad, thank you for giving me the experiences and opportunities growing up. To my dear sister, Jo, who is here in the gallery today, and my niece and nephew, Alice and Jack, thank you. Jo, thank you for being my best friend, confidant and legal advisor. You are incredibly generous. You also provide me with consistently sound wardrobe advice, which I am always in need of and greatly appreciate. I would also like to acknowledge and thank the Centofanti family, especially my parents-in-law, Mario and Lucy, who are here in the gallery today, as well as Laurie and Lana, Andrew and Alex, Steven and Laura, and their families for all of their love and support.

I thank my state parliamentary colleagues who have assisted me on my journey, in particular minister the Hon. Stephan Knoll, minister the Hon. Tim Whetstone, member for Waite Sam Duluk, member for Davenport Steve Murray, member for Hammond Adrian Pederick, the Hon. John Dawkins and yourself, Mr President. I thank my federal parliamentary colleagues who have also given me guidance, in particular my local federal member and good friend, member for Barker Tony Pasin. Tony, thank you for your unwavering support and guidance over the years. Thank you also to minister the Hon. Anne Ruston, member for Boothby Nicolle Flint, Senator Alex Antic, and my predecessor Senator Andrew McLachlan.

I would like to acknowledge the support I have received from my rural and regional executive over the years, their guidance and friendship has been invaluable to me. I thank John and Di Harvey, Lyn and John Nitschke, Senator David Fawcett, Caroline Rhodes, Courtney Stephens, Charlotte Edmund, Courtney Nourse, Emma Godfrey, Lachlan Haynes and Sam Telfer. My heartfelt thanks to Dr John Hammond, and the Riverland Veterinary Clinic, for his guidance, support and mentoring over the last 15 years in general veterinary practice.

There are many close friends who have supported me in my journey here, too many to name but you know who you are, and I thank you with all of my heart. To my oldest, dearest friend, Dr Tessa Opie, who is in the gallery today, despite our political persuasions being sometimes different, you have always believed in me, just as I believe in you, and I am so lucky to have you here today. Thank you for your love and friendship.

As you can see, Mr President, I am indebted to a large number of people for their unwavering support, and this is something I do not take lightly. There are so many people I would have liked to have had here today, but due to the circumstances am unable to. Being in a privileged place such as this, one must stand up for those you seek to represent and be strong and steadfast in your beliefs.

My grandfather Jack delivered many a sermon for the Methodist church in Waikerie, in addition to writing a number of reflection papers during his life. On New Year's Eve in 1984, when I was less than two years old, he wrote an article about the George Orwell novel, *Nineteen Eighty-Four*. Orwell, whilst not a Christian, brought out Christian emphases in his writing: the vulnerability of human nature, its capacity to be easily led, and the value of the individual. My grandfather wrote how he felt incredibly lucky to live in a democratic country with freedom of thought and speech, and in doing so I believe captured the essence of this chamber when he said:

> Democracy is a fragile gift, it is like a well-balanced dingy, but it is so easy to over balance it in the push for the best seats or in seating demands that one person imposes on others because of race, sex, creed or position. Therefore, let us work for the enriching of this gift to the kingdom of man from the hand of God.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

Bills

PUBLIC TRUSTEE (PUBLIC TRUSTEE AND GUARDIAN) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 May 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:59): I rise to speak on this bill and indicate that I will be the lead speaker in this chamber for the opposition. In simple terms, this bill seeks to merge two statutory positions and their offices: the Public Trustee and the Public Advocate. The Public Trustee and Public Advocate have different and critical roles.

The Public Trustee is largely responsible for the preparation of wills and enduring powers of attorney, acting as executor for deceased estates, and acting as the administrator of estates for persons approved by SACAT when they are unable to look after their own health, safety, welfare or manage their own affairs.

The Public Advocate is appointed as the guardian of last resort by SACAT for persons who are unable to look after their own safety, health and welfare or manage their own affairs. Services provided by the Public Advocate typically include management and decisions in relation to accommodation, health and access needs for protected persons.

There are many reasons why these statutory roles and their offices were developed and maintained as separate bodies. Only two other jurisdictions in Australia have merged their advocate and trustee roles. The Attorney-General in another place referred to key differences between the two bodies in her second reading explanation, and there are indeed very key differences. These include that one is subject to ministerial direction but the other is not.

As we best understand it, under the proposed bill the combined position of Public Trustee and Public Advocate would be subject to ministerial direction depending on what piece of paper they were holding, what email they were reading or which client they were thinking about at any given time. The vast majority of those who use the services of the Public Advocate or Public Trustee use just one of them. A smaller number, around 700 people, use both the services at the same time, the Public Advocate and the Public Trustee. These are amongst the most vulnerable people in the state, who require statutory officers to make important life decisions and administer their day-to-day affairs and finances. Many also receive direct support with day-to-day tasks from medical, disability or aged-care workers.

The government, as we understand it, is using this so-called overlap of approximately 700 people as a justification for merging the roles, rolling out tired and generic claims of improved customer service, streamlining and better information sharing to justify what this bill seeks to do. The government has not referred to the tension that quite properly and occasionally arises, both in tribunals and in less formal settings, between the two bodies that seek to aim for what is best for a protected person, given what can be afforded.

For example, this can manifest itself in debate about housing. The Public Advocate may push for more expensive forms of housing that may better meet a person's need, while the Public Trustee may push back, based on the protected person's finances and affordability. Both parties have the interests of their client at heart, even though they may hold different views. These differences can often uncover a best solution for the client. Where agreement cannot be reached, there are processes for third-party determinations to be made. This makes sense. It is what has been done for decades and it is what happens in three-quarters of the states and territories of our commonwealth.

There is a significant risk when these roles are combined. Worse decisions can be made. This is critical, because the state has the full decision-making power for many of these vulnerable people. The opposition's initial consultations have uncovered significant concerns about the welfare of the most vulnerable clients. The Attorney-General has acknowledged that under this bill all of the various functions of the two bodies will be maintained, but the only practical difference the bill claims to achieve is the management or streamlining of mutual clients. The government's own talking points on the bill state that:

> It is anticipated that as a result of the merger there will be greater opportunities for:
>
> 1. A single entry point or point of contact for general client matters or inquiries;
> 2. Coordinated communication with clients around their needs and the management of their affairs;
> 3. Improved responsiveness for complex matters that have urgent or pressing needs; and
> 4. Better information sharing through the use of shared ICT systems.

It is strange that, for all the government's will, they cannot find a way to improve customer service or improve information sharing without abolishing one statutory role and creating confusion within a new one. It raises serious concerns about their intents.

The Attorney-General has claimed that this is not a budget savings measure, but they have chosen their words around this very carefully. The Attorney-General has not committed to no future or further budget cuts. The government has only said that this bill is not linked to budget savings measures and previous budgets. It is not too long a bow to draw to raise grave concerns that the government could be streamlining these sorts of services, creating budget savings as a prelude to privatising many of the estate services that the combined entity would provide.

We know that before the election the now Premier famously claimed that he had no privatisation agenda. Next minute, we are seeing the Remand Centre, trams and trains being privatised. It is not too long a bow to consider that the government may be streamlining, making savings to privatise some of the services that a combined office would have.

The bill only allows but does not require different people to undertake the trustee and guardianship roles when somebody requires both. We do not believe that is good enough for the 700 people in this situation. We also note the limited consultation that was undertaken. We are informed that 22 groups were approached to comment and feedback was received by eight but only three of these were from outside government. I am not aware that any feedback was sought or received directly from those under guardianship and administration or their families.

All the arguments I have outlined so far that have caused us concern that were brought up in the other place are legitimate arguments but since that time we have seen examples of the challenges that arise from merging separate statutory roles with different responsibilities. In September 2019, the inaugural Principal Community Visitor, Mr Maurice Corcoran, left that role. In his final letter he highlighted concerns about the scheme. Immediately after he left, the government appointed the person who held the Office of the Public Advocate to hold the dual role of both Public Advocate and Principal Community Visitor.

We have seen in recent public discussions that information was received by the Public Advocate about the death of Ann Marie Smith but there is confusion about the role and what the responsibilities were when holding the role of Principal Community Visitor in giving advice to the minister. We do not point this out to criticise the individual holding these dual roles, we point it out to show the confusion that can arise when very separate and distinct functions are assigned to a single person. Wearing two hats has the potential to lead to system failures.

We often rightly criticise this government for taking so long to deliver on its promises or not delivering at all; in this case these changes were announced almost a year ago but we are only debating it in this chamber now. On this occasion we will actually compliment the government on dragging the chain because we think this is a bad proposal that will lead to some of the most vulnerable people receiving less services.

We think the risk to this proposal is real. The conflict that the bill would create is both a perceived and a real one. The claim that 700 people who use the services of both will benefit from the bill we think just does not hold water. The claim that those benefits that will come from streamlining services—better communication and a single point of contact—can be done without having to abolish a statutory body. We think there should be better oversight, not less oversight, and we believe the bill creates less oversight. For that reason, I can indicate that we will be opposing the bill at the second reading.

The Hon. M.C. PARNELL (16:08): The bill merges the Office of the Public Advocate and the Public Trustee, amalgamating the functions and services they each provide and replacing them with one statutory office of the public trustee and guardian. The Attorney-General in her second reading explanation said:

> The focus of the reform is to achieve a better delivery of services to some of the state's most vulnerable people.

That is a worthy aspiration but the Greens are not convinced that this is what this proposed merger will achieve. I understand the Attorney-General consulted with a number of stakeholders and that

some of them provided feedback. These include the Public Advocate, the Acting Chief Psychiatrist, the Legal Services Commission, the Aged Rights Advocacy Service, JFA Purple Orange, SAPOL, the Crown Solicitor and the Public Service Association.

As the Attorney-General's office was unwilling to provide us with copies of the feedback, we sought feedback directly from most of these organisations, and I would like to put some of their feedback on the record today. Before I do, I would just like to say that, whilst I am not a naturally suspicious person, when ministers refuse to provide copies of feedback or submissions, especially from statutory office holders or other key stakeholder groups, it does arouse suspicion that one or more of them must have been pretty unhappy.

For what it is worth—even though ministers rarely ask my advice, I would offer it anyway—I think if ministers were to disclose all the submissions and representations, they would then have a golden opportunity to tell us why they thought those stakeholders had got it wrong. Simply denying access to submissions arouses suspicion and those suspicions were found to be well-grounded when we did eventually get the feedback.

I will start with the Public Service Association. Correspondence received from the PSA states that their view arises from the concerns that were raised by their members in the Office of the Public Advocate. I quote:

> In summary, those concerns are as follows:
>
> The proposed merger would result in:
>
> - Vulnerable community members being disadvantaged by losing an independent, accountable, disinterested, advocate, and reduction in advocacy generally.
> - Reduction in public accountability and independence of the Advocate.
> - Conflicts of interest from the Public Trustee receiving income from the sale of properties (i.e. there is a profit motive), which may or may not be in the best interests of the person.
> - Loss of trust and credibility in the Public Advocate arising from an actual or perceived conflict of interest or at the very least a loss of independence.
> - Consequential from the above is a potential reduction in credibility of both organisations.
> - There is currently no duplication as suggested by the Attorney General. Both organisations perform different, if complementary, roles.
> - Financial management (Public Trustee) requires different approaches and skill sets from advocacy and support about rights and needs.
> - There are a number of operational, including Work Health and Safety, issues arising from the nature of the respective clients.
>
> We believe the views of our members have substance, that their concerns are well-founded, and that the interests of their respective clients are their highest priority.

The Legal Services Commission provided feedback and they identified both advantages and disadvantages with the bill. In relation to the disadvantages they said:

> The obvious disadvantage in this merger is the concentration of authority in one organisation which will be making all the decisions with regard to the protected person. Checks and balances are lost by combining the roles. This position is effectively a return to structures of the past, before the Public Advocate was established. There is a risk that some families will feel shut out from their loved one's care with few avenues for redress. Under the proposed merger, the only right of appeal against decisions of the new statutory authority would be in a limited capacity to the Ombudsman.
>
> The Commission considers that future problems could be avoided if the amendment bill contained provisions for some easier form of review of the new Public Trustee and Guardian's decisions.

JFA Purple Orange's feedback was:

> Purple Orange recognises that the draft Bill would predominantly give rise to structural changes that might deliver certain efficiencies. However, it appears that the role of the proposed Public Trustee and Guardian would differ from that of the Public Advocate in several ways, and this raises some concerns.
>
> At present, under the Guardianship and Administration Act 1993, the Public Advocate is not subject to the control or direction of the Minister in performing any of his or her functions. Purple Orange is concerned the proposed

amendment of section 6 of the Public Trustee Act (see s10 of the Bill) has now limited this. If the two offices are merged, we believe it is important to maintain the independence of the Public Trustee and Guardian with respect to his or her functions as Guardian.

Purple Orange is also concerned by the removal of the Public Advocate's functions with respect to giving advice on powers that may be exercised in relation to mentally-incapacitated persons. We view this as an important safeguard for individuals, and it should not be lost.

We also note that while the Public Advocate currently has a role in giving advice on the operation of the Guardianship and Administration Act 1993, suggesting appropriate alternatives to taking action under the Act, monitoring administration of the Act and recommending legislative change if required, the proposed Public Trustee and Guardian would not have any equivalent powers. We believe relevant Ministers would benefit from receiving advice from the Public Trustee and Guardian on such matters, and that this would help to protect the interests of individuals affected.

In closing, Purple Orange urges all Parliamentarians to be satisfied that there has been an extensive and authentic consultation with individuals who are under the mandate of the Public Advocate and Public Trustee, as well as their family members and supporters, prior to making legislative changes to the role of the Public Advocate. It is vital that their voices are heard and taken into account when making decisions that affect their lives.

I will now provide some feedback from the Aged Rights Advocacy Service (ARAS). In their feedback to the Attorney-General, ARAS made the following comments:

ARAS notes the community concern raised in other jurisdictions when combining the roles of Public Trustee and Guardian. ARAS notes that there is significant power by one statutory authority over a vulnerable person. Another community concern is that potentially crucial life decisions could be made on the basis of costs and ARAS welcomes further information as to how potential conflict of interest would be managed.

The other key issue is the skills and knowledge of the two current organisations are currently different and the need to ensure that resourcing of a combined organisation, including appropriate skills and knowledge, delivers the outcome sought by the Bill.

I know that was a lot of material to put on the record but, as I said, we had to find that information for ourselves because it was not forthcoming from the Attorney. So the question of how potential conflicts of interest or competing interests would be managed was also an issue that was raised by the current staff in the Office of the Public Advocate. The Greens share their concerns.

An example of this conflict that was raised with us is where the public trustee and guardian makes a decision to relocate a person into an aged-care facility where this also requires the sale of that person's home. While the decision about the place of residence is required to be made in the best interests of the person, the public trustee and guardian receives income for selling that person's property which means they have a financial interest in the decision. As it was put to my staff, they have competing interests but the same boss. When this was put to the Attorney-General's office, the response received was that:

…the Public Trustee and Guardian will have an overarching duty to act in the best interests of their client.

However, the conflict of interest—real or perceived—is still there.

Another important issue and a problem we have with this proposed merger is that the public advocacy and advice role of the current Office of the Public Advocate, which is independent of the government and the minister of the day, is being rolled into the public trustee and guardian role. The Attorney-General tells us that these proposed reforms substantially mirror reform undertaken by the ACT in 2016. However, I have since learnt that there is a fundamental difference between what the ACT did and what is being proposed here.

The ACT recognised the importance of the independence of the advocacy role of the public advocate and they did not merge this into the public trustee and guardian role. Instead, they kept the public advocate function as a separate role, putting this into the role of the Children and Young People Commissioner, which is an independent statutory position within their Human Rights Commission. To me, that makes much more sense than what is being proposed in this bill for South Australia.

In conclusion, based on all the feedback we have received from key stakeholders, the Greens will not be supporting this bill at this stage. I would urge the government to go back to the stakeholders, to go back to the protected persons and their families, as suggested in the submissions, and to negotiate with these stakeholders amendments which deal with the issues which

have been raised, only some of which I have touched on today. To put it quite bluntly, if this bill is put to a second reading vote today, without further consultation or a commitment to further inquiry such as through a parliamentary committee, then the Greens will have no choice but to vote against it at the second reading.

The Hon. C. BONAROS (16:19): I rise to speak to the government's Public Trustee (Public Trustee and Guardian) Amendment Bill 2020. We are not satisfied the potential benefits, including the better delivery of service and even the cost-saving benefits which the government has indicated it is looking for here, will not come at the detriment of our most vulnerable South Australians. Two heads are better than one, especially when it comes to safeguarding our most vulnerable people. It is, in our view, sensible for a financial decisionmaker to remain distinct and separate from an advocate for health, accommodation, lifestyle and access decisions.

Just because two offices have the word 'public' in them, it does not mean they are the same and the lines should not be drawn. The Public Trustee fulfils a vastly different role to that of the Office of the Public Advocate. When individuals in our community need help with the administration of their finances, and in the absence of a satisfactory alternative, the Public Trustee steps in as financial manager, making decisions about present and future financial needs. It provides a range of estate, trust and taxation services, monitors private administrators and managers, and the management and custody of property.

In distinct contrast, the Office of the Public Advocate is appointed to advocate for individuals. It is appointed to promote the rights of adults with impaired decision-making capacity in relation to health care, housing, lifestyle and access decisions. In ordinary situations, a guardian would ideally be a family member or friend. When no-one is suitable, the Office of the Public Advocate steps in as a guardian, usually of last resort.

We are advised the Public Trustee currently has 4,602 clients. The Office of the Public Advocate has 1,256 clients. According to the figures provided to us, 834 of those are mutual clients. However, just because two agencies share mutual clients does, it does not mean it is a good idea to merge them. Employees of the Public Trustee and the Office of the Public Advocate have, as we have heard, vastly different expertise.

Public Trustee employees tend to come from finance, administration, information and communications technology, customer service and legal backgrounds. The Office of the Public Advocate employs around 24 people and I am told around 17 of those employees act in guardian roles with social work backgrounds. They are experienced and trained to deal with clients with intellectual disabilities, dementia and brain injuries, amongst a number of other disabilities.

We are not satisfied that financial managers have the skill set to advocate for disability. We also know that over 400 Public Advocate clients do not need a financial manager. It is sad and unfortunate that, for some people, protections cannot be provided by family or friends. As we have seen in the recent most horrific treatment and subsequent death of Ann Marie Smith, some South Australians have no-one to protect them at all. They have no-one to ensure oversight and no-one to give them a voice. That is the saddest part of all.

SA-Best is concerned that if the roles were merged, as is proposed by the government, money would be a deciding factor in many of the decisions to the detriment of clients and their rights and needs. We have been told that the two offices currently communicate cordially; they are not often in conflict, but that does not mean they are never in conflict.

Concern has been raised with me, as it has with the Hon. Mark Parnell, regarding the potential for conflict in instances where, for example, a client wishes to return home to live after an extended hospital stay but the optimal financial outcome is the sale of that home. Which interests would prevail in that situation? Would it all come down to money? Critically, what would be the long-term impact of that decision on the individual involved?

It is important for clients to recognise, and be comforted by, the clear distinction between the roles of the Public Advocate and the Public Trustee. Even if that conflict of interest is real or perceived, it is, as the Hon. Mark Parnell stated, still there. I am told it is not uncommon for representatives of the Public Trustee to be bailed up after a hearing by unhappy clients. These

situations are often diffused by employees of the Office of the Public Advocate. It will make their role more difficult if clients view them as financial decision-makers too, as opposed to a separate entity.

The government has already moved, according to the advice we have received in our briefing, to save costs by merging the premises of the Public Trustee and the Public Advocate into the same building. I understand that move is happening irrespective of the outcome of this bill come this Friday. Savings will no doubt be made in terms of administration staffing manning the new joint reception desk, but this in itself raises health and safety issues, many of which have been canvassed with us in our subsequent meetings with stakeholders.

There are clients who are banned from contact with the Public Trustee as a result of prior harassment and issues concerning financial arrangements, and a shared reception means guardians will now be forced to visit those clients potentially in their homes. There appears to have been little regard for the move to shared premises and how conflicts with existing clients and those who are banned will be dealt with.

It is worth noting that the Independent Commission Against Corruption's 'Evaluation of the practices, policies and procedures of the Public Trustee', tabled in parliament on 26 September 2017, had 19 key recommendations. None of those recommendations concerned a merger with the Office of the Public Advocate, as I understand it, and perhaps it would be more prudent for the government to first address concerns raised by the commissioner in that evaluation before contemplating the sorts of measures that we are contemplating in this bill.

If you were to write your will tomorrow, Mr President, would you leave the guardianship of your children to the same person who controlled their finances? What if you had never met them? It would make me nervous leaving all that power to one person, a person not known to me, with no checks and balances. We must continue to keep two heads in the process so that the entire decision-making process does not rest with one.

In relation to that point, it is worth noting that we now know, perhaps more than before, just how important it is to keep as many heads in the game as possible when it comes to the care of our most vulnerable citizens. Mahatma Gandhi famously noted:

> The true measure of any society can be found in how it treats its most vulnerable members.

As a society we have become acutely aware of our failings in relation to a vulnerable member of our community very recently in the case that has saddened and sickened all of us. We need to tread cautiously because we know just how dire the consequences can be if we do not.

Both the Public Trustee and the Office of the Public Advocate are safety nets for people who have nobody else to catch them but, as I said before, just because both offices have the word 'public' in them does not mean they are the same. I think the government has, I am afraid, done little to convince us that the benefits proposed in this bill outweigh the detriments that vulnerable members of our communities will be faced with. What we now know, more than ever, again, is that we absolutely need to keep as many heads in the game as we can.

Like the Hon. Mark Parnell and the Greens, SA-Best does not support this bill in its current form. If this bill does go to a vote today, then we too will have no option but to oppose it. Again, we effectively are urging the government very strongly to go back to the drawing board and reconsider its proposal in relation to this bill. With those words, I indicate that we will not be supporting this bill in its current form.

The Hon. F. PANGALLO (16:30): I rise in support of the remarks by my SA-Best colleague the Hon. Connie Bonaros, by the Leader of the Opposition the Hon. Kyam Maher, and also by the Greens' the Hon. Mark Parnell, and I, too, will speak against the Public Trustee (Public Trustee and Guardian) Amendment Bill 2020.

This bill wants to merge the offices of the Public Trustee and the Public Advocate. I completely reject the Attorney-General's assertions that a merger of these two distinct and separate specialised services will provide a more 'holistic approach' to providing better and coordinated services to their respective clients. In this instance, 'holistic approach' is code for amalgamating two well-functioning, expertly staffed existing agencies with completely different purposes into one generic service so that there will be no independence in their respective decision-making and there

will be widespread confusion trying to fathom what function they are performing at any given time as a new one-stop-shop entity.

The Public Trustee and the Public Advocate will become one person and the two agencies will become one department. My serious and well-founded concerns and suspicions about this are many. Firstly, it is abundantly clear the Public Guardian and the Public Advocate have very different functions that are often inevitably and unavoidably at odds with each other. The Public Trustee undertakes the personal financial management of funds and taxation, wills and estates, legal matters and enduring powers of attorney. It is focused on a person's financial circumstances and to manage their estate, not their lives.

In the past, as a journalist, I have investigated its shabby conduct in several cases brought to my attention by aggrieved family members. I am still getting complaints as a member of parliament. Its conduct has also been scrutinised by various parliamentary inquiries, and there have also been some serious probity issues. While I expect they are being addressed now, the Public Trustee needs to be accountable and to be able to maintain a high standard of service delivery and trust expected of such an institution. They should focus on a person's financial circumstances and manage their estates, not their lives.

The Public Advocate, established under a completely different act, for good reason, is the guardian of last resort to provide health, safety, welfare, lifestyle and wellbeing support to people who may mentally or physically lack capacity to do it themselves. Often, the Public Advocate does just that: advocates on behalf of the person with the Public Trustee, private financial institutions and service providers. These are sometimes robust discussions and disputes arise, which are then worked through by the respective officeholders, each operating under the legislative powers and responsibilities they have. Some of these disputes end up back at SACAT and some in the courts, where it is very important that these roles play their expert parts.

A very important distinction about the Public Advocate is they are expressly not subject to ministerial direction or control. They can act without fear or favour and are not constrained by the financial opinions of the Public Trustee, a state government agency or a service provider. They must be able to maintain this degree of independence.

We are told the Public Trustee currently has 4,602 clients. The Office of the Public Advocate has 1,256 clients—834 of those clients are mutual clients. The clients of the Public Trustee and the Public Advocate (and they are not all clients of both) are often extremely vulnerable and can have reduced physical and/or mental capacity. They rely heavily, often over a lifetime, upon the two very distinct and different functions of these respective departments.

If these two roles and departments are merged, the public, families and clients of the respective agencies will be unavoidably confused about the new functions of each. If these are combined, then who can they go to, say, if they have a dispute with the Public Trustee over a financial or legal matter? The same person and the same department? They will effectively have lost their Public Advocate, and the opposite applies if they want to raise a financial matter with the Public Trustee about an action the Public Advocate has taken.

Remember, many people are ordered to come under the Public Trustee and/or the Public Advocate by SACAT, sometimes when things have already gone badly for clients and considerable work needs to be done on one or many aspects of their lives. The South Australian Public Trustee and the Public Advocate have worked tirelessly to establish trust and credibility with the public, families and clients—crucial values which can be very difficult to establish and maintain with such a vulnerable client group whose day-to-day lives are very much in the hands of these offices.

The conflicts of interest and complaints—that the government acknowledges this will inevitably create—will, according to the Attorney-General, be worked out later. This sentence always strikes fear and suspicion in me when I hear it in this place, and I often do. To me it is almost always an alternative to the more honest answer of, 'I don't know.' The valued skill sets of the people in the Office of the Public Trustee and the Public Advocate's offices are highly specialised and have evolved over time, such that both are very strong and effective in their respective roles. If you have ever dealt with these offices, as I have, you will be in no doubt as to the commitment to carry out their responsibilities and obligations to the letter.

Staff in the respective offices have conscientiously built up their skills, expertise and understanding of their clients' broad-ranging situations and circumstances over the years. These specialised skill sets will be lost and/or devalued, along with the loss of professional credibility, as they are expected to deliver a holistic service, whatever that means. Why would you deliberately disrupt this? Where is the evidence that there will be a better delivery of its services under a merger, as the Attorney-General claims? The Attorney-General has stated that this is not a cost-cutting exercise, but these offices are being physically co-located this month, and it has already been announced that some administrative functions will be shared.

With the merging of two very senior roles, their offices, roles and functions, there will inevitably be savings. Where will those cost savings be applied? In my experience—and I am sure my Labor and Greens colleagues will back me up on this—government-initiated mergers have never resulted in more staff and more resources. This is a typically arrogant move from a government that only introduced the bill to the Legislative Council on 14 May 2020. This is a government that has come to expect the Legislative Council to rush through its bills without proper scrutiny. Here it is, trying to do this again, with its stated intention to merge the offices of the Public Trustee and the Public Advocate and to combine the roles from 1 July 2020, that is, in less than eight weeks' time.

Here we are, some two weeks after its introduction with scant information about stakeholder views, being asked to pass a major piece of legislation that will impact the lives of thousands of the most vulnerable South Australians. Did the Public Trustee or Public Advocate ask for this? Did the Attorney-General consult with experts in their field, like Mr Maurice Corcoran, past principal community visitor, or Niki Vincent, our Commissioner for Equal Opportunity, and others before rushing ahead? More importantly, if she did, did she listen to them? I think not.

Mr Corcoran has already expressed his concern, saying that at times there is a potential for conflict of interest and that other people from interstate in the public advocate role have expressed great concern about having the two merged. Did the Attorney-General consult the Public Trustee and the Public Advocate themselves, and what were their respective views?

We have had no logical explanation for the need for the bill in the first place, nor for its urgency. The only justification we were given in the Attorney-General's second reading explanation was that this reform mirrors that undertaken in the ACT in 2016, which is hardly a strong argument for a rushed and ill-advised bill such as this. Perhaps a look at merging the roles of the Community Visitor Scheme and the Public Advocate would be a better move for the Attorney-General to consider. The Attorney-General seems to be the only person who thinks this is a good idea, and we have no idea how she came up with it or why.

Tragically, the critical role of the Public Advocate has become even more apparent in recent weeks, with serious gaps between state and federal systems proven to have cost lives. These sad and tragic events have only consolidated my rejection of this bill, and for these reasons I will not be supporting it at the second reading.

The Hon. D.G.E. HOOD (16:41): I rise to speak to the Public Trustee (Public Trustee and Guardian) Amendment Bill 2020 and commend the bill to the council. The bill amends the Public Trustee Act of 1995 and various other acts to effect an amalgamation between the Office of the Public Trustee and the Office of the Public Advocate. I refer in particular to the provisions of the Guardianship and Administration Act of 1993, which contains the provision of the establishment, terms of engagement and powers of the Public Advocate.

With approximately 700 joint clients receiving support from both the Public Trustee and the Public Advocate, a merging of the two services will provide a greater opportunity to deliver a coordinated service for this client group. This important reform will result in one entity delivering a consistent, cohesive and streamlined service that takes a holistic approach to meeting clients' needs. Clients and their families can expect to go to one place for all their administration and guardianship needs, a clear step forward. This will provide greater coordination in relation to the management of their affairs, improved responsiveness for complex matters and more efficient information sharing.

The Public Trustee Act of 1995 facilitates a broad range of functions for the Public Trustee. These include the preparation of wills and enduring powers of attorney, acting as executor for deceased estates, personal financial management, funds management and even taxation

assistance. Under the Guardianship and Administration Act of 1993, the Public Trustee can be appointed by the South Australian Civil and Administrative Tribunal (SACAT) as administrator in respect of the estates of persons unable to look after their own health, safety or welfare or unable to manage their own affairs due to mental health issues or other specified conditions.

Under the Guardianship and Administration Act of 1993, the Public Advocate may be appointed by SACAT as the guardian of last resort for persons unable to look after their own health, safety or welfare or unable to manage their own affairs, depending on their particular circumstances. The Public Advocate also has other important functions relating to the needs of mentally incapacitated persons, including systemic and individual advocacy, dispute resolution, education and investigation.

Circumstances where there is a dispute in a family over who should take responsibility for decision-making can be very vexed and difficult to deal with. Often, the family simply cannot agree on what is best for the client. Therefore, the Public Trustee and the Public Advocate and their hardworking staff deliver a vital service to South Australians. All the statutory functions of the Public Trustee and the Public Advocate are to be maintained under the reforms reflected in this bill. The Public Trustee will be named the public trustee and guardian, and all statutory functions currently held by the Public Trustee and the Public Advocate will become functions of the public trustee and guardian. I note that combining the functions of guardianship and administration within the one statutory office of the public trustee and guardian substantially echoes reform undertaken in the Australian Capital Territory in 2016.

As the Attorney-General has stated in the other place, there will be no reduction in services as a result of this merger. The budget of the Office of the Public Advocate, together with all of its staff, will be added to the budget and staff of the Public Trustee. The clear intention of this reform is to achieve a better service delivery to some of the state's most vulnerable people. This improvement in delivery will see better outcomes for clients.

The current ministerial power of control and direction on matters of policy will only be retained with respect to the functions of the Public Trustee. However, that power will not apply with respect to functions being transferred to the public trustee and guardian which are presently undertaken by the Public Advocate. Currently, under the Guardianship and Administration Act the functions of the Public Advocate are expressly not subject to ministerial direction or control, and that independence is retained with respect to the public trustee and guardian's future exercise of those functions.

This reform supports the main objective to improve and better coordinate the services provided to our vulnerable citizens. South Australians expect and deserve high-quality services that are tailored to their needs. This is particularly true for those who are vulnerable and require support due to limitations in their own capacity for decision-making for whatever reason.

I understand work is already being undertaken by the Public Trustee and the Public Advocate to manage the implementation issues that may arise. Consultation in the form of a draft bill has been provided to an extensive list of stakeholders for comment, including but not limited to the Chief Psychiatrist, the Law Society, the Legal Services Commission, Carers SA, Council of the Ageing, SACOSS, the Public Service and the South Australia Police.

This bill ensures our justice policies and legislative reforms reflect contemporary needs. This is one of the fundamental priorities outlined in our government's justice agenda. By merging the two separate service providers it is intended to eliminate confusion and double handling and to ensure a simpler, more consistent service for mutual clients that takes a more complete approach to meeting their needs. The principal purpose of this reform is to provide better service to clients. I commend the bill to the council.

The Hon. J.S.L. DAWKINS (16:46): I move:

That the debate be adjourned.

The council divided on the motion:

Ayes.....8
Noes 11

Majority..... 3

AYES

Centofanti, N.J.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Ridgway, D.W.	Wade, S.G.	

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Pangallo, F.	Parnell, M.C.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

PAIRS

Ngo, T.T.	Darley, J.A.

Motion thus negatived.

The Hon. R.I. LUCAS (Treasurer) (16:50): In concluding the debate on the second reading, I am ever the pragmatist. As I understand it, that vote is a precursor to the fact that the majority of members in this chamber are going to vote against the second reading of the legislation. I must admit that I am surprised and disappointed at that. I understand the position that members have adopted, but I know in the discussion that I had with members yesterday if I had been aware that there was significant concern—that is, representatives of the parties—with the legislation and there was potentially the need for further discussion with the Attorney, I certainly would have indicated that the government was prepared to adjourn the debate for those discussions.

It would appear that members are not intent on having discussions, albeit the words of the Hon. Mr Parnell, which I am advised now do not stand. The Hon. Ms Franks indicated that I misinterpreted the literal words that he put on the record on behalf of the Greens, but I will leave that to be resolved within their party room. I certainly heard the phrase that if he was required to vote on the bill today, he would be voting against the second reading, but the reality is the reality. If the Greens are going to be required to vote against the second reading today, then so be it.

As I said, I think it is disappointing. I was not aware in the discussions we had yesterday in terms of the government's wish to progress three pieces of legislation that there was to be opposition to any of them. It may well be the opposition is opposing all of them. I suspect we will find that out when we get to the next bills in terms of those discussions. It is going to make it difficult in terms of managing processes in the house.

I accept the reality that it is what it is. Those who have the numbers are entitled to exercise the numbers as they so wish. We do normally, though not always, at least have the opportunity for the responsible minister to have discussions in relation to these bills with people who may well have significant concerns with the legislation to see whether or not some sort of compromise can be negotiated.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I accept entirely that it may well be that members' views are implacably opposed on this issue, albeit that the Attorney-General may be unaware or was not made aware that members' views were implacable in opposition to the legislation.

The Hon. M.C. Parnell: She knew this morning. She knew we were all voting against it this morning.

The Hon. R.I. LUCAS: Well, I did not know anything until lunchtime, when I was advised that if the bill was going to go through—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.A. FRANKS: Point of order: the current speaker is actually assigning motivations to a range of other members, not only in this place but in the other place, and he cannot do that under the standing orders.

The Hon. R.I. Lucas: That's not a point of order.

Members interjecting:

The PRESIDENT: Order! The Treasurer will continue. It is not a point of order.

The Hon. R.I. LUCAS: It is clearly not a point of order, Mr President. I agree with the President.

The PRESIDENT: Treasurer, can you just conclude your remarks, please?

The Hon. R.I. LUCAS: I agree with the President's ruling on the issue.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition!

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: All I can indicate is that at lunchtime today at about 1 o'clock I was advised by my office that the Attorney's office wished the bill to be adjourned for further consultation and discussions. That was the nature of the advice that I received at lunchtime today.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I was tied up in a series of meetings from mid-morning through to lunchtime and, when I surfaced, that was the advice I received. Nevertheless, the reality—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —is that those who have the numbers can exercise the numbers; I recognise that particular fact. I am ever a realist in relation to these particular issues. But as I said, it will make the operations of the council chamber a tad more difficult.

The council divided on the second reading:

Ayes.....8
Noes 11
Majority 3

AYES

Centofanti, N.J.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Ridgway, D.W.	Wade, S.G.	

NOES

Bonaros, C.	Bourke, E.S.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Pangallo, F.	Parnell, M.C.	Pnevmatikos, I.

NOES

Scriven, C.M.	Wortley, R.P.

PAIRS

Darley, J.A.	Ngo, T.T.

Second reading thus negatived.

STATUTES AMENDMENT (BAIL AUTHORITIES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 May 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:59): I rise to indicate that the opposition will be supporting this bill. This is a relatively short and technical bill and includes two key measures. From our briefing with the government, we understand that these measures were requested by the Chief Justice. The first measure is to fix inefficiencies by allowing all courts to act as bail authorities, with the only restriction being the rules of the specific court.

My understanding is that this will mostly affect cases in which certain matters move between the Magistrates Court and District Court. Under the current system, there are limitations arising from the District Court not being a bail authority under the Bail Act. This bill will allow the District Court to hear bail applications in situations where they previously could not.

The second measure this bill addresses is that it changes the point at which bail is revoked once a court has made the decision to revoke bail. As it stands, when a court decides to revoke bail it is effective immediately in practice. This can result in no bail being in place until that person is taken into custody. This may lead to circumstances whereby a person can breach the conditions of their previous bail agreement before they are taken into custody. This leads to the prospect of no adverse consequences for actions such as contacting a victim of an alleged crime, for example, which may have been prohibited under the previous bail conditions.

The opposition raised a number of queries with the Attorney-General in the other place and on this rare occasion they were satisfactorily answered to allow the progression of this bill. This is something that, as we have just found out from the previous debate, is unusual for the Attorney-General to do. Noting the valuable time of this chamber and its members, and the brevity of this bill, the opposition will not be moving amendments and has no additional questions at the committee stage.

The Hon. C. BONAROS (17:01): I rise briefly to speak in support of the Statutes Amendment (Bail Authorities) Bill 2020. We understand that this is a simple bill that has come about, as the government and Leader of the Opposition have mentioned, from a request by the Chief Justice to ensure that bail applications can be heard in the court in which the bail applicant's matter will be heard; that is, the Magistrates Court, the District Court and Supreme Court.

This sensible administrative change means bail applications made between committal and arraignment do not have to be referred back to the Magistrates Court as they do now. The Chief Justice has requested that this bill also changes the point at which bail ceases after a breach of that bail. At present, bail continues until a warrant for arrest has been issued by a court, at which point the bail is revoked and the conditions therein cease.

There could be a time gap between a breach of bail and the subsequent issuing of a warrant and eventual arrest, during which no bail conditions are applicable. Effectively, this means that a person on bail who is now at large, having breached the agreement, is not subject to the conditions of their previous bail agreement—including not contacting witnesses or victims, not attending specific locations, not having a firearm, or not using drugs during this period—because it has been revoked

by the issue of a warrant for arrest by the court. Thus, any further breaches would not constitute an offence under the Bail Act.

Again, this is a sensible amendment and of great relevance and importance to the wider community because it provides additional protections for witnesses and, of course, for victims of crime. We recently passed legislation reversing the presumption in favour with respect to some offences particularly prevalent during the COVID-19 pandemic. This was to further protect essential workers as well as victims of domestic violence. For me, the most compelling element of this bill is its application to victims of domestic and family violence, sexual abuse and serious assaults.

These people often live with great fear and in a perpetual state of anxiety after an alleged perpetrator breaches bail and is freely roaming at large. Thankfully, SAPOL has a very good record of quickly apprehending offenders who breach bail so that this period is often very limited. This bill provides welcome additional security to victims, as the alleged perpetrator will still be subject to those conditions while unapprehended.

As we all know, bail is a highly controversial and emotive area of law for almost the entire community, as we are all potentially impacted by it. It is a calculated risk to our safety, decided upon by courts. Further offences committed by people on bail are particularly abhorrent to the community. We often see bail, much like parole, as being granted far too often and too easily, especially to serious repeat offenders.

'Lock them up and throw away the key' is a commonly expressed attitude towards offenders. However, depriving citizens of their freedoms and liberty, as limited as this might be under some bail agreements, is a significant and hence very carefully considered power vested in the police and the courts. We need to ensure that alleged offenders are afforded the presumption of innocence and can apply for bail until and if proven guilty in a court of law, while managing appropriately any possible risk they may pose to the community in the interim.

In closing, my preference in regard to bail would be to undertake a comprehensive review of bail in this jurisdiction. Perhaps our learned friends at the South Australian Law Reform Institute could be requested by the Attorney-General to develop some recommendations in regard to bail rather than continue with what I think has been a very piecemeal approach to this issue to date. Having flagged that concern and perhaps making that suggestion, I indicate that we will be supporting this bill.

The Hon. R.I. LUCAS (Treasurer) (17:06): I thank honourable members for their indications of support for the second reading.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:08): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Second Reading

Adjourned debate on second reading.

(Continued from 12 May 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:09): I indicate that I will be the lead speaker on this bill. I also indicate that the opposition will be supporting this bill. The bill addresses operational issues that may present a barrier to the efficient management of serious cases by the Legal Services Commission. The commission operates on a budget of more than $40 million a year,

with contributions from state, commonwealth and private sources. The vast bulk of these funds are used for important but regular assistance.

A small number of cases arise each year for which the commission may seek reimbursement from the Treasurer. By their nature, these may involve different stages of proceedings in different courts and may involve multiple defendants. The bill seeks to wrap up different elements of a larger case, some of which may not be reimbursable under current arrangements and allows this to be dealt with in a single funding arrangement.

The serious cases can vary significantly in frequency and cost. In the past five years, the total annual cost of these sorts of cases, we are advised, has ranged from $60,000 to more than $1 million. Whilst improving the management of a small number of cases, it will not have a major impact on the budget or operations of the commission. The opposition notes that the Legal Services Commission has increased both its revenue and activity in recent years. This has resulted from the commission being chosen to deliver specific programs for things such as domestic violence and the NDIS. These achievements reflect the quality of work delivered by the commission and its value to South Australians who may not otherwise be able to access critical legal support.

In reflecting upon the success of the commission, the opposition notes that other community-focused legal supports have not flourished under this current government. In June 2019, the Welfare Rights Centre, including its housing legal clinic, closed its doors after supporting South Australians for more than 30 years.

This government has recently completed a tender that rolls up tenant information advocacy services with three other housing support services. This is effectively the end of Shelter SA as we know it after 44 years. Shelter SA had its first meetings in early 1974 in the University of Adelaide cafeteria. It started as an informal committee, fashioned along the lines of its counterpart in the United Kingdom to assist in focusing on people in need and living on low incomes. In the past two weeks we have also seen the unforgivable stripping of $2.3 million a year from the Victim Support Service after 40 years of service.

This government is instead providing a much less amount of $800,000 per annum to another organisation, a counselling service. This massive cut will see many of the services of the Victim Support Service previously provided ending completely and will see services that are provided to regional offices end completely. Whilst we hope that Shelter SA and the Victim Support Service will find a way to continue, the government has thumbed their noses at more than a century's worth of combined support to vulnerable South Australians from these services.

In the current climate, with so many people struggling, this defies belief. Changes such as this do not reflect well on the legal and social wellbeing of the most vulnerable amongst us. In offering its support for the bill, the opposition reminds the government of the need to ensure that vulnerable South Australians have access to the legal and other supports they need. As has been noted, the bill makes important but relatively minor changes to the legislation.

That said, the opposition supports the bill and notes that the people of South Australia expect more from a government that should be progressing important changes for the wellbeing of the prosperity of the state, not cutting services to vulnerable people.

The Hon. C. BONAROS (17:13): I also rise to speak in support of the Criminal Law (Legal Representation) (Reimbursement of Commission) Amendment Bill 2020. We welcome the introduction of the bill. Historically in Australia, a defendant who could not afford legal representation proceeded unrepresented. This was even the case if the defendant was charged with the most serious of offences. Since the 1992 landmark judgement—I am going to take those lawyers back to law school now—of the High Court in Dietrich v The Queen, the right to legal representation has been firmly enshrined in our common law. That is a good thing and it is what living in a democracy is all about.

Under the Criminal Law (Legal Representation) Act 2001, the Legal Services Commission is armed with providing legal advice to a person charged with a serious offence, regardless of whether they would ordinarily be eligible for a grant of legal assistance. The commission provides an invaluable service to the South Australian community. It is primarily funded by the state and federal

governments, with further contributions from the Law Society, pursuant to the Legal Practitioners Act 1981.

State funding is mostly used for criminal law and child protection matters, whereas commonwealth funding contributes primarily to family law matters. In 2018-19, the Legal Services Commission provided 135,000 legal assistant services to the community. This included 16,000 grants of legal aid and 12,790 duty solicitor services in South Australian courts.

The commission also provides an important women's domestic violence court assistance service and a specialist youth legal service, in addition to various community education programs. I have seen firsthand how invaluable those services can be, particularly the provision of duty solicitors for those who appear unrepresented, not only in relation to grants of legal aid but individuals who turn up to court and need some advice before going into court, without going through the formal process of doing a legal aid application. I know that duty solicitors go above and beyond in terms of providing as much of that sort of advice as they can to the benefit of those individuals who need it, particularly in our Magistrates Court jurisdiction.

Proper and predictable funding will ensure that the programs I have referred to can continue, and hopefully even be expanded. The bill, as we know, makes two amendments aimed at eliminating the cost uncertainty of serious criminal cases for the commission and reducing its out-of-pocket costs. It provides for a broader definition of 'legal assistance cost' to truly reflect the costs of legal representation. The expansion of funding to include pre-trial procedures recognises the importance of quality and extensive pre-trial preparation during the committal process, as well as the proper and thorough discovery of documents, amongst other things.

The importance of pre-trial processes is even more profound when you consider that the most serious criminal cases do not go to trial. The advent of discounts for guilty pleas has only encouraged early negotiations during the pre-trial process. I asked the Attorney to provide us some figures in relation to the cost of cases. I was advised that the average total cost of a reimbursable case in the 2019-20 period has been $173,774.40 to date. The cost to the Legal Services Commission has been $80,000 per case.

In 2018-19, the average total cost of a reimbursable case was $185,002.64, of which the cost to the commission was $90,000. The state government reimbursed a total of $950,000 to the commission in 2018-19 under the expensive criminal cases funding agreement. The total reimbursement to the commission presumably will increase with the passing of the bill, and deals with any issues that the Law Society and the government have identified in terms of potential risks to recouping funds in those sorts of cases.

It also expands the scope for funding to allow separate but related trials to be treated as a single case for the purposes of the funding cap, and once again this will provide certainty to the commission, regardless of how complex the matters are with multiple defendants. Complex criminal matters with multiple defendants can be affected by practical issues, such as courtroom sizes or evidentiary issues, and when consulted in relation to the bill the Legal Services Commission indicated its overwhelming support for the amendments.

I did contact the Legal Services Commission to ensure that this was the case, and they have said that 'the commission has been extensively consulted, and we believe we will benefit from this legislation'. On that basis, we are supportive of this bill and ensuring the predictability of funding for our state's prime legal aid provider to allow their important work to continue.

I have to say that there are other areas where I think the government has failed some of our community legal providers. We have raised the issue often in here about JusticeNet, for instance, which picks up a lot of the extra work that would otherwise fall to bodies like the Legal Services Commission to do if they did not exist, and that would cost the government millions of dollars in funding as opposed to the very small amounts of funding they have previously sought.

For the record, I am bitterly disappointed with this government's apparent giving with one hand and taking with the other, and I too refer specifically to the decision to cut the funding of the Victim Support Service. I am sure there will be a lot more to be said about that. I certainly have some things to say about that in due course. I make the point because just as legal representation is critical

for the reasons that I have outlined, so too are our responsibilities towards victims of crime. With those words, I indicate our support for the bill.

The Hon. R.I. LUCAS (Treasurer) (17:20): I thank members for their contributions to the second reading.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EQUAL OPPORTUNITY (PARLIAMENT AND COURTS) AMENDMENT BILL

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:22): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Mr President, I am pleased to introduce the Equal Opportunity (Parliament) Amendment Bill 2020. The Bill seeks to amend the *Equal Opportunity Act 1984* to address concerns that the Act is limited in respect of its protections against sexual harassment for members of Parliament by other members of Parliament.

The Act promotes equality between the citizens of the State and seeks to prevent certain kinds of discrimination based on race, sex, disability, age or various other grounds. The Act empowers the Commissioner for Equal Opportunity (the Commissioner) to undertake a range of functions including assisting people to resolve complaints of discrimination, sexual harassment or victimisation.

At present, it is unlawful under section 87(6c) of the Act for a member of Parliament to subject to sexual harassment—a member of his or her staff; a member of the staff of another member of Parliament; an officer or member of the staff of the Parliament; or any other person who in the course of employment performs duties at Parliament House. The subsection does not currently provide that it is unlawful for a member of Parliament to subject to sexual harassment another member of Parliament.

Mr President, in the Government's view, section 87(6c) no longer reflects community standards around sexual harassment in the workplace and the expected conduct of members of Parliament as leaders in the community. The Bill seeks to address this imbalance by inserting a new subparagraph (ab) into subsection (6c) to make it clear that sexual harassment between members of Parliament is also unlawful under the Act.

Where there is a complaint of sexual harassment by a member of Parliament, the Bill does not change the current position in section 93AA that it is a matter for the Speaker or the President to determine whether or not dealing with the complaint could impinge on parliamentary privilege. Section 93AA includes:

- provisions for the appropriate authority to investigate and deal with the matter as the authority thinks fit if it is of the opinion that dealing with the complaint under the Act could impinge on judicial independence or parliamentary privilege;
- provisions for the appropriate authority to request that the Commissioner conciliate a complaint;
- a requirement that the appropriate authority must notify the Commissioner as to the manner in which the complaint has been dealt with by the authority;
- provision for the Commissioner, when unsuccessful in conciliating a complaint, to make recommendations to the appropriate authority relating to the resolution of the complaint; and
- provision for the appropriate authority to have the same powers to investigate a matter as the Commissioner has under section 94.

Finally, the Bill seeks to amend section 93 of the Act so that the Commissioner must postpone any investigation, conciliation or other action in relation to a complaint under the Act if the Commissioner becomes aware

that a criminal investigation is being conducted or a person has been or is to be charged with a criminal offence in relation to a matter that is the subject of a complaint.

Mr President, I commend the Bill to Members and I seek leave to table a copy of the Explanation of Clauses.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of Equal Opportunity Act 1984

3—Amendment of section 87—Sexual harassment

This clause amends section 87 to make it unlawful for a member of Parliament to sexually harass another member of Parliament.

4—Amendment of section 93—Making of complaints

This clause amends section 93 to ensure that any investigation, conciliation or other action by the Commissioner in relation to a complaint is postponed if a police investigation in relation to the conduct is commenced or if charges are laid in respect of the conduct.

5—Amendment of section 93AA—Manner of dealing with complaints of sexual harassment by judicial officers and members of Parliament

This clause makes a minor technical amendment to section 93AA.

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

COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 17:25 the council adjourned until Wednesday 3 June 2020 at 14:15.

Answers to Questions

ABORIGINAL AFFAIRS ACTION PLAN

5 The Hon. K.J. MAHER (Leader of the Opposition) (24 March 2020). Since the launch of the Aboriginal Action Plan in December 2018, for each calendar month that has passed, how many:

1. Applications have been received by the South Australia Police (SAPOL) for community constable positions?

2. Interviews have been conducted for applicants to the role of community constable?

3. People have been successfully appointed to the role of community constable?

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Police, Emergency Services and Correctional Services has been advised:

South Australia Police (SAPOL) does not have data readily available on the number of applications received or interviews conducted per calendar month.

SAPOL can confirm that four community constables were appointed in 2019. These appointments followed five appointments in 2018 and 10 appointments in 2017.

As at 31 March 2020 there were 36.6 FTE community constables.