

LEGISLATIVE COUNCIL

Wednesday, 17 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.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:17): I lay upon the table the eighth report of the committee. Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

South Australian Petroleum and Geothermal Energy Act 2000—Compliance Report 2019

ANSWERS TABLED

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

Question Time

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): My question is to the Minister for Human Services regarding disability services. Minister, can you be certain that no-one has died recently in state-run disability care as a result of a critical incident?

The Hon. J.M.A. Lensink: As a result of what?

The Hon. K.J. MAHER: A critical incident.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:19): I thank the honourable member for his question. The last critical incident notification that I received was from 2018, which was an accidental death, and all those matters have been followed up.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): Minister, can you inform the council of the circumstances that led up to and followed the death of Ms Debra Pearce on 9 May this year, after she sustained injuries during an incident in state-run disability care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): As I have advised members previously, I will not be discussing the individual matters of people. We had a discussion in this place quite recently in relation to duties of care. There is a general duty of care on all of us to maintain confidential matters as confidential matters. I would view that that applies to all members of this chamber—not myself as minister, but I have specific matters in which I must maintain the confidentiality of individual members who are within the services which I am responsible for. I will not be discussing those matters further.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Supplementary: without discussing the details of the matter, minister, were you aware of the death of Ms Debra Pearce?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:21): I refer to my previous answer.

HUMAN SERVICES DEPARTMENT

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Minister, is it possible to change reports in your department's risk management RiskMan system after an incident is first reported?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:21): I would need to take that one on notice and bring back an answer to the chamber.

HUMAN SERVICES DEPARTMENT

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Supplementary arising directly from the answer. When you take that on notice, minister, are you also able to answer: if a report is changed for any reason, are the entries stored securely so that the original report is retrievable?

The PRESIDENT: Minister, you can answer the question, but I am not really sure that that supplementary can be derived out of the original answer. I will leave it to you.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:21): I am happy to take all these questions back to the department and see what information we can provide.

EXPORT ACCELERATOR PROGRAM

The Hon. N.J. CENTOFANTI (14:22): My question is to the Minister for Trade and Investment. Can the minister please provide an update on the South Australian Export Accelerator grant program?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:22): I thank the honourable member for her ongoing interest in South Australian exports. The South Australian Export Accelerator Program was established by the Marshall Liberal government in 2019 to support small to medium-sized businesses that are looking to grow into international markets. The program assists exporters across three tiers—emerging, current and mature exporters—with grants of up to \$30,000.

Since my department launched the program, 86 local businesses have been awarded some \$1.83 million in grants to help with export initiatives. These businesses have been across a broad range of sectors, including the key sectors of food, wine and agribusiness; creative industries; high tech; health and medical industries; and education. As well as helping businesses enter new markets, this funding helps businesses to grow their workforce and creates pathways for local companies to generate two-way trade opportunities.

Today, I am pleased to announce the grant recipients for round 6 of the Export Accelerator Program. More than \$113,000 has been provided to six South Australian companies. One of these companies is in the Barossa Valley, the winery Moorooroo Park Vineyards. Moorooroo Park Vineyards will use the grant to support the winery's expansion into new and existing markets that have been impacted by COVID-19. Moorooroo Park Vineyards currently exports to China, Korea, Japan, Malaysia, Thailand, Singapore, the USA, Canada, Europe and Russia.

Competition is fiercer than ever, and the Export Accelerator funding will help Moorooroo Estate continue to engage with customers in these key markets, as well as explore new opportunities in emerging markets. The five other companies that have received funding include:

- FCT ACTech, which manufactures a mineral analyser to control large-scale manufacturing processes that have applications across mining and cement production;
- Fivecast, which is an anti-terrorism and defence-focused data analytics company;
- Oliver's Taranga Vineyards, a sixth generation, family-owned winery based in McLaren Vale;

- Purple Hands Wines, a James Halliday five-star rated boutique winery situated in the Barossa Valley; and finally
- Verseng Group, an engineering and precision manufacturing company that designs and creates components for defence, mining, marine, heavy industrial and agricultural markets.

The South Australian exporter program is just one of the ways we are helping our local exporters drive business growth through international markets. Round 7 of the South Australian Export Accelerator opens on 6 July and closes on 14 August, and I encourage all businesses that are ready to begin exporting to contact the Department for Trade and Investment or head to the website. Together we can come back stronger than before.

INSTITUTIONAL CHILD SEXUAL ABUSE

The Hon. M.C. PARNELL (14:25): I seek leave to make a brief explanation before asking a question of the Treasurer about financial responses to institutional child sexual abuse.

Leave granted.

The Hon. M.C. PARNELL: In the last few weeks there have been a number of concerning reports in the media about various religious organisations restructuring their finances and divesting themselves of assets to potentially avoid having to pay compensation to victims of institutional child sexual abuse. *The Advertiser* most recently reported that the Jehovah's Witnesses are using this tactic, but it is suspected that they are not alone.

A number of religious institutions are yet to sign up to the National Redress Scheme by the deadline of 30 June. In response, the federal Minister for Families and Social Services, Anne Ruston, has said that such organisations would be named and shamed—which I don't suspect would bother them much. More importantly, she said the government would consider financial sanctions such as revoking these organisations' charitable status.

In South Australia, religious organisations are exempt from a number of state taxes, including land tax and also local council rates. My question is: will the state government act to remove the state tax exemptions from eligible religious organisations that refuse to sign up to the National Redress Scheme to compensate victims of institutional child sexual abuse?

The Hon. R.I. LUCAS (Treasurer) (14:26): The issue has certainly not been raised with me. I will seek advice on it, but I have no current contemplation of moving down the particular path the honourable member has invited me to contemplate. If the federal government is going to act to remove charitable status from various organisations or institutions, we will consult with the federal government as to what the implications of that action might be. It may well be that, in and of itself, if that were to occur it may impact on an organisation's eligibility for certain concessions in the state arena.

The prime mover with the responsibility in this arena would appear to be the federal government, and I have no doubt that the honourable member has accurately reported the media comments of the federal minister. If that is accurate, and the federal government is contemplating moving down that path, there may well be flow-on implications anyway without the state government needing to take action.

We will monitor what the federal government does or does not do in this particular space. If it moves along the lines suggested in this particular area, we will monitor what the potential implications of that may be in terms of eligibility for concessions in the state arena. In relation to whether we are contemplating, or I am contemplating, taking action, the answer at this stage is no.

INSTITUTIONAL CHILD SEXUAL ABUSE

The Hon. M.C. PARNELL (14:28): A supplementary: is the minister able to bring back to this chamber a more detailed response, given that the eligibility for state taxation exemption is not related to charitable status listing at the federal level?

The Hon. R.I. LUCAS (Treasurer) (14:28): I will reflect further on it. I'm not sure what, if anything, I can bring back to the chamber until I'm aware of exactly what the federal government

does or does not do in this particular space, but I am happy to have another conversation with the honourable member to see precisely what it is he might be seeking. At this stage my answer remains the same as it was to the honourable member's substantive question: we will sit back and monitor it and see what the government might or might not do at the federal level, and then see what, if any, implications there are at the state level.

In relation to the honourable member's primary question as to whether or not I, as Treasurer, am contemplating moving not in the same way but in a similar fashion in the state arena, at this stage the answer to that is no.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Minister for Human Services a question about disability services.

Leave granted.

The Hon. K.J. MAHER: On 2 June, when the minister was asked about receiving critical incident reports from state-run disability care, the minister said:

I would need to take that on notice. I certainly receive incident management reports, but I would need to double-check.

She went on to say:

In relation to any CCIs, I am alerted to those by email; I am on the distribution list. They are then followed up to advise what action, if necessary, has taken place.

Today, the minister has told the chamber that the last critical incident report she received was in 2018. Minister, do you seriously expect us to believe that it has been more than a year and a half since you received any information about a critical incident in state-run disability care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): I will correct the record—that I have received a critical client incident more recently than that, in relation to a death. The police have not deemed to be required to be involved. I would remind honourable members that they should respect the privacy of all individuals in this place and not name them.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Supplementary: when did the minister receive this critical client incident report?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): From memory it was roughly two weeks ago.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Supplementary arising from the answer: what was the nature of the report? What was the incident—without naming the person, then—that was being reported?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): It was a death of a person within one of our services. All of those matters have been followed up by the services to ensure that the circumstances are not repeated.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): Supplementary arising from the answer: has the minister satisfied herself that there were no unusual circumstances that required further or police action in relation to the incident to which she refers?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): I am satisfied that the Incident Management Unit has a robust service. In an abundance of precaution, we are having all of those reviewed, not just within the Department of Human Services but across the South Australian Housing Authority as well to ensure that we do have robust processes at all times. In relation to this matter, I have been advised that police involvement was not required.

HOMEBUILDER PROGRAM

The Hon. D.G.E. HOOD (14:32): My question is to the Treasurer. Will the Treasurer outline to the chamber when the new federal government HomeBuilder scheme will commence in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:32): We would hope as soon as possible. It does require the signing of the national partnership agreement between the federal government and the state government—or state governments and territory governments collectively. In South Australia's case, we are moving as swiftly as we can to resolve some eligibility questions and compliance questions. As I may or may not have indicated to the parliament previously, we think we probably might have to introduce legislation to assist compliance activities in terms of who may or may not receive the \$25,000 federal HomeBuilder grant.

We, the states and territories, are being asked to administer the scheme, although the funding for the grant is being provided by the commonwealth. The costs of administering the scheme will be the responsibility for the various state and territory governments if they accept the arrangements. We have indicated, from South Australia's viewpoint—and I only speak on behalf of South Australia—that, whilst we would like to see the federal government pay for the administration of the scheme, that doesn't appear to be the prospect, and we are not prepared to delay the delivery of the scheme through a lengthy argument about the costs of administering the scheme. We are interested in seeing the scheme up and operational as soon as possible so that those grants can start flowing and provide stimulus activity in the housing and construction industry in South Australia.

There are some complicated issues in relation to eligibility which have to be resolved. I welcome the fact that the commonwealth government has indicated some willingness to amend some provisions of the national partnership agreement. If I can just highlight one broad area of concern that the housing and construction sector has highlighted, it has been the requirement in the eligibility conditions that construction should commence within three months of the contract being signed.

There are understandable concerns being raised about planning issues and finance issues as to whether or not those issues can be resolved by planning bodies, but more particularly banks and financial institutions, in terms of ensuring that those people who do want to build the new home can actually meet that three-month criterion. We welcome the fact that the commonwealth has indicated some willingness, because we made strong representations to the commonwealth, as did some of the stakeholder groups. We believe there is some flexibility now in terms of that particular three-month provision, which we from South Australia welcome.

There are a number of other complexities to the proposed national partnership agreement. We are hopeful of resolving that as quickly as we can so that we can commence the implementation of the scheme. It may well require the forbearance of the parliament, given that we have two sitting weeks to go, as we may well be asking the parliament to support some legislation that allows the state to not administer the scheme but enforce compliance, that is, if somebody attempts to roll the scheme and get \$25,000 unlawfully, there is some legal obligation to be able to retrieve the money, which currently does not exist. It also, I understand, may well offer the appeal mechanism, which exists in relation to the First Home Owner Grant, with an appeal to SACAT, so we are contemplating looking at that as an option as well.

I thought I might foreshadow to members of the Legislative Council that, if they share the willingness to get this \$25,000 out as quickly as possible, we may well ask their patience in terms of being prepared to consider, should the cabinet and joint party room support in short order, the need for some legislation in the last two sitting weeks of this parliamentary session.

HOMEBUILDER PROGRAM

The Hon. T.T. NGO (14:36): Supplementary question: could the Treasurer request the federal government to expand the list so that it also includes permanent residents being able to apply for the scheme?

The Hon. R.I. LUCAS (Treasurer) (14:37): Excellent question from the honourable member. It is certainly a point of view that we have put. The first-home owner scheme in South

Australia, the \$15,000 grant scheme, is not just for Australian citizens but for permanent residents as well. The \$25,000 grant scheme from the commonwealth is for Australian citizens only. We, through our officers, have put the point of view to the commonwealth, but at the present time the commonwealth government is not prepared to change its eligibility criterion. We will continue to push the particular position, but in the interests of getting the \$25,000 grant scheme flowing I do not propose to hold up South Australia's signing of the agreement on the basis that the commonwealth is unprepared to move on that particular eligibility condition.

SMITH, MS A.M.

The Hon. F. PANGALLO (14:38): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Attorney-General, regarding the death of Ann Marie Smith and coronial inquests.

Leave granted.

The Hon. F. PANGALLO: While advocating for a constituent who had tragically lost a daughter in unexplained circumstances last year, I had cause to write to the Coroner about the long delay in receiving an autopsy report from Forensic Science SA. The Coroner's office informed me that there is a delay of between 12 and 16 months in getting results of autopsies, which in effect is causing long queues of inquests stretching into years rather than months, which is no fault of the Coroner. Many grieving families are having to endure the ongoing stress and anxiety of not knowing the cause of death.

This is also having financial implications, particularly with life insurance or superannuation payouts. My question to the Attorney, through the Treasurer, is: considering that this problem has been going on for some years, what is she and the government going to do to speed up the process of Forensic Science SA; and will this 12 to 16-month delay in receiving autopsy reports affect SAPOL and the Coroner's investigation into the death of Ann Marie Smith, or will this case receive a priority?

The Hon. R.I. LUCAS (Treasurer) (14:39): I am happy to refer the honourable member's question to the Attorney and bring back a reply.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): I seek leave to make a brief explanation before asking the Minister for Human Services a question regarding disability services.

Leave granted.

The Hon. K.J. MAHER: The opposition has been informed of an incident involving a woman who has lived for many years in state care. The opposition has been informed that her leg was broken on the night of 1 May during a shift at a government-operated supported accommodation facility and she was taken to the Lyell McEwin Hospital via ambulance. We have been informed that she died on 9 May in the same hospital after complications arose.

The opposition has spoken to a number of people who hold concerns about what happened before and after this death. Those concerns include that her leg was broken after being handled contrary to her individualised care plan; that at least one worker is now suspended but was initially allowed to return to the workplace; that incident reports may have been altered; that there was insufficient follow-up after the initial critical incident and after her death; and that there is now an internal investigation more than a month after her death. Minister, are there any of these concerns that have been raised that you know to be wrong?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:41): I thank the honourable member for his question, which I am assuming is the matter that he referred to. I can confirm that I did receive notification about this matter. If anybody has any specific concerns along those lines, then I am more than happy to receive those personally as minister and ensure that they are followed up, because the allegations that he has outlined clearly are of concern.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:41): Supplementary: are you informing the chamber that you received notification of an incident that eventually led to the death of a person from an incident in state disability care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:41): What I said is that I am aware of the incident because I do receive these incident management reports. When I answered his initial question, I was responding to probably prior questions that he had asked me about matters going back historically, and the one from 2018 was certainly front of mind at that stage. I can assure him that I do receive these reports and they are followed up, and those particular allegations I will take back to my department and ensure that they are properly investigated.

In the meantime, if any individuals have specific matters that they would like to raise, I am more than happy to take those on, because clearly if there are any further matters that should be investigated that haven't been, then that needs to be done post haste.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:42): Supplementary arising from the original answer: when did you receive information about the incident to which you are speaking?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I would need to check the dates in my personal records, but I will bring that back to the chamber.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:43): Supplementary arising from the answer: from your recollection, did you receive information about this incident before or after you became aware of the death of Ann Marie Smith?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I think it is always dangerous for ministers to rely entirely on their memories, so I will go and check those records and bring that back to the parliament for a response.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:43): Supplementary arising from the original answer: when you received a report of a death of a person from an incident in state-run disability care, what follow-up did you instigate and how have you satisfied yourself that this does not need further investigation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): Within the reports, there is a series of parts of the report that indicate what the situation was, what needed to be followed up, and matters which I have referred to previously, such as whether the police need to be engaged in this process as well. There is a whole series of matters that are considered in the pro forma process. I read those specifically to satisfy myself that the department has indeed followed up all of those matters, and if there is any further information that I need to provide I will provide that.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:44): Supplementary arising from the original answer: how do you not remember this particular report when you thought earlier that the last time you received such a report was way back in 2018?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): I think I already explained that the honourable member asked me in the last sitting week about reports going back, and so I had that one at front of mind, which was an accidental death in 2018.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: And so I came here prepared to respond to that particular matter.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:45): Supplementary arising from the original answer about an incident in state-run disability care: who is directly responsible for state-run disability care in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:45): I am not sure how that arises from the answer. I clearly have responsibility to respond to questions in this chamber, but there is a range of people who are responsible for disability care in South Australia, being anybody who works within the system, effectively. But I have ministerial responsibility to respond to these matters in the parliament.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:45): Final supplementary arising from the answer: can you understand that people would be shocked that in light of the death of Ann Marie Smith you fail to recall from just weeks ago the death of a person from an incident in state-run disability care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46): I think I have responded to that. The honourable member had asked me previously about historical matters, and that's what I came here prepared for.

SA HEALTH EMPLOYEES

The Hon. J.S. LEE (14:46): My question is for the Minister for Health and Wellbeing about SA Health staff. Would the minister please update the council on support and recognition for SA Health staff?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I thank the honourable member for her question. I have spoken in this place a number of times about the high quality of care and service South Australian health professionals provide. Their efforts during the COVID-19 pandemic have highlighted their professionalism in a very dramatic way. Both I and the Premier have expressed our thanks and congratulations to all our staff on a number of occasions.

However, our nation recently took the opportunity to collectively express our appreciation for the efforts made by staff outside of the pandemic through the Queen's Birthday Honours List. I would particularly like to highlight two South Australian health professionals who were honoured in this list. They are two officers of the SA Ambulance Service: Michael Berden, the regional team leader on Kangaroo Island, and John Shute, the volunteer team leader in Hawker.

Michael Berden served in a number of roles prior to becoming the Kangaroo Island regional team leader, including working as an intensive care paramedic. During the past two years he has worked to develop the concept materials and implementation of the volunteer graduated authority to practice project. This has been a significant commitment by Mr Berden and showed a clear determination to support the delivery of health services in regional areas.

In March 2020, it was my pleasure to attend the SA Ambulance Service's inaugural SAAS Excellence Awards, where I recall that Mr Berden spoke about the experience of his team during the recent bushfires on Kangaroo Island as well as the impact the fires had on his community. I particularly thank all our staff and volunteers who responded during these difficult times.

Mr John Shute also was awarded. He worked with the SA Ambulance Service as a volunteer in the Flinders region for 26 years, which is in itself a remarkable achievement. He has been a pillar of the service, assisting in recruiting and training volunteers. I understand that in remote areas the call-outs are almost always significant, and I appreciate that they take a toll on volunteers and paid staff. Twenty-six years of service in these circumstances is particularly to be honoured and demonstrates a strong commitment to delivery of service in areas of particular need. I am delighted that both Mr Berden and Mr Shute have been awarded the Ambulance Service Medal.

SA Health employs around 40,000 South Australians, and I know that many of them have a record of great commitment and dedication in the delivery of health services. I can't thank each of them by name, but through the public recognition of these two ambulance officers we extend our thanks and appreciation to all hardworking staff.

SHOP TRADING HOURS

The Hon. T.A. FRANKS (14:49): My question is to the Leader of the Government, the Treasurer. What health grounds was the extension of the unrestricted trading hours for retail businesses made upon?

The Hon. R.I. Lucas interjecting:

The Hon. T.A. FRANKS: Health grounds, yes. You know, public health grounds.

The Hon. R.I. LUCAS (Treasurer) (14:50): I think that is self-evident from the statements I have made right from the word go, that the public health grounds were primarily about social distancing. Some of the appalling scenes we saw in the early days and weeks of the COVID-19 pandemic, when hundreds of people massed in aisles of supermarkets fighting over goods on the shelves, certainly would have caused alarm to anyone concerned about social distancing and prevention of the spread of COVID-19.

It was on that basis that the government, listening to the public health advice, initially instituted the first of the 30-day exemptions that we have continued to offer, to allow supermarkets in particular to better control the number of customers coming into their stores. I am sure the honourable member would be familiar that a number of the supermarkets continue to control the number of customers within their stores.

Some of us had to queue in queues up to 100 metres long as we waited to get into our favourite supermarket, appropriately socially distanced, as people counted the number of people within their store at a particular time. In other supermarkets, they have had one-way aisles in terms of instituting traffic movements within those particular stores. These are all sensible precautions in relation to preventing the spread of COVID-19.

For each subsequent decision that I have taken as the responsible minister I have sought public health advice from SA Health, and I have indicated publicly that as soon as the advice that I receive indicates that it is no longer required then I won't be instituting the 30-day rolling exemptions. I think there is probably at least one potential position in the decision-making process where we come to the end of September, which is the end of the current legislative arrangements we have made on a whole range of other decisions as it relates to COVID-19, but certainly until then I will continue to take advice from public health senior officers within SA Health.

I was also minded that I received very helpful advice from the Hon. Mr Pangallo, who did actually publicly urge me to adopt this particular position and, when I first did so, he congratulated me, in a rare example of congratulating the Treasurer, on picking up his idea in the first instance to do so. Given the Hon. Mr Pangallo's strong views on shop trading, I welcomed his intervention and public exhortation on me to adopt his position in relation to this particular issue.

I will continue to take public health advice, principally in relation to social distancing and the need to regulate the number of customers at any particular point in time. Clearly, the longer the hours that are available the greater the capacity for those stores to allow people to shop over extended periods, if they so choose, in relation to accessing the goods they need to access.

SHOP TRADING HOURS

The Hon. T.A. FRANKS (14:54): Supplementary: will the Treasurer provide the names of those officials who provided this public health advice and table the public health advice he has received to this decision to continue the unrestricted shop trading hours?

The Hon. R.I. LUCAS (Treasurer) (14:54): One of the deputy chief public health officers within SA Health has been the go-to person who has provided the advice on a continuing basis in relation to this particular issue. I will continue to accept that particular public health advice.

SHOP TRADING HOURS

The Hon. T.A. FRANKS (14:55): Supplementary, ignoring that he didn't offer to table the advice: will a similar approach be applied to premises with liquor licensing, such as small bar licences, to extend their trading hours on this public health advice?

The Hon. R.I. LUCAS (Treasurer) (14:55): I have power over the shop trading hours legislation, not liquor licensing.

SHOP TRADING HOURS

The Hon. T.A. FRANKS (14:55): Supplementary: on public health advice around trading hours, if extending hours is good enough for supermarkets, why is it not good enough for licensed premises, particularly of a small nature, to trade longer?

The Hon. R.I. LUCAS (Treasurer) (14:55): Same answer: I don't have power over the Liquor Licensing Act.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:55): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability services.

Leave granted.

The Hon. K.J. MAHER: Minister, for weeks now when you have been asked in this chamber and in the media about your knowledge of other critical incidents, you have said you don't know, you will take it on notice. Today, minister, you said that you hadn't had such an incident report since 2018. When presented with facts about an incident, the story that you had given this chamber and given the South Australian public dramatically changed; you suddenly remembered details of an incident that was reported to you.

Minister, what would you say to the family of Debra Pearce? Minister, what would you say to any family members whose loved ones are in state-run disability care? Minister, how can they have any confidence whatsoever in your capacity to do the job?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:56): I thank the honourable member for his question. He may not be aware, but there are a lot of incidents that do come to my attention. It's a portfolio that has a lot of challenges to it in relation to a range of circumstances that people find themselves in, and in that context there are matters to do with domestic and family violence, the Youth Training Centre, and we have 34,000 public housing properties that we manage. In that context, there are a lot of incidents that take place that do occur. In the context of not remembering specific things at the time—that I didn't remember it at the start of question time—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —I can assure honourable members—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —that I receive the email in a very short space of time. I open it, I read it, I make sure that all of the matters that are in the pro forma have been followed up and I am subsequently provided with follow-up briefs, which I read and ensure that all of the procedures that should have taken place have been taking place.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:58): Supplementary arising from the answer: why did you tell the chamber earlier, before the details of this incident were revealed, that the last time you were informed was 2018?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I think I have already explained this several times.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:58): Further supplementary arising from the original answer: minister, if the facts are as the opposition has been informed and it turns out you have done nothing to inquire further about this, will you resign?

The PRESIDENT: Minister, sit down. It's a hypothetical question.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): I am happy—

The PRESIDENT: If you would like to answer, the Minister for Human—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! In silence. It was a hypothetical question. I would have ruled it out of order; however, if the minister wishes to respond, that is up to you. Minister.

The Hon. J.M.A. LENSINK: To the extent that I receive these critical incidents, I quite distinctly—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Can I please finish?

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Can I please finish?

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Mr President, I would love to answer this.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Leading with a glass jaw, I demanded—I insisted—being on this list. When I was a new minister in this government—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —I said to my CE that I wanted to be on the list. Now this stands in stark contrast—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —to Jay Weatherill, who let his chief of staff take a fall when he knew, when his chief of staff knew, that a child had been raped at a western suburbs school and nobody told him.

The Hon. K.J. Maher: What is the point of being on a list—

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: You Labor Party people should hang your heads in shame.

The Hon. K.J. Maher: —if you are just going to ignore it and not ask a question.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I demanded of my chief executive that I be on the list—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the honourable Leader of the Opposition!

The Hon. J.M.A. LENSINK: —so that I can receive these reports.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Do I have 100 per cent recall of every incident that comes into my office? No, not necessarily.

Members interjecting:

The PRESIDENT: Order! Minister—

Members interjecting:

The Hon. J.M.A. LENSINK: I demand to know—

The PRESIDENT: Minister—

Members interjecting:

The Hon. J.M.A. LENSINK: —because I believe in ministerial accountability.

The PRESIDENT: Minister, sit down.

Members interjecting:

The PRESIDENT: Order! You asked a question; it's being answered. We will listen in silence. I won't keep repeating myself. When I call for order, I expect it. Have you finished your answer?

The Hon. J.M.A. LENSINK: I think so, Mr President.

HIGH-TECH INDUSTRIES

The Hon. N.J. CENTOFANTI (15:01): My question is to the Minister for Trade and Investment. Can the minister please provide an update to the council about how the government plans to grow more high-tech, service-focused jobs to ensure South Australia comes back stronger than before?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:01): I thank the honourable member for her question. COVID-19—

Members interjecting:

The PRESIDENT: Minister, sit down, please. Enough of the exchanges across the chamber. I want to listen to the answer to the question. Minister.

The Hon. D.W. RIDGWAY: Thank you, Mr President. COVID-19 has been an incredibly challenging period for the world, but in South Australia we have largely succeeded in flattening the curve and are committed to growing the economy, growing employment and ensuring that we come back stronger than before. Our world-leading response to COVID-19 means that South Australia is one of the safest places on earth, and it is seen as an extremely attractive place to invest and grow a business. As we look to the other side of the pandemic, I am confident that we will see many investments in South Australia in the months ahead that will underpin our state as the destination of choice for investors and globally recognised brands.

Unlike Daniel Andrews, who obviously has no idea what makes South Australia so great, businesses are finding many compelling reasons to invest in South Australia. It is no wonder, when you look at the great strides South Australia has made in recent times. We are now home to the national Space Agency and Mission Control Centre. We are the epicentre of defence, we have a growing health and medical sector, we have a creative industry sector ready to ramp up in the post COVID-19 period and we have Lot Fourteen, the Australian Institute for Machine Learning, MIT's bigdata Living Lab, and the leading experts in cybersecurity, AI and more.

Furthermore, South Australia is significantly more affordable than the Eastern States, and only last week we announced that water bills would be cut significantly. We have world-class universities delivering highly skilled graduates and a fantastic lifestyle. We have huge potential in growing a high-tech sector service, while at the same time doubling down on traditional advantages, such as food, wine, agribusiness, energy, mining and, of course, tourism.

Recent announcements, like Datacom's expansion to Noarlunga that will create 650 new jobs, is a great example of investment during these troubled times and a massive vote of confidence in our state. I would especially like to thank Darren Williams and Stacey Tomasoni from the team at Datacom for their support and endorsement of the Marshall Liberal government by investing another 650 jobs in South Australia.

The Naval Group has recently gone on a large recruitment drive, as has BHP. We have also seen local companies like Detmold and Fusetec pivot to manufacturing PPE supplies for domestic use. Just yesterday, Fleet Space announced that they were going on a hiring spree. COVID-19 has pushed companies around the world to embrace a digital future, and I believe we are perfectly positioned to capitalise on this trend and emerge as a digital hub for high-tech jobs, cybersecurity, data analytics, VFX, gaming and more.

We will also begin rolling out our sector plans across the nine priority sectors, including health and medical, which has been profiled this month by my department, as I outlined to the chamber last sitting week. These industry-backed sector plans will outline how industry and government can work together to significantly grow our economy while adapting to the tests a post-COVID world throws up.

There are many challenges ahead, but we are confident we have the right settings in South Australia, as a destination of choice for global investors, to attract young wealth creators to build our service sector, grow exports and look to emerge from this pandemic stronger than before.

HEALTH AND COMMUNITY SERVICES COMPLAINTS COMMISSIONER

The Hon. C. BONAROS (15:05): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question relating to the Health and Community Services Complaints Commissioner.

Leave granted.

The Hon. C. BONAROS: I will start by qualifying my question by not seeking the disclosure of confidential information, as has been referred to today by the Minister for Human Services. I am advised that there are a number of us who have received information regarding deaths in the health setting or in the disability setting. While we do not want to comment on the specific individuals involved, nor Ms Smith's specific issues, I think it is enough to say that we are all deeply saddened by any suggestion that these deaths are occurring.

I am advised that an independent investigation was commissioned by the former health and community services complaints commissioner into a number of cases where people had been seriously injured or assaulted, including instances of a lack of appropriate care and support, and that a number of those had actually resulted in deaths. I am further advised that the outcomes of that investigation were to be made public by the former commissioner, but that his replacement has chosen not to release them publicly. My questions to the minister are:

1. Is the minister aware whether the investigation I have referred to was commissioned by the former health and community services complaints commissioner into cases where people had been seriously injured or assaulted, and any resulting deaths?
2. Can the minister confirm that the investigation took place and, if so, how many deaths it details?
3. Is the minister aware whether the current commissioner is refusing to publicly release the findings of that investigation, contrary to the former commissioner's intent to do so?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07): I thank the honourable member for her questions. I presume the honourable member is referring to an own motion

investigation that was initiated by the previous commissioner for health and community services complaints that relates, as I understand it, to seven cases of people with a disability in acute settings. It is what I understand is called an 'own motion investigation' and, in the context of the investigation, expert advice has been sought.

Contrary to the honourable member's understanding, my understanding is that the report hasn't been concluded, that the own motion investigation is ongoing. However, I will certainly seek further advice and provide that to the honourable member.

HEALTH AND COMMUNITY SERVICES COMPLAINTS COMMISSIONER

The Hon. C. BONAROS (15:08): A supplementary question: will the minister also confirm whether that report will be made public, and when we are likely to be provided with details of that report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): You will certainly be given an update expeditiously in response to this question. I remind honourable members that the Health and Community Services Complaints Commissioner is an independent statutory officer, but I will certainly seek clarification on his intentions.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:09): My question is to the Minister for Human Services in relation to disability services. When the minister received the email outlining the circumstances of the death of Debra Pearce in her department's state-run disability care, precisely what did she do? Did the minister seek that immediate action be taken? Did she ensure that practices or circumstances changed to protect those in state-run disability care? Minister, were you even curious enough to do anymore than simply open and immediately dismiss that email?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09): Look, I thank the honourable member for his question. I think it is worth reminding the chamber that the information that I have been provided, which I have said previously, indicated that police involvement was not required in this matter.

The Hon. K.J. Maher: Previously you pleaded complete ignorance.

The PRESIDENT: The honourable Leader of the Opposition!

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition, you asked a question. The minister will answer the question. You will listen in silence, please.

The Hon. J.M.A. LENSINK: In respect that there are a number of processes in the Incident Management Unit—

The Hon. K.J. Maher: What?

The Hon. J.M.A. LENSINK: Well, I outlined them all yesterday. I went through them all yesterday. I think there are 10 in the process that I provided to the chamber. I have made sure that those processes were followed up to my satisfaction. Now, if the honourable member does have additional information, if there are allegations, then those should be provided to the government straightaway, and I would be very happy to take them on.

The Hon. K.J. Maher: And you can ignore them like you've done everything else. Open an email and ignore it. That'd be really great, wouldn't it?

The Hon. J.M.A. LENSINK: Well, the member has introduced a whole lot of information, which he alleges—

The PRESIDENT: Minister, please don't respond to interjections. They are out of order.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Now, the honourable Leader of the Opposition—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition, order! Enough. Minister.

The Hon. J.M.A. LENSINK: Which he alleges. Now, there are particular circumstances. If I was to go into the detail of this, that would be in breach of duty of care.

The Hon. K.J. Maher: You ignored the email; you've admitted as much.

The PRESIDENT: The honourable Leader of the Opposition, enough.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Minister, please continue. The honourable Leader of the Opposition, listen in silence.

The Hon. J.M.A. LENSINK: Through his disorderly interjections, the honourable member is going to personal details of this case, which I have said—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, don't start.

The Hon. I.K. Hunter: You're the responsible minister.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. I.K. Hunter: What action did you take?

The PRESIDENT: The Hon. Mr Hunter!

The Hon. K.J. Maher: You can't name a single thing you did.

The PRESIDENT: The honourable Leader of the Opposition! Minister, sit down, please. We are not going to continue if you won't let the minister give an answer to your question. I will move on. This is the last chance. Minister, do you have anything further to add?

The Hon. J.M.A. LENSINK: No, sir.

The PRESIDENT: Thank you. I call the Hon. Mr Hood.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Sit down, the Hon. Mr Hood. Order! We are not continuing until there is silence.

Members interjecting:

The PRESIDENT: Minister for Human Services, enough. The Leader of the Opposition, enough.

Members interjecting:

The PRESIDENT: Enough! The Hon. Mr Hood.

TENANCIES MEDIATION

The Hon. D.G.E. HOOD (15:12): My question is to the Treasurer. Can the Treasurer outline whether he has any information about the number of disputes between landlords and tenants that have been referred to the Small Business Commissioner for mediation in recent times?

The Hon. R.I. LUCAS (Treasurer) (15:12): I am happy to take that question on notice, but certainly, I think about a week ago—

The Hon. E.S. Bourke: It's like they need to run down the clock.

The PRESIDENT: Order! The Hon. Ms Bourke, ask a question if you get a turn at some stage, but be silent otherwise.

The Hon. R.I. LUCAS: If I can get any updated information I am happy to convey it to the honourable member, but I was advised about a week ago by Treasury, because I was interested to know, given the concerns that had been expressed to many of us in relation to the potentially significant number of disputes between landlords and tenants as a result of COVID-19 and the inability for many tenants to be able to pay rent and the concerns that not only the tenants had but also the landlords had in relation to it.

As the members will know, we rushed legislation through the parliament and we had a very long debate about the provisions of the arrangements that would arise between landlords and tenants. Put simply, there was the capacity, ultimately, hopefully for most of these issues to be resolved between the landlord and the tenant with the guidance that was ultimately voted upon by the parliament. Secondly, if that was incapable of resolution, there was the option of mediation by the Small Business Commissioner. Then, thirdly, there is the capacity to eventually go to court.

The advice I received about a week ago was that there were roughly only about 30 to 40 potential disputes between landlords and tenants that had been referred to the Small Business Commissioner for mediation. The cautionary note at that particular time was that that clearly may well mean that there are still further disputes that will arrive with the Small Business Commissioner as attempts at resolution between the landlord and the tenant prove fruitless, and that therefore this shouldn't be a final indicator of the total number of potential cases.

I would have to say that if at this particular stage we were, a week ago, looking at around 30 to 40 cases, that is a positive sign that the legislation this parliament ultimately voted upon may well have been sufficient in and of itself to resolve many of the potential disputes between landlords and tenants, and that hopefully there is a relatively small number of disputes that end up having to be mediated and an even smaller number that have to be resolved by the court in the end.

I hasten to say that it is still early days, but the early signs are that the legislation the parliament approved has so far proved to be quite successful.

MAJOR EMERGENCY DECLARATIONS

The Hon. M.C. PARNELL (15:16): I seek leave to make a brief explanation before asking the Treasurer, as Leader of the Government, a question about major emergency declarations.

Leave granted.

The Hon. M.C. PARNELL: In response to the COVID-19 pandemic, a major emergency declaration was made by the Governor under the Emergency Management Act 2004 on 22 March. This declaration has been extended three times since then, and it now expires at 1pm on Saturday 27 June. Previous extensions have been made fairly late in the period—at the 11th hour I would say—before the expiry of the preceding declaration. My question of the Treasurer is: will the declaration be extended, and what notice will be given to the community in advance of that decision?

The Hon. R.I. LUCAS (Treasurer) (15:16): I am happy to take that question on notice and bring back a reply. Given the fact that we are not sitting for a while, I will undertake to personally ring the honourable member with whatever advice I might be able to get so that the information may be of use to the member prior to 27 June, I think was the date that he has instanced. I do not have major carriage of this. Clearly, ministers higher up the food chain—the Minister for Health, the Attorney-General and the Premier—have pre-eminent responsibilities in relation to these issues. I am, nevertheless, involved in those sorts of discussions, whilst not being the decision-making minister.

The Hon. S.G. Wade: You write the cheques.

The Hon. R.I. LUCAS: I write the cheques, as my colleague says. But I will take the question on notice and undertake to give the honourable member a telephone call in relation to whatever information I can find in relation to his question.

MAJOR EMERGENCY DECLARATIONS

The Hon. T.A. FRANKS (15:18): Supplementary: while I am sure my colleague would appreciate a phone call, I am sure the South Australian public, particularly businesses, would like to know. Will the minister ensure the government makes some sort of public notification and early warning of extension of these emergency declarations?

The Hon. R.I. LUCAS (Treasurer) (15:18): The answer to that is yes, because of course the government has to not only gazette the decision but it has to publicly announce it by way of either press release or public statement. So I am very happy to say yes to the honourable member's question. We accept the substance of the Hon. Mr Parnell's question; that is, as early a notice as is possible in relation to these issues is advisable. The government is certainly aware of that. We have to gazette it, but we will publicly announce the government's position as well.

DISABILITY SERVICES

The Hon. I.K. HUNTER (15:18): I direct my question to the Minister for Human Services regarding disability services. Will the minister confirm that her agency with responsibility for disability matters, worker screening and sending to her critical incident reports: (1) has had an acting chief executive since March this year; (2) has an acting deputy chief executive; (3) has an acting chief financial officer; and (4) that the group executive director for disability reform and services has recently left the department? If so, who in the department has responsibility for disability issues that has not left or does not know if they will be in their current role next week?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:19): This is a really sad line of questioning from the honourable member.

The Hon. I.K. Hunter: It is a sad minister who can't get staff.

The PRESIDENT: Order! The Hon. Mr Hunter, you have asked a question. Have the decency to listen to the answer.

The Hon. J.M.A. LENSINK: The people who work in the Department of Human Services, particularly the senior executive team, are a very professional group of individuals and anybody who is fulfilling those roles I have full confidence in, whether they are acting or in substantive positions.

The Hon. I.K. Hunter: No chief executive since March.

The PRESIDENT: Order!

The Hon. I.K. Hunter: Since March!

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: The honourable member has been a minister. I am sure he has seen situations where there have been people in acting roles.

The Hon. I.K. Hunter: March, Michelle.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: I have every confidence in my executive team. I am not sure—

The Hon. I.K. Hunter: You haven't got a chief executive.

The PRESIDENT: Order!

The Hon. I.K. Hunter: Since March.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —why the Labor Party would slur the department in this way. I think it is inappropriate and, quite frankly, rather desperate.

The Hon. I.K. Hunter: They are slurring you by quitting. They are leaving in droves.

The PRESIDENT: Order!

Matters of Interest

DRUG AND ALCOHOL TREATMENT SERVICES

The Hon. D.G.E. HOOD (15:20): Alcohol and drug use have major health implications for Australians, and South Australians of course, and are associated with many physical and social harms, including mental illness, injury, addiction, chronic disease and premature death. People living in rural areas—approximately 28 per cent of our population—often have worse outcomes,

unfortunately, compared with people living in metropolitan areas. This can be due to several factors, including educational achievement, higher unemployment and less access to sufficient health services, a significant concern for this government.

The federal government's Australian Institute of Health and Welfare recently examined evidence indicating that people living in rural and remote areas were more likely than those living in urban environments to have used illicit drugs and to have consumed alcohol at what are deemed unsafe levels. Problematic alcohol and drug use often results in people requiring treatment. However, for people living in rural Australia, access to alcohol and other drug treatment agencies is more difficult than it is for those dwelling in urban areas, with only 7 per cent of existing services located within rural and remote areas, despite those areas having some 28 per cent of our population.

The Australian government's 2017-2026 National Drug Strategy recognises this as a significant issue, identifying the need to provide access to effective and affordable treatment and support services for the whole population. The National Drug Strategy has also identified Indigenous Australians as a priority population, due to the level of harm suffered from alcohol and drug use.

It is important to identify trends in alcohol and other drug use, in particular illicit drugs, in regional and remote Australia, as I am attempting to do today, because this enables better planning, with a primary focus on treatment and variation in treatment types and recovery rates. Available geographic data reflecting consumptions and harms highlights the disparity of consumption patterns, impacts and treatment services in major cities compared to regional areas for alcohol and other drugs.

Whilst recent data indicates the consumption of illicit drugs, such as cocaine and ecstasy, is similar in urban and regional areas, the incidence of cannabis use is highest in the more remote parts of Australia. Data from the National Wastewater Drug Monitoring Program also shows a higher prevalence of opioids, such as oxycodone and fentanyl, in regional areas as well.

Alcohol remains the most common cause of hospitalisations, and is the highest for people residing in rural and remote areas—not surprising, given that it is the most commonly used. Regardless of where a person resides, the rate of alcohol-related hospitalisations is significantly higher than for other drugs, such as methamphetamines, opioids, cannabis and other sedatives and hypnotics—again not surprising, given the prevalence of its use.

Consumption of illicit drugs in general is significantly higher in rural regions compared to major cities. In particular, for any illicit drug it is 25 per cent higher compared with 15 per cent, and for cannabis it is 17 per cent higher compared with 10 per cent. Alarming, over the past decade, the rate of drug-induced deaths has increased at a faster rate in regional Australia, up 41 per cent since 2008, compared with just 16 per cent—I say just, but still—in major cities. That is 41 per cent higher compared with 16 per cent.

There has been a stark increase in the rate of deaths involving opioids in regional and remote areas as well. The rate of drug-induced death for any opioid, excluding heroin, is significantly higher in regional and remote areas—four deaths per 100,000 population—than in urban areas, where the figure is 3.3 deaths per 100,000 population.

Overall, illicit drug use is estimated to cost the Australian economy some \$8 billion annually through healthcare costs, productivity losses and associated crime. It is also responsible for some 2 per cent of the burden of disease and injury in Australia—not insignificant. Nationally in 2016-17, agencies in remote areas had the highest rates of clients who sought or required treatment, almost 1,300 clients per 100,000 population.

The Australian Institute of Health and Welfare 2016-17 data indicated that clients who sought services in regional and remote areas were more likely than those in major cities to travel one hour or longer to reach these services, creating somewhat of a disincentive. Of course, differences in travel times and distances partly reflect the availability of services in regional Australia, and this pattern is the same across the most common principal drugs of concern and the main treatment types.

The key point from all of this—and I have much more data to give, which I will give in future contributions—is that our regions are under-served with respect to services for dealing with

addictions, particularly with illicit substances. We are not well served in the City of Adelaide as a general rule for such treatment services, but our friends in rural and regional areas fare even worse. In my view, this is something that very clearly needs to be addressed in the short term and certainly in the medium to longer term.

BLACK LIVES MATTER PROTEST

The Hon. I. PNEVMATIKOS (15:26): The death of George Floyd reflects a broader problem in terms of the way black or brown people are treated by police in the US and around the world. It is not an isolated incident. Consensus is growing in relation to systemic racism and racial profiling. At a time of heightened stress because of the coronavirus pandemic, people flocked to the streets around the world to voice their concerns at the direction our society was taking. It was opportune. At a time of a health crisis, we should be addressing the need for change. We certainly cannot go back to the way things were.

At the Adelaide Black Lives Matter protest, the speeches highlighted that without unity and solidarity we cannot overcome race inequalities in Australia. Ella Russo spoke about her brother who died in custody in 2016 while being held on remand at the Yatala Labour Prison. She said:

People must know that Australia's age of criminal responsibility is 10 years old. That is the age of my son. Children are being locked up and brutalised in prisons. Statistically, my son is more likely to be incarcerated than complete high school. Until revolt, and until white people see their power and revolt alongside us, there will be no future for our children that is safe, loving or lively.

The power within that protest was palpable. Fear, anger, sadness and frustration were present, but so was hope. As journalist Nicole Wedding accounts:

It was the first time in months that people gathered in such numbers, and you could glimpse as many smiles as you could tears.

The pandemic has restricted many activities, yet you cannot keep people isolated or withhold their voice indefinitely. These strict and authoritarian-like measures to fight the pandemic are also controlling people at an unprecedented level. This may be necessary in the short term, but the public has human rights and the public has a say.

Aunty Kerrie Doyle, Professor of Aboriginal and Torres Strait Islander Health at Western Sydney University, said in regard to the protest:

...I support people who are going and I appreciate people standing up for our mob. Community infections are almost non-existent, really. Meanwhile, there's not a day when Indigenous people aren't targeted.

And she is correct. A report released from Flinders University found, 'compared to non-Indigenous patients with the same medical needs, Indigenous patients were about one-third less likely to receive appropriate medical care across all conditions.'

Listening to the voices of the Aboriginal community at the protests has reinforced that this is a battle for all of society. Black Lives Matter is not only a protest but a fight against injustice and inequality and a hope for humanity.

PHARMACEUTICALS SUPPLY CHAIN

The Hon. F. PANGALLO (15:29): This is a matter of interest on a matter of life and death for the vulnerable in our community with chronic illnesses dependent on life-saving drugs. The case of disabled Adelaide man Tony Di Giovanni is symptomatic of Australia's disturbing reliance on imported medicines. Complex health issues arising from organ transplants and a condition known as osteomyelitis following failed surgery to his right leg have made Tony immune suppressed. He wears a moon boot and can only move on crutches. He would be at very serious risk if he contracted COVID-19.

Tony takes an array of drugs to keep him alive. One is an antibiotic called pristinamycine, which he has taken since 2007 to ward off a potentially life-threatening infection to his right leg. Pristinamycine is made in France and it requires special commonwealth health approval. However, this drug is in short supply globally and, as of today, no hospital in Australia has any stock. Tony's limited supply runs out at the end of the week and his doctors are scrambling to find an alternative treatment. His life is at stake.

This case highlights the precarious—some call it dumb—position Australia has got itself into with our national strategic stockpile of medicines and protective equipment under enormous supply pressures as a result of the pandemic. Australia imports 90 per cent of its medicines, with 57 per cent from European countries, 22 per cent from the US and about 1.7 per cent from China, but these figures mask a frightening situation in a supply chain of active pharmaceutical ingredients, known as APIs.

The US sources most of its active ingredients from China or India, which in turn sources large quantities from China. The World Health Organization estimates that China makes up about 20 per cent of the global output of active pharmaceutical ingredients, but others believe it could be more. It is believed that the US imports 95 per cent of its ibuprofen and between 40 and 45 per cent of its penicillin supplies from China. China is also the largest manufacturer of vaccines in the world, supplying about 20 per cent of the global supply.

In October 2019, the US congressional Committee on Energy and Commerce was told China had gained a chokehold over the global supply of penicillin and globally dominated the manufacture of active ingredients. The US-China Economic and Security Review Commission said that if China was to cut off its supply of drugs or APIs to the United States it could lead to a public health crisis. There would then be a dramatic domino effect, because Australia's biggest single supplier is the United States.

Democrat Congresswoman Anna Eshoo says Beijing could use US dependence for critical drugs as an economic weapon and exploit the health and safety of American armed forces and the American public. The fuse has been lit. Serious tensions now exist between the Chinese government and Australia and, to an extent, the United States. Like the Americans, this over-reliance on imported pharmaceuticals should be viewed with great apprehension and as a possible threat to our national security.

The Institute for Integrated Economic Research Australia recently reported that being at the tail end of a long global supply chain makes us extremely vulnerable to supply disruptions caused by factors like political tensions, pandemics, natural disasters, economic downturns and manufacturing problems. Australia's Therapeutic Goods Administration has acknowledged these supply chain risks and noted that at times there may not be enough of a specific medicine in the Australian marketplace, leading to potential weaknesses in supply.

The COVID-19 pandemic will only exacerbate this problem, particularly if China experiences a second wave of infections and needs to go into lockdown, which is looming with a worrying coronavirus outbreak in Beijing. The lesson to be learned here is that Australia was naive in thinking that it could still sail along almost totally reliant on other countries for our most critical health requirements.

As a matter of urgency, the federal government must look to restore some of our sovereign capability in this area while shoring up our reserves to avoid a calamitous health crisis. In the meantime, a fearful Mr Di Giovanni is praying they can find a substitute drug before it is too late for him.

TEAM SPORT

The Hon. N.J. CENTOFANTI (15:34): I rise today to speak about the importance of team sport in our communities. For a long time, sport has been an integral part of the South Australian community fabric. Around the state, individuals from all walks of life have come together to form clubs to play a range of sports. I can vividly remember from a young primary school age lining up and participating in a team for the Berri Netball Club as well as the Riverland Tennis Association.

Although my netball and tennis careers showed promising signs early, my success was short-lived and I found myself better at debating than shooting a netball; however, this did not deter my involvement. I later tried my luck at hockey and I was fortunate enough to win a premiership, more as a result of my teammates' talents rather than my own. Recently, I have stayed involved in sport by volunteering as a water runner and trainer for the Berri Football Club.

I may not have been lucky enough to reach the heights of the Adelaide Crows AFLW team, the Adelaide Thunderbirds or the Adelaide Lightning, and I do not stand here today professing to be

a fantastic sportsperson. The fact is that most people who play sport never reach the top echelon of their chosen pastime. That is not what sport should be about. It should be about friendships, a healthy lifestyle and community.

Anecdotally, there are many benefits for adults and children in being involved in a team environment and being active. The benefits of sport are supported by Beyond Blue, which does fantastic work in the community regarding mental health. Beyond Blue states that sport teaches us the values of teamwork, how to deal with setbacks, whilst also being a proven 'de-stressor'. Additionally, sporting clubs create a social aspect in people's lives, lead to friendships and provide a human connection, which is important in maintaining good mental health. Each of us, our children and our communities can enjoy the benefits of team sport and participating in local organisations no matter the level.

Prior to the COVID-19 restrictions, which have brought competitions around the state to a halt, according to AusPlay, 47 per cent of South Australian children participated in a sport through a club or association. I would like to commend the minister, the Hon. Corey Wingard, for appreciating the value of sports participation, particularly for our children. The government's Sports Vouchers program for reception to year 7 students aims to lift the number of children playing organised sport in our state. This program helps remove barriers to participation, and as a mother I have utilised this program for both my daughters. The Sports Vouchers program is a fantastic government initiative and one that each of us should be encouraging our communities to take advantage of.

Sport is about the grassroots organisations, the club stalwarts, the players and the dedicated support staff who volunteer so many hours of their time for the love of the game. In my club, the Berri Demons, it is about the Barry Leathers of the world who have dedicated decades of their life to maintain the heart of the club. Every sporting club around South Australia has a Barry Leathers. Our clubs cannot prosper without these volunteers and without the dedication of players. Players in our regional clubs often commute from the city during their university years because of their love for their clubs and, again, it is the community spirit that is the backbone of these sporting clubs all around our state.

Whilst we are seeing many of our sporting clubs making the difficult decision to call off the season due to the effects of COVID-19, it is important that we look to embrace these clubs into the future and ensure they are supported in their bid to start up again in full force in 2021. Sport should not just be about the elite; rather, it should be about children learning to kick a football or a soccer ball, shoot a netball, or learn gymnastics or a dance routine. Ultimately, sport should be about being a part of a community and having a go.

CORONAVIRUS, POLICING

The Hon. T.A. FRANKS (15:38): I rise to speak on the topic of policing the pandemic. We have heard many a time that we are living in unprecedented times, that this is the brave new world and our opportunity is before us to build a better world. Unfortunately, it seems that the more things have changed in recent months the more they have stayed the same.

Early on under the pandemic, quite understandably, many human rights and civil liberties groups were very concerned about the extraordinary powers that have been afforded under our various states' and territories' frameworks to police the pandemic, to enforce social distancing, to enforce a lack of crowds gathering and to enforce a range of public health measures.

I note that early on the Public Interest Advocacy Centre ran an online forum that I participated in and I was horrified to hear, even in those first few weeks, stories such as an international student who had been fined at her local skate park when the police refused to believe that she did not actually understand that she was not meant to be there. It was a fine on an international student who was suffering from mental health issues, facing extreme poverty, unable to return home, and unable to continue her employment due to the pandemic. Looking for some fresh air and a skate at the local skate park landed her with a significant financial burden to rub salt into her wounds.

Around the country, we have heard stories from Indigenous communities in particular that they are being policed more heavily. We do not have the statistics across the country in a coordinated

way—the only state that is doing comprehensive reporting is New South Wales—but from what we do know, the approaches are very different in different states and territories.

The ACT, early on, had no fines issued; the head of the police there stated that they preferred education to ensure that people were embracing the public health messages. In New South Wales, where that recording was happening, we saw small towns in western New South Wales of less than 2,000 people and with high Indigenous populations, such as Walgett, copping extraordinarily high levels of fines, yet in the leafy green suburbs of Waverley and Randwick in the eastern suburbs of Sydney, where indeed the hot spots of COVID-19 were, there were increasingly very few fines in those particular suburbs.

It seems that South Australia is no different in its approach. This week, we have seen the release of some comprehensive figures about the fines issued in South Australia. At the top of the list is Port Augusta, with 41 fines so far. These are fines of over a thousand dollars a pop and more if you are a business, and Port Augusta, with one of the highest Indigenous populations in our state, tops the list for these pandemic fines.

Second on the list, unsurprisingly, is Adelaide, which you would expect to be in that top 10, with 31 fines. Following that is Burton, with 23 fines, then followed quickly by Penfield, with 15 fines, and Whyalla Norrie and Whyalla Stuart, with 13 and 12 fines respectively. Together, that totals 25 fines for the Whyalla cohort, which puts them at the third highest rate of fines. In the top 10 are Smithfield, Edwardstown, Murray Bridge, Tarpeena, Norwood, Croydon Park, Coober Pedy and Virginia. Of all the fines, I could not find a single one in Burnside council.

It seems that under the pandemic, the policing has not changed. It is those who are the poorest, those whose skin is not white, those whose first language is not English who are the ones copping the brunt of the policing of the pandemic. This is unacceptable.

I echo the calls of Tamar Hopkins, who is the lawyer at the Police Accountability Project in Melbourne and who has been following the breakdowns of infringements across the country, that all police forces across Australia need to release their figures and provide further detail as to the CALD and Aboriginality of those people copping these fines. At the moment, with Port Augusta topping the list, it certainly looks to me like we have a problem with the policing of the pandemic.

NURSES AND MIDWIVES

The Hon. T.T. NGO (15:44): Last month, in this chamber, many honourable members praised and celebrated the work of nurses and midwives. We supported and passed a motion by the Minister for Health to recognise International Nurses Day and International Day of the Midwife. We spoke about the commitment of these essential workers and the high-pressure environments where they must recall specific and important medical knowledge and information while managing shiftwork and being away from their own friends and family.

It is a job many honourable members and I could not do. We all agreed enthusiastically that, thankfully, someone else does this hard job, while we congratulate them for their willingness and commitment. However, words become platitudes when they are not demonstrated through actions. The minister can move any motion he likes about these hardworking essential staff, but his actions and the decisions of the Liberal government send nurses, midwives, their union and the community a very different message.

Recently, we learnt that in the first three weeks of April 2020 about 1,600 casual nurses in South Australia's public health system went without pay, performing only one or no shifts. This was while a health crisis was unfolding and at a time when, if the coronavirus had taken a stronghold in our community, we would have most needed our army of nurses—including these 1,600—to be equipped and ready to work.

When the Marshall Liberal government decided to shut down elective surgery it did not seem to have a backup plan for the teams of nursing staff who make themselves available on a casual basis and who turn up when our community needs them. These workers, who have foregone employment security and entitlements so that they can work when and if it suits our hospital system, were left to fend for themselves. If the unpredictability of their employment and the difficulty that causes were not enough, when coronavirus looms, with all its uncertainties, these nurses have no

work and no JobKeeper to help them pay their bills or buy food and no notice of when they might work again.

From a public health position, I simply do not understand the logic of a government that, while preparing for a battle against an unknown and unseen killer, benches a good section of its fit and fighting army. Yet, I am sure that if all hands were called to the front line, nurses would be amongst the first to the front because they believe that providing health care is their duty.

While the Marshall government has not had the foresight to financially support these 1,600 out-of-work casual nurses, or relocate them temporarily in the health system to keep their skills engaged and agile, it appears this Liberal government is returning to what they are good at, and that is to cut jobs. It was reported in the media recently that the nursing union had learned of plans to restart voluntary redundancies across Health as part of a cost-cutting exercise by this government.

While the Premier praises our nurses as COVID-19 heroes, and his health minister might say that the COVID-19 front line will not be considered for packages, their actions tell nurses and the community that we have too many nurses and we need to cut them. I am not sure if the nurses, their union, or anyone else who has had a recent stay in our hospitals would feel the same.

I urge the Premier and the health minister to take stock, to show loyalty. This is not the time to send a message to our nurses that they are no longer wanted, and that the line at Centrelink is where they should be heading.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: USE OF OFF-ROAD VEHICLES

The Hon. N.J. CENTOFANTI (15:49): I move:

That the fifth report of the committee, on an inquiry into the use of off-road vehicles in South Australia, be noted.

The Natural Resources Committee self-initiated an inquiry into off-road vehicles in South Australia on 20 June 2019. The committee sought to inquire into and report on the efficacy of the current legislative and regulatory framework around off-road vehicles, the impact of off-road vehicles on the environment, particularly coastal areas and protected areas, and the impact of off-road vehicles on the state in areas such as tourism, recreation, land rehabilitation and loss of biodiversity, as well as any other related matter.

Much of this inquiry occurred prior to my time in this chamber; however, I have read the final report, which has been tabled, with much interest. Submissions to the inquiry ranged widely across the matters envisaged by the terms of reference, and the inquiry received 35 submissions and heard evidence from 11 witnesses. The committee would like to thank all stakeholders who responded to the terms of reference and contributed to a robust inquiry.

The committee found that the appeal of off-road vehicle use is growing and that off-road vehicles are an accessible means of transport for exploring South Australia's many spectacular outdoor experiences. The challenge is to balance responsible off-road vehicle use with sustainable management for the state's unique and valuable environments. The committee heard evidence that the four-wheel drive club community encourages responsible off-road vehicle use and is involved in numerous community outreach activities, usually at members' own expense and undertaken in a voluntary capacity.

There is no compulsion for off-road vehicle users to join a user club, which means that the total number of off-road vehicle users in South Australia is unknown. Establishing behavioural norms across the entire user community becomes more challenging within this context. Incentives to join a user club could facilitate more involvements with clubs. The main incentives would be offering members-only experiences such as access to dedicated off-road vehicle parks or facilities.

Submissions to the inquiry argued that irresponsible use of off-road vehicles can have many detrimental outcomes, including impacts on cultural heritage sites, impacts on birds and other fauna, impacts on coastlines, impacts on protected areas and impacts on the safety of humans and the amenity of outdoor spaces. A plethora of Australian and international research undertaken over many

decades shows that human impacts on coastal areas are particularly damaging for birds and their habitats.

Balancing opportunities to experience South Australia's spectacular environment with the need to ensure that off-road vehicles are used responsibly is a challenge for the three levels of government and the stakeholder groups involved. The committee heard that the framework currently used to manage off-road vehicles is somewhat complex due to the differing requirements that apply across the state and across different types of land tenures. Compliance and enforcement activities are undertaken less easily in remote areas and in areas where there are fewer dedicated resources.

One issue of ongoing concern is the speed limit that applies on beaches. Submissions received discuss concerns for human safety and beach habitats. The committee heard from the Department of Planning and Infrastructure that beaches fall within the ambit of the Australian Road Rules. Due to the variability of conditions applying across different areas, drivers should be encouraged to drive in a way that is appropriate for the prevailing conditions. The committee recommends that more signage and infrastructure would assist users to understand the rules applying in some areas.

The committee undertook a fact-finding visit to Goolwa beach and noted numerous instances of apparent noncompliance with the 40 km/h speed limit applying on that beach. The committee noted that more signage could have the valuable impact of directly reminding users about the applicable speed limits and potentially curb some users' behaviours at that particular site.

The committee further heard that permit systems have been used successfully in other states and are now being introduced in some South Australian protected areas through the online parks booking system. A small number of local authorities are intending to introduce a permit system for specific areas; for example, as part of the Goolwa beach redevelopment project.

A permit system would be valuable for multiple reasons. It identifies the person making the booking and therefore enables compliance activity if required and enables the relevant authorities to gather data about or limit the number of users in an area at a particular time. This could be particularly valuable on high demand days such as public holidays. The committee therefore recommends that a permit system be further investigated for statewide use.

Evidence presented to the inquiry demonstrated that the resources needed to completely manage the impacts of irresponsible vehicle use are difficult to quantify and difficult to budget for. In some council areas fencing and other solid structures have been either moved or destroyed by off-road vehicle users.

Responding to instances of vandalism is costly and sometimes only has a temporary impact. Users may repeatedly destroy or damage the same area after remediation or prevention works have been undertaken. Managing the impacts of irresponsible vehicle use is therefore an ongoing task for which project-based grant funding may be suitable. The committee recommends that local authorities should be encouraged to seek and apply for funding as this becomes available.

The committee heard that redirecting off-road vehicle use away from sensitive environments is a logical means of managing their impacts. Several submissions discuss dedicated off-road vehicle parks being made available to users as a means of providing an off-road vehicle experience that causes minimal environmental damage. The committee heard that councils are cautious about providing such facilities due to the high-risk nature of off-road vehicle use and the consequent liabilities that would arise.

There are several privately-owned off-road vehicle parks in South Australia. Government support for further ventures of this nature would provide opportunities to divert some sectors of the off-road vehicle user community away from damaging environmentally sensitive areas. The committee acknowledges that many off-road vehicle owners use their vehicles responsibly and are aware that irresponsible use can cause damage to humans and the environment.

Many off-road vehicle users take their vehicles to sensitive environments to experience accompanying aspects of the outdoors, such as fishing spots, camping or hiking. Among those users environmental damage is unlikely to occur deliberately and these users are likely to engage with guidance on minimising the impacts of off-road vehicle use in protected areas.

The committee therefore considers that a statewide code of practice, which attempts to minimise differences between areas and which provides clear and accessible messages to all users of off-road vehicles, would be a valuable initiative to accompany a permit system. The committee recommends that this should be developed collaboratively, using the expertise of off-road vehicle user groups, First Nation stakeholders and the three levels of government involved in the management of off-road vehicle impacts.

Additionally, the committee heard that some environments are so sensitive that a minimal amount of human impact would be ideal to manage these. Several submissions recommend that a statewide inventory of sensitive areas should be taken to identify management regimes that are appropriate for specific areas. The committee found that areas of local, state, national and international environmental significance and areas of cultural significance should be prioritised for protective management. The committee therefore recommends that an inventory process to identify these areas would be a valuable undertaking, with inputs from relevant experts.

In summary, South Australia has a spectacular range of experiences that can be undertaken in its unique environment. The popularity and accessibility of off-road vehicles provides enormous potential for growth in tourism and recreation. Because of the high environmental values of South Australia's coastal and arid landscapes, growth in tourism and recreation must be achieved in the context of the state's goal for biodiversity and habitat protection.

I thank all those who gave their time to assist the committee with this inquiry. I commend the presiding member of the committee, the member for Heysen, for his leadership. I also acknowledge other members of the committee, including the member for Finnis, the member for Port Adelaide, the member for MacKillop, the Hon. John Darley, the Hon. Russell Wortley and yourself, Mr President, for contributions to this report. I also thank the committee's staff, Mr Phil Frensham, Mr Shannon Riggs and Dr Monika Stasiak, for their assistance throughout. On behalf of committee members, I particularly acknowledge the work and contribution of Dr Stasiak to the Natural Resources Committee and wish her all the best in her new employment.

Debate adjourned on motion of Hon. T.T. Ngo.

Motions

ABORIGINAL DEATHS IN CUSTODY

The Hon. T.A. FRANKS (15:59): I move:

That this council—

1. Notes that—
 - (a) every year, Aboriginal people continue to die in custody at increasingly higher rates in preventable circumstances;
 - (b) there has not been a single conviction for any of these deaths;
 - (c) a royal commission in 1991 investigated Aboriginal deaths in custody, making 339 life-saving recommendations, but very few were implemented; and
 - (d) just one recommendation, a custody notification service, has been demonstrably proven to save lives in other jurisdictions.
2. Calls for a custody notification service to be implemented in South Australia with urgency.

I rise knowing that even since I moved that motion we now know that at least 437 Aboriginal deaths have occurred in custody since the aforementioned date. Some of those were records that had not yet been found, but some of those were new. I attended the Black Lives Matter rally that the police commissioner give the exemption for. I noted at the time people complained that a rally could go ahead but a football match could not, but since then an exemption has been made for a football match.

I noted the complaints from people who said that a Black Lives Matter rally could go ahead but that ANZAC Day had no such exemptions. I point out to them that ANZAC Day was the first event in South Australia to be exempted from these public health directions, with the ceremony on North Terrace receiving that exemption.

I note that these issues are not new. We have seen in my lifetime an extraordinary body of effort to get to the point where we had a Royal Commission into Aboriginal Deaths in Custody. Now, in the wake of George Floyd's death in America, we have seen a renewed push to take a look at our own country, to ensure that we have no George Floyds in this country, that we have no unnecessary deaths in custody—of all people, of course, but particularly in this case of people of colour and of Aboriginal people.

That is why Change the Record has called on the Prime Minister and the national cabinet to implement five key recommendations to end deaths in custody. They have called to end the mass imprisonment of Aboriginal and Torres Strait Islander peoples by repealing punitive bail laws, mandatory sentencing laws and decriminalising public drunkenness; and to stop imprisoning Aboriginal and Torres Strait Islander children and raise the legal age of responsibility from 10 to at least 14 years.

They have also called to end racist policing and require police accountability by ending the practice of police investigating police and legislating for independent investigations of deaths in custody and resourcing independent police oversight bodies; and, of course, to implement all recommendations from the Royal Commission into Aboriginal Deaths in Custody and the countless independent investigations, coronial inquests and reports that have been published in the three decades since then.

Finally, they have called to end the abuse, torture and solitary confinement of Aboriginal and Torres Strait Islander people in police and prison cells through legislative safeguards and by urgently establishing independent bodies to oversee the conditions of detention and treatment of people in accordance with our obligations under the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (OPCAT).

This call by Change the Record is endorsed by them, the national Aboriginal and Torres Strait Islander Legal Services, the Human Rights Law Centre, Amnesty International Australia, ANTaR, the First Peoples Disability Network, Community Legal Centres, Family Violence Prevention Legal Services and the Australian Council of Social Service. They do so because black lives do matter and should matter, and the time for anger and anguish to be turned into action is here.

'Black Lives Matter: our call on the New South Wales government' is a document that I have received today. The Jumbunna Institute for Indigenous Education and Research has formulated the New South Wales plan there. Some of their calls are different to those that we need in South Australia, because in fact New South Wales has a custody notification service. South Australia continues to have only the Aboriginal Visitors Scheme.

I draw members' attention to that document and the work of Professor Larissa Behrendt at the University of Technology in Sydney, which calls, in particular, for a range of measures to implement these recommendations and to end racist policing in New South Wales. In South Australia we need a similar body of work and a similar effort to ensure that we have a series of South Australian recommendations for a way forward.

I also cannot but reflect that I thought it was quite extraordinary leadership and a sensible exemption for police commissioner Grant Stevens to allow the Black Lives Matter rally to go on. It would have gone on anyway. The anger was palpable, the injustice so deeply felt. What would have happened is that people would have been fined, possibly arrested, and the anger and the hurt would have continued and the action, unfortunately, would have again been stymied. I congratulate police commissioner Grant Stevens for that.

I agree with his words in his opinion piece just a few short days ago on Monday that, 'We must not stay silent about the mistreatment of any person at the hands of authorities'—the headline of his piece on Monday in *The Advertiser*. He goes on to say, however:

Over the past 10 years, six indigenous Australians died in police custody in South Australia.

A total of 25 deaths in police custody have occurred over this same period.

He uses those statistics to claim that we do not have a problem. I would say, given the very small proportion of Aboriginal Australians compared to non-Aboriginal Australians, the fact that there were

25 deaths in police custody of non-Aboriginal people and six deaths of Aboriginal people shows that in fact we do have a problem, Commissioner Stevens.

I also note that he goes on to mention the number of those police custody deaths and to outline the situations in which they took place. My reading of the Guardian Project, which has actually been counting the dead—counting the deaths in custody—is that two of those are yet to have a coronial inquest, as is required by the royal commission's recommendations. It is one of the commission's recommendations that South Australia has supposedly implemented, but years on, those families, while they do have the support of the ALRM, are still waiting for their day to find out what happened with the death of their loved one.

The police commissioner goes on to say that the police do take their obligations very seriously, and he believes that pretty much all of the royal commission's recommendations for policing in South Australia have been implemented. I think a little organisation called Amnesty International would beg to differ. There are a few others. Certainly Change the Record begs to differ. The work, pro bono, by Clayton Utz for Amnesty International a few years back at the 25th anniversary of the Royal Commission into Aboriginal Deaths in Custody begs to differ.

So I say to the police commissioner, if he will not read those particular august bodies' extensive reflections on how we have failed to progress in this matter, perhaps he would refer to the Police Association's letter of 11 June. I note that the Police Association have written to various players following the killing of George Floyd by a Minneapolis police officer, recognising that, while peaceful protest is preferred and that they do not condone violent protests, they understand the challenges inherent in policing disadvantaged minorities. Accordingly, they call for some measures, one of which is:

That government and SAPOL conduct an audit of the recommendations of the Royal Commission into Aboriginal Deaths in Custody and report on the adoption, implementation, adherence and/or rejection of those recommendations.

Certainly, the Police Association do not believe that we have implemented pretty much all the policing suggestions. I would say that quite a good suggestion follows that: the implementation of night and weekend court sittings to reduce the length of time apprehended persons are detained in police custodial facilities after the denial of bail, which is a very positive step forward; and that state and federal governments review the current legal definition of a death in police custody so as to provide a more accurate and complete picture of the circumstances leading to that death.

By the way, one of the recommendations was that we actually keep the stats and that that be done in a consolidated way by the proper authorities. However, it has been down to the guardian to compile these statistics and human rights non-government organisations to pull this together, not for the government to step up and take on their responsibilities to ensure that we know exactly the statistics that we are talking about. When we remember these numbers, each of these are human beings no longer living and breathing, with names, with loved ones and with lost lives.

The Police Association goes on to say that the state government should commit to funding SAPOL to facilitate access to 24-hour, seven day nursing staff at all police custodial facilities. I could not agree more. It also calls for the government to review and improve funding arrangements in support of the Aboriginal Visitors Scheme at all police custodial facilities.

The Police Association further suggests that the state government commit to the provision of dedicated sworn police living and working on the APY lands and working in other Aboriginal communities. I note that in the previous budget the police commissioner had toyed with the idea of fly-in fly-out police, which is totally contrary to the recommendations of the royal commission, and APY lands policing would have suffered had that scheme gone ahead.

I also note that on APY lands and in other remote Aboriginal communities we have often heard tell that we have community constables. Certainly on the APY, year after year, decade after decade, those positions are actually vacant. So while on paper we have met our obligations and while on paper we say we are doing something, actually out there in the real world those positions are vacant and those communities are let down yet again.

Unsurprisingly, the Police Association letter goes on to say that say SAPOL should urgently address its inability to fill regional community constable vacancies on the APY lands and in all other Aboriginal communities throughout the state. In support of this measure, government housing should be offered to regional community constables. Finally, it suggests that SAPOL review and report on the outcomes of the 2017-2020 Reconciliation Action Plan.

I welcome the involvement of the Police Association in this matter. I note that they have a difficult job, but I also know that, while the police commissioner might say that everything is fine in our police approach, that Black Lives Matter is more of an American issue than an Australian problem and that we have in fact supposedly implemented all these recommendations, even a brief glance at those documents that have been produced, many, many hundreds of pages, show that we have not implemented all the recommendations.

Even where we claim to have implemented these recommendations, in many cases it is more in a paper form that we can claim that rather than in a practical implemented form. Some of our laws around dry zones and the fines that apply fly in the face of the recommendations around public drunkenness. The ALRM's top 10 most represented matters at South Australia courts, according to their last annual report, include disorderly behaviour/offensive behaviours, section 7(1) of the Summary Offences Act.

Recommendation 86 of the Royal Commission into Aboriginal Deaths in Custody was that offensive language, for example, should no longer be in our Summary Offences Act, but it remains here in South Australia. We have not acted on that. Unsurprisingly, disorderly behaviour and offensive behaviour is in the top 10 list of the matters that the ALRM deal with day in, day out. That is to our shame. That is policing people who are able to be visible and vulnerable and public in a way that those who live in the leafy suburbs, who are able to lawyer up, who have access to wealth are not policed.

It is not even just the way non-police are policed; we know that a member of the South Australian police force has quit in the last few years because her partner was Aboriginal and the racist abuse that she copped working on Operation Mandrake of all things, the racist abuse and racist jokes and the vilification that she copped day in day out about the fact she was going out with someone who was Aboriginal made her quit her job in the South Australian police force. We know that because she went on record and I commend her for her bravery in speaking out because that is the only way we will get change.

I note that the EO commissioner actually did a really significant body of work about the gender problems and the sexual harassment and the sexist behaviour of SAPOL in recent years and that great strides have been made forward there. I would suggest a similar body of work be done on this matter.

Just one day after that op-ed in *The Advertiser* from the police commissioner, that very night on Facebook I saw the video of the young man in Kilburn—allegedly according to the media reports, but certainly apparently according to my eyes looking at my mobile phone and the Facebook video—being punched by a police officer when he had been restrained for some time and there were several police officers holding him down. I was horrified when I saw that vision late that night.

I was disgusted and repulsed because here we are all saying, 'Oh, it only happens in America. Oh, it only used to happen back in the bad old days.' Well, here we are in downtown Kilburn this week with a police officer punching a young Aboriginal man who has been pinned down to the ground for some period of time on the cement. Then, reportedly, the witnesses around him, who were also Aboriginal, as well as this young man were sprayed with some sort of spray—a chemical spray, a capsicum or a pepper spray. I am trying to remember what they called it in the police response.

I have never been sprayed with capsicum or pepper spray but I do know that there are serious health implications and that it can kill people. When I worked for Amnesty International, in fact, we took many reports about how capsicum spray was used in ways that actually led, particularly in custody situations or in crowd situations, to people dying. And yet, those people in an Adelaide suburb on Monday night called for an ambulance for medical treatment as a result of this not once

but twice and while they had many police cars and sirens in their street, not a single ambulance turned up for them.

We also know that that young man spent at least eight hours at Port Adelaide Police Station in a cell. We heard various accounts of what he was being charged with. We know that the ALRM attempted to provide him support through their Aboriginal Visitors Scheme, because we do not have a custody notification service.

There are reports that police officers refused not only that legal support but medical and welfare support to a man who apparently was battered, bruised, had been pinned to the ground, possibly punched in the head—certainly punched somewhere—capsicum sprayed and held for eight hours without medical attention or access to the Aboriginal Legal Rights Movement's offers of support for him.

One report I received directly was that a police officer stated that due to COVID restrictions nobody was allowed in the station. It is the first time I have heard public health protections being used to punish a prisoner and deny them their human rights but I am sure it will not be the last as we start to really talk about these issues in this place.

Because the ALRM does not have the authority to go into that police station with a custody notification service that is mandated and legislated under our laws, as was one of the recommendations—actually, two of the recommendations of the royal commission: one was to have the service and the second was to legislate that service—we know, on that day, we let that young man down.

We know that unless we act in this place, laws do not change. We know that, in our culture, the statistics do not actually lie. We know that Aboriginal people are less than 3 per cent of the population but a significant proportion of those who are policed, who are locked up, who die young, and who live far less wealthy lives than non-Aboriginal people. We also know that enough is enough and it is time to act.

In the next few minutes, the Labor Party will introduce a bill for a custody notification scheme. I commend them for that and I note that the Labor Party also did the same late last year. Obviously, I would not want to reflect on bills to come, but I note that they are actually not yet introduced.

I note that back in 2015 and 2016, the then federal minister Nigel Scullion wrote to every single state and territory and offered them money—three years' worth of funding—for a custody notification scheme to take up the recommendations of the Royal Commission into Aboriginal Deaths in Custody. He would actually pay for it as long as we legislated for it. He did so because he said it was life-saving, and he was right.

As many will now reflect, in New South Wales, where this scheme has been implemented, the only time we have seen deaths in custody has been where it has not been appropriately used. This scheme saves lives. This scheme was offered up to South Australia on a plate with funding by the federal government when the Labor Party was in government. The scheme that they are proposing is a little too little and a little too late.

We must get on and legislate for a custody notification service, but excuse me if I will not hold my breath, waiting for the hypocrisy and the shamelessness to not be embraced by the Labor Party. They should stand here rightly ashamed of their lack of action when that offer was made to them, their lack of action in the 16 years that they were in government and their lack of action in the very many months between the first time they introduced a bill for a custody notification service and the next time they did.

I am angry. I am not as angry as the actress Miranda Tapsell was when she went on *Get Crack!*, but I certainly take up her challenge that if we have any skerrick of her anger at the injustice that we are seeing in our very own country, we should take up the baton and we should run with it. Here in this place, as parliamentarians in this legislature, we have extraordinary powers to change lives, to improve lives and to create equality.

I will seek leave to conclude my remarks. What I have not done today is actually addressed the various ways in which South Australia has failed to implement each and every recommendation

of the royal commission, but I would like to get on with the debate on the custody notification service right now and get that through our parliament. With those few words, I seek leave to conclude my comments.

Leave granted; debate adjourned.

Bills

SUMMARY OFFENCES (CUSTODY NOTIFICATION SERVICE) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Leader of the Opposition) (16:24): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

Second Reading

The Hon. K.J. MAHER (Leader of the Opposition) (16:25): I move:

That this bill be now read a second time.

The Uluru Statement from the Heart reads in part:

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem.

These are profound words and these are important words. They speak of the systemic and structural nature of what can often appear to be almost insurmountable challenges. The decades are now a couple of centuries of dispossession, discrimination, disadvantage and racism that contribute to the structural nature of our problem. Deliberate policies that carried on into living memory were designed to destroy and diminish Aboriginal people, their families, their communities and their culture. The always-lingering effects contribute to the structural nature of our problem.

There are many underlying issues that result in Aboriginal people having too much contact with the criminal justice system. These include health, housing, education and employment that require the constant attention of government and policymakers. The failures in these areas are part of the structural nature of our problem. The massive over-representation of Aboriginal people coming into contact with the criminal justice system is a manifestation of the structural nature of these problems.

Many Aboriginal people have a difficult relationship with the criminal justice system and have had experiences, over many decades, that contribute to that. Having said that, I have witnessed, and have been fortunate to witness, some of the very best relationships Aboriginal people have, particularly with the police. Particularly in very remote communities, police are often an essential part of that community.

In places like Yalata I have seen the police participating in playing footy with members of the community, building very strong relationships. Across the APY lands I have seen many very good officers whose understanding of the community, whose integration within the community and whose care and respect for the community sees them being trusted and sees them being able to avert problems before they become bigger problems and people having contact with the criminal justice system. This is policing at its best, and it has contributed to the great deal of respect, particularly in remote communities, that many Aboriginal people have for the police. But that is not the experience that everyone has.

Many of us will have seen the video footage, from a couple of nights ago, of Noel Henry. I spent time last night in Kilburn with Aboriginal families who discussed some of their experiences with the police. A number of mothers talked about the fact that they did not like their children being out after dark. This is not out of a worry about what will happen because of other things in the world; these Aboriginal mothers did not like their children being out after dark because they were scared of them coming into contact with the police. This stems from decades of poor relationships and decades of over-representation of coming into contact with the criminal justice system.

I mentioned that I have seen some remarkably well-respected policing in the APY lands, but I have also seen, amongst some senior officers in the APY lands, much less respect. In meetings, I have heard senior officers talk about traditional Aboriginal art being completely made up, talk about the fact that Aboriginal people get sit-down money and talk about the fact that men's business goes on far too long because Aboriginal people just do not want to go back to work.

These are the comments I have personally heard from senior officers of the police force in the APY lands. They do not reflect my usual experience with police in the APY lands, but these are the nature of some of the attitudes that are there in some of our big institutions, like the police.

There are big issues, systemic issues that need addressing, but there are also specific and particular actions that can and should be taken. Senator Pat Dodson, one of the commissioners on the 1991 Royal Commission into Aboriginal Deaths in Custody, told the Senate:

Thirty years ago, the royal commission that I was part of made 339 recommendations to the parliament. That commission had been set up by the Hawke government. At that time, there were 99 deaths that we were concerned about in this nation to effect a national royal commission. Now we've had over 400 deaths since that royal commission. Thirty years have passed, and we have not addressed the underlying issues that give rise to people being taken into custody and, consequently, dying in custody.

The Labor Party has previously introduced a custody notification service bill into parliament. That bill covered arrests without a warrant under the Summary Offences Act and applied to people in the custody of a prescribed custodial officer, being the officer in charge of a custodial police station or officer in charge of a designated police facility.

The bill that is currently before us differs by broadening the scope of apprehensions to include both those made with or without a warrant, designed to take in all of those who come into police detention. It also broadens the scope of prescribed offices to include the manager of a youth detention or training centre to make sure all Aboriginal people, regardless of their age, are covered by the effect of the bill.

This bill may not affect vastly the disproportionate number of Aboriginal people who end up in custody. Aboriginal people make up something close to one-third of our prison population, and as of a couple of weeks ago Aboriginal young people made up 80 per cent of our youth detention population in South Australia. Even more sadly, Aboriginal people tend to be underrepresented among those on community corrections orders. In simple terms, Aboriginal people are more likely to come into contact with the justice system and, when they do, they are more likely to be held in custody than not, and then they are more likely to go to gaol.

The challenge of excessive contact with the criminal justice system is one that must be addressed with determination, and that will have to continue for years to come. This bill addresses what happens when an Aboriginal person is first brought into police detention. It seeks to establish a system where a police officer or manager of a youth detention centre must contact the Aboriginal Legal Rights Movement at that first instance when an Aboriginal person is taken into custody. We know that that is a time of especially great risk.

This bill adopts recommendation 224 of the 1991 Royal Commission into Aboriginal Deaths in Custody. In my view it is not just desirable that we put into place programs and measures to reduce Aboriginal deaths in custody; we have a moral obligation to do so. This is especially so given the past treatment of Aboriginal people, families and communities that necessarily contributed to where we are now.

Debate adjourned on motion of Hon. D.G.E. Hood.

SUMMARY OFFENCES (NOTIFICATION OF CUSTODY) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:33): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:34): I move:

That this bill be now read a second time.

This bill seeks to legislate a custody notification service. A CNS provides a critical welfare check and fundamental legal advice to all Aboriginal people who are taken into police custody. We have had a similar service, but certainly not a legislated or mandated service, run by the Aboriginal Legal Rights Movement for some time, called the Aboriginal Visitors Scheme.

Following the establishment of that scheme in response to the Royal Commission into Aboriginal Deaths in Custody recommendations, I note that that scheme is stated by the ALRM to ensure that Aboriginal people who may be upset, lonely, angry or confused, may be having suicidal ideation or thoughts of self-harm, may be suffering underlying chronic health conditions, which maybe they might not be willing to disclose to police, are provided supports to ensure that police have a duty of care towards those detainees, and the presence of that Aboriginal Visitors Scheme visitor provides the valuable assistance that saves lives. That person can also provide relevant information to police in ensuring that SAPOL and the AVS work in partnership to safeguard the health and wellbeing of these detainees.

When an Aboriginal person is taken into police custody, police, it states in the ALRM annual report, are required to request a visitor from the AVS. The South Australia Police general orders custody management of Aboriginal prisoners states that, when an Aboriginal person is in custody, police should seek the assistance of the AVS as soon as reasonably practicable, and extend their full cooperation.

In addition to the police requesting the AVS, the detainee, their family and friends or their legal representative, can request the attendance of the Aboriginal Visitors Scheme. The AVS service operates between five and nine weekdays and 24 hours on weekends and public holidays, complementing the Monday to Friday nine-to-five service provided by the ALRM field officers and lawyers. It is an integral part of the invaluable 24/7 service provided to Aboriginal detainees in police cells. There is no doubt that it works quite effectively and has saved lives.

When an AVS visitor attends a police station: they assist police with their duty of care and responsibility for that detainee; they help keep open communication between the detainee and the police; they provide care and comfort to Aboriginal people in police custody; they consider any needs of the detainee, including medical, legal, counselling, family support and relationships with the police; they assess the condition of the detainee in police custody; and, they report to the officer in charge if any concerns or issues are identified. They also liaise with and access local community agencies that can provide additional support and assistance to the detainee.

So the concept is nothing new. In fact, we currently have at the Adelaide City Watch House, Elizabeth Police Station, Port Adelaide Police Station, Sturt/Christies Beach Police Station, and the Berri, Ceduna and Port Augusta police stations AVS workers. Between 30 June 2018 and 30 June 2019, according to the ALRM's annual report, there were requests to visit 258 people through this scheme. Aboriginal field officers can provide that AVS care, comfort and support to other 24/7 police custody facilities where the AVS staff are unavailable.

All well and good in theory, but what actually happens in practice is the reason that I bring a bill before this place today to mandate and legislate, as has recently been done in WA, as has recently been done in the Northern Territory, and has existed for many, many years in New South Wales, where it is often reflected that there has been only one death in custody since they legislated their custody notification service, and that was when the processes were not followed.

In South Australia I remember, around the time of the death of Wayne Fella Morrison, being contacted by someone who was known to me who had been part of the Aboriginal Visitors Scheme. She said to me that she was unsurprised by the death and that she had thought that it was only a matter of time before such a death would occur.

As I would hope all members are aware, currently there is an inquest underway into the death of Wayne Fella Morrison, who died on 26 September 2016. His cause of death is listed as 'medical episode following restraint' and the details that we know are that he died in hospital three days after he was restrained by 14 guards at Yatala Prison in South Australia on the morning of 23 September 2016; the CCTV's footage shows him being held to the ground and then carried, hooded, into a van; there is no video evidence from the van—something that would not be the case in other states, I

note—and some guards involved in his transport have to date refused to give evidence. I would say the majority of guards involved in his transport have in fact refused to give evidence.

Further, the coronial inquest into his death, which began two years ago, was delayed when 18 prison guards and a nurse who had been called to give evidence at the inquest challenged the Coroner, Jayne Basheer's, validity in the Supreme Court, calling for her to be removed from the inquest. That was because she said to them that they had to give evidence.

I note that prior to this they had also failed to cooperate with the police investigation into this matter and that, contrary to any good practice, they had colluded and collaborated directly after the events rather than remaining separated, but that under our corrections laws the chief executive had no powers to order them to do otherwise, a failing in our current laws that a former minister and a current minister have assured me will soon be rectified.

I note that while the Deputy Coroner, Jayne Basheer, could not compel the guards to answer questions about their conduct, which may indeed open them to civil liabilities, that inquest is yet to report, but it came as no surprise to this person known to me, who contacted me at the time. I have asked her more recently to pull together what happened in her experience within the Aboriginal Visitors Scheme. She has let me know that her role was to visit First Nations people in the Adelaide City Watch House when they were arrested and they wanted a visitor. She was to check their welfare and that duty of care was being maintained.

She notes that some SAPOL staff she encountered were incredibly understanding of the aims and the needs of the AVS program and they were very supportive and cooperative, but unfortunately there were others who were not, and they made it clear that they thought it was all a bit of a joke. On one occasion, she was called in to the Adelaide City Watch House to visit a young man who had been arrested shortly after 5pm on a Friday night. Upon arrival, the desk sergeant warned her, as he was showing her to the interview room to speak with this man, that the man was not making much sense and might have a mental health problem or 'be on drugs'.

When the man was brought in to speak with the Aboriginal Visitors Scheme person, he was rambling, emotional, crying and pleading. She instantly recognised that he was not making sense and that his behaviour was extremely heightened. She tried to speak with him and ascertain what he was upset about, but it became very clear that something was quite wrong and he appeared to be delusional.

She noted that the man was possibly experiencing some sort of psychosis. She explained to that man that she was concerned he may need medical attention and that she would like to suggest to the police that they take him to the hospital. The man cried and begged and pleaded to be taken to the hospital. She approached the desk sergeant and said that she was concerned the man was mentally unwell and therefore unsafe, and thought that he needed to be taken to the hospital.

The sergeant flatly refused, saying, 'I don't think he needs anything of the sort.' She persisted with her advocacy, reminding him that duty of care extends to mental as well as physical health. The sergeant locked his hands over his head and said he would not be sending the man to the hospital and 'How dare I tell him how to do his job', she informs me.

She reminded him that this was exactly what her job was about, that this man was at risk and that he, as the sergeant, was responsible for maintaining the duty of care. She pulled out her mobile phone, which she had always been allowed to have previously as a tool of her work, and she rang the ALRM. They tried to speak with the sergeant, but the sergeant was unrelenting and complained to the ALRM, 'I don't appreciate your workers coming in here telling me how to do my job.'

Her phone was handed back to her and her boss advised her that the sergeant was being uncooperative but that he had agreed that he would send the man to hospital if he became a threat to himself or anyone else. They said that she should try to calm the man down and assure him that she would be ringing back through the night to check on him.

She returned to the interview room, where the man was sobbing. She proceeded to advise him that he could not be taken to the hospital because the police would not agree that he needed to go. The man then started to cry very loudly and was making no sense. Feeling very much out of her

depth and becoming increasingly distressed by the situation, she rang the ALRM again and asked if they could speak with the man and then put the man on the phone to them. The man rambled and continued to make no sense, and then they handed the phone back to the person known to her and her boss acknowledged that the man was sounding very mentally unwell.

The man then stated, 'My grandmother was a strong woman and she killed herself, and I am strong enough to do the same.' He then started hitting his head against the wall. The ALRM, hearing this via the phone, advised the worker to go back directly to the sergeant again and report that the man was making these threats of self-harm.

As she did, she kept the phone on and her mobile in her hand. Yet again, the sergeant at first was not cooperative but then finally agreed that the man would be taken to hospital. The worker rang the following morning to follow up on the welfare of this man and was told that he had been admitted to the hospital and was indeed incredibly unwell and that he had not been returned to the City Watch House for his court appearance.

In the weeks that followed, she was continuously obstructed from performing her job at the Adelaide City Watch House. She was told that she could not have belongings with her, as she had done previously to this instance. She was told that she could not even have paper and a pen with her, and she certainly was told she was not allowed under any conditions to have her mobile phone.

She was then prevented from even entering the Adelaide City Watch House to see people in their cells or the interview room, as she had been allowed to do for well over a year prior. Instead, she had to speak to vulnerable people at volume through glass, which of course is a most inefficient way to ascertain their wellness.

She did make complaints. She sought to make complaints about the behaviour of the SAPOL officers at the City Watch House, but the reality was, given she had been barred from entering, given SAPOL were refusing to explain or justify or enter any discussions about her barring, they had made a decision that meant she was unable to do her job.

It became clear that because of the lack of a legislative framework and mandated power that the Aboriginal Visitors Scheme currently has and that given the police had barred her she could no longer do her job. She therefore stated to me:

I left quietly and didn't make too much noise about it. I wanted to make a...police complaint at the time, and certainly felt one would be justified, but was concerned about the potential impact this could have on Aboriginal prisoners and ALRM as a whole.

That is the situation we currently have in South Australia, where on paper we say that we are complying with our implementation of the recommendations of the royal commission, where on paper we say that we are complying with our obligations under various international human rights instruments, but in practice, if somebody who is working in this scheme decides that a prisoner needs health care and the police officer takes umbrage, the police officer can make it impossible for that person to continue to do their job.

Other instances in South Australia of Aboriginal deaths in custody include situations where I believe an Aboriginal visitor scheme or, preferably, a custody notification service may well have helped. Certainly, one of the examples given by the police commissioner in his opinion piece earlier this week is often cited to me. It is yet to have an inquest. The man is known by his initials of P.R. and his cause of death was 'medical episode following restraint' in Parafield Gardens on 26 May 2017.

I note that he became unresponsive in July 2017, after being arrested, handcuffed and placed in a prone restraint position by South Australia Police outside his house in Parafield Gardens. Witnesses have told the media he had repeatedly asked for his heart medication once arrested, but that request was denied by police. An ambulance was called, but he was unable to be revived. I guess we will find out when the inquest happens, but my intent is that we do not have as many inquests and that we do have a strong and mandated custody notification service in this state.

As I mentioned in a previous contribution to a previous matter, former minister Nigel Scullion offered South Australia money for such a service. He wrote to every single state and territory minister when he stumped up to help New South Wales with their scheme and said, 'You legislate a custody notification service and I will come to the party and I will pay for it for three years.' Back in 2016,

those letters to the South Australian government went unanswered, unimplemented and certainly unlegislated.

I will not be holding my breath for real action from the opposition for much longer. I welcome their support of a custody notification service in opposition, which they had every ability to implement in government and which they were offered money to implement in government back in 2016. I also welcome the fact that in fact the offer is still on the table. The current minister in this area, Ken Wyatt, has a similar offer for funding for a custody notification service. Should any members of this chamber or the other place feel a little bit of concern that we will have to pay some money up front very soon to avoid these quite avoidable harms for Aboriginal people in our custody, know that the federal government is actually trying to help us do the right thing.

It is time for action on this. We cannot sit on our hands and make pretty speeches any longer. I do welcome the Labor opposition's indication that they will be supporting a custody notification service. I hope that they will be joined in that support not just by members of the crossbench, of course, but by the government. I note that this bill, which I have consulted on with the ALRM but I would prefer to consult more widely now that it is introduced into this place, is more comprehensive and carries a greater penalty than the Labor opposition's bill.

My information is that the scheme in Western Australia was expanded by regulation to ensure that those in mental health detention were also covered by the scheme. It was my intent that this bill do that, but my understanding is that, with the peculiarities of differences of our acts to theirs, that was a little difficult for the drafters to translate. However, I believe it would be the intention of any government that legislates for a custody notification service that it shall cover those placed in mental health detention in those very crucial first hours where people are incredibly vulnerable to self-harm in particular and where the anxiety is so great that they need those supports.

In New South Wales, where this scheme runs, it is not just a legal service, it is also a welfare service, and the first questions that is asked is, 'Are you okay?' The first check is a welfare check, noting that at these times in people's lives they are incredibly vulnerable and providing that support, indeed, saves lives.

I note the ALP version of the bill has been applied to youth detention. I asked similar questions of the drafters and was told this bill did apply to children so perhaps the advice differed from parliamentary counsel to myself and them but certainly they are questions that I would welcome a conversation across all parts of the parliament about to ensure that we cover people who are in mental health detention, youth detention and, of course, any form of custody.

What I will not stomach is a bill that does not have any real penalty for police who do not follow the law. The bill that I have put before the parliament has a financial penalty as well as a potential level of imprisonment for those police who do not comply. This is high stakes here and we are talking about people's lives. That one example I have given you I understand is not a sole example of the kind of attitude that some police in SAPOL have to the Aboriginal Visitors Scheme. If we have a custody notification service, not only must it be implemented, it must be respected.

Therefore, it is reasonably appropriate that a penalty of some \$2½ thousand may apply if the law is not followed. A period of imprisonment of up to 6 months may indeed apply in some of the most serious breaches of this provision. The other part of my bill that is quite different to the Labor Party's bill is the requirement for some transparency about how the scheme is running so we can make sure that it actually is doing the job that we are charging it with doing. That includes an annual report from the commissioner, which is similar to those required under the Police Act.

Indeed, those reports would include the number of notifications made to the ALRM for each police station or designated police facility, the number of Aboriginal or Torres Strait Islander persons held at that police station, also the number of times that a charge is laid for an offence under this provision where failure to comply with the enactment of a custody notification service occurs, and any other information that is requested by the minister.

My bill, knowing what happens when people are taken into custody and often the Aboriginal Visitors Scheme is chasing them around unable to determine where they are and the fact that sometimes they get moved, captures that situation. So it has a requirement not just for the location

of that prisoner to be made known to the ALRM that first time but on any subsequent moves to ensure that nobody is able to be hidden in our system from the protections afforded by this particular service.

New South Wales has a very good working model that this is based on. We know that this saves lives. We also know that the Labor Party came before this place just a few short weeks ago with a COVID care bill to afford presumptive care under our Return to Work scheme that actually has no coverage under their scheme for GPs or people working in COVID clinics doing the tests unless they work on hospital premises. At that time, the Labor Party said that my bill was pretty much the same as their bill, but they preferred theirs.

I have to tell you that unless we are going to have something where the police are held accountable, I would urge this council to look at the bills, judge them on their merits, work together and amend them if need be, but that we do not see a repeat of the sloppy decision-making of a few weeks ago that now sees that presumptive COVID care in the Labor legislation not afforded to GPs or people out at the coalface of the COVID pandemic performing COVID tests, those two categories being, I would have thought, the most high-risk people and workers in our pandemic.

So while the Labor Party also has had 16 years in government and a previous offer of money to make this happen, I do welcome their support for the concept and look forward to their support for this bill.

Debate adjourned on motion of Hon. J.S. Lee.

DANGEROUS SUBSTANCES (LPG CYLINDER LABELLING) AMENDMENT BILL

Introduction and First Reading

The Hon. C. BONAROS (17:00): Obtained leave and introduced a bill for an act to amend the Dangerous Substances Act 1979. Read a first time.

Second Reading

The Hon. C. BONAROS (17:00): I move:

That this bill be now read a second time.

I rise to introduce the Dangerous Substances (LPG Cylinder Labelling) Amendment Bill 2020, a bill that sadly has its genesis with the recent and very tragic death of Port Lincoln teenager Patrick 'Paddy' Ryan, aged just 16 years. In honour of Paddy and his family, I am calling the proposed legislation Paddy's Law.

It is heartbreaking that a loving son, a devoted brother, a loyal friend and a very valued young member of the community had to lose his life for these laws to be introduced. Paddy died on 9 February this year while attending a party and inhaling liquefied petroleum gas (LPG) from a barbecue gas cylinder, a common household item that can be found in hundreds of thousands of sheds and backyards across Australia. What started out as a teenage prank with a group of mates had catastrophic consequences for Paddy, his family and his friends.

I have spoken to Paddy's father, Adrian, who speaks glowingly of his beloved son, who sadly made one silly mistake that ultimately cost him his life. Paddy was a very popular year 11 student at Port Lincoln High School. His parents moved their family, including Paddy, his brother and two sisters, to Port Lincoln from remote Central Australia when Paddy was in primary school to improve their children's educational and social opportunities. According to his loving parents, Paddy was an outstanding sportsperson, playing football for Marble Range, and was a gun basketballer too. He was friendly and caring with a great group of friends.

In year 7, he was buddied to a year 3 primary school student to help her with her schooling. On the morning of his death, Paddy had been swimming at the marina bridge. This young girl was there and she was very upset about an injured pigeon she saw there. In typical Paddy spirit, he spent about 20 minutes trying to catch it for her in an attempt to calm her distress. A few days later, the girl's mother contacted Paddy's parents to tell them this story and tell them how appreciative her daughter was. The girl was devastated when she learned Paddy had died.

According to his devastated family, Paddy was a great son and brother, a good sportsman, a good teammate and a good community member who is greatly missed and loved by all, especially

his family. He was a good kid but, on this one fateful night at a party, Paddy made a bad choice. He is not alone in that. I am sure all of us in this chamber at some point in our lives have made some bad choices, whether that be at age 16, 12, 19, 21 or older, but fortunately for us they did not have such tragic consequences.

As South Australian Network of Drug and Alcohol Services Chief Executive, Michael White, has said, risk-taking is a big part of adolescence, particularly for young males. Sadly, Paddy's death has highlighted that inhaling LPG, known as 'huffing', is more widespread than any of us, including Paddy's family, knew. You may have seen Paddy's dad, Adrian, in the media in recent months, pleading for Paddy's death not to be in vain and for this problem, something he has since discovered is prevalent among young people, to be addressed.

Since his son's death, Adrian has been told that huffing is a popular activity for young adults and teenagers. He has been told that it is extremely common with young people aged 15 to 21, and if they have not had a go at it themselves they have witnessed people doing it. That is frightening indeed. The literature tells us that nearly a quarter of people who try inhalants will die from it. It is serious and it is deadly. Even first-time inhalant users in perfect health are at grave risk. Death is caused by heart failure, and this can happen within minutes of inhalation.

Even if not fatal upon first use, it immediately causes permanent damage to the brain and the body. Paddy's family and friends want to do absolutely anything and everything they can to ensure this never happens to another young person again. They have spent their time since his death advocating for various authorities to do something—anything. Paddy's parents have said that they have to find some purpose in their son's death, and this is it. This bill is intended to do just that: to bring about one small change that could prevent more deaths like Paddy's.

The bill requires a person selling or supplying liquefied petroleum gas (LPG) in South Australia to ensure the cylinder in which the gas is sold or supplied, or to which it is transferred at the point of sale or supply, is labelled with a warning label, stating that the gas is LPG and that LPG may cause injury or death if inhaled. It means that sellers or suppliers of gas will need to affix this label to all LPG cylinders they sell or fill. The cost burden of this initiative is extremely minor and over time all LPG cylinders in SA, even those stored in our backyards and sheds, will have this label affixed.

The form of the label is prescribed in the bill and is consistent with Australian standards for labelling of this kind. It is plain and simple. Yes, it is an obligation on sellers and refillers, but it is potentially very important in terms of warnings. It is also true that, on its own, a warning label may not stop someone who is determined to inhale LPG, but, just as we have seen on cigarette packets and at gambling venues, warnings like these may just plant a seed of doubt in the mind that will prevent a person undertaking this sort of risky behaviour.

When we had a very big problem with inhaling petrol in some of our remote areas of South Australia, the federal and state governments, and the local communities where the problem was raging, implemented an incredibly effective initiative, mandating the sale of only Opal fuel in these areas. Inhaling Opal fuel did not provide the high that unleaded petrol did. We saw a massive drop in numbers of petrol sniffing, from 200 to almost zero, from that initiative alone. Imagine the improved social, educational and health outcomes in future years still to be realised from that decisive response.

The National Inhalant Abuse Taskforce final report, dated November 2005, noted that a 1985 Senate Select Committee on Volatile Substance Fumes concluded that, on balance, the evidence in favour of warning labels outweighed the evidence against them. The report also noted that the Aerosol Association of Australia had voluntarily adopted a warning label on all of its products, which states, 'Warning: intentional misuse by deliberately concentrating and inhaling contents can be harmful or fatal.'

I have already initiated discussions on my proposed new legislation with my federal Centre Alliance colleagues about the prospect of them introducing similar laws nationally. A petition has been circulated across South Australia to call for warning labels on LPG cylinders. Paddy's cousin, Jaimee Luck, started an online petition that has over 2,000 signatures. As Paddy's parents, Adrian and Josie, say: if a label makes one young kid stop and think twice and maybe choose not to inhale

gas, then it will have succeeded. Adrian believes that Paddy would not have done what he did that fateful night had he known the significant danger he was placing himself in by inhaling the LPG. While these laws should have been introduced years ago, they will nonetheless raise a crucial awareness of the dangers of inhaling LPG every time a gas bottle is sold or refilled.

Eight hundred people attended Paddy's funeral. He touched many lives in his short 16 years, and has left a huge hole in the lives of his family, community and friends. While it is obviously too late for Paddy, hopefully the warning labels will save other lives and save other families from having to go through the pain and hurt that Paddy's family lives with every day. We know we cannot stop young people making bad choices but, in labelling these products with what their potential health consequences are, there is a chance that one or more of them may say no.

Of course, there are other very important initiatives—like education and awareness highlighting the dangers of huffing—that are also desperately needed. Parents also need to talk to their children about it. I am the aunt of a group of teenage kids, and every time they say they are going out I am constantly warning them about nangs, about LPG, about mixing energy drinks with caffeine or Panadol, about anything that shows its face in the media that I think they could potentially consider a bit of harmless fun and engaging with their friends. I plead with them to take seriously the warnings and risks this so-called harmless fun can result in.

I have written to John Gardner, the state's education minister, to ask that he include huffing in drug and alcohol awareness programs in public schools. It would be even better if LPG could not be inhaled from gas bottles at all, and I hope that new LPG gas bottle fittings are developed to completely prevent inhalation.

However, for now I have committed to Paddy's family and friends to do whatever we can now: that is, ensure that all LPG cylinders carry at least the warning label, as is the sole intention of this bill before you. I am confident all sides of politics will support this very important and potentially life-saving legislation as a priority, so that the new laws can come into force as a matter of urgency.

Adrian, Paddy's dad, is under no illusion—and nor am I—that kids will be kids, that young adults will be young adults, that no matter how innocently or otherwise they will take part in dares, they will inhale helium from balloons, they will try a nang, they will try drugs, they will get drunk, they will try a cigarette. They will do all manner of things, especially when they are with a group of friends and they are just trying to have some fun.

Adrian also knows that what starts out as a bit of fun can very quickly end in tragedy. If one of those kids or young adults, or even older adults, has reason to pause and think about their actions it could be life-saving. If these proposed new laws save just one life, that is one life saved. With those words, I commend the bill to members of the Legislative Council and hope it finds swift passage through here to the House of Assembly.

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

SOUTHERN STATE SUPERANNUATION (CHOICE OF FUND) AMENDMENT BILL

Introduction and First Reading

The Hon. C. BONAROS (17:13): Obtained leave and introduced a bill for an act to amend the Southern State Superannuation Act 2009. Read a first time.

STATUTES AMENDMENT (SPIT HOOD PROHIBITION) BILL

Introduction and First Reading

The Hon. C. BONAROS (17:15): Obtained leave and introduced a bill for an act to amend the Correctional Services Act 1982, the Mental Health Act 2009, the Sherriff's Act 1972, the Summary Offences Act 1953 and the Youth Justice Administration Act 2016. Read a first time.

FUEL WATCH BILL

Introduction and First Reading

The Hon. F. PANGALLO (17:17): Obtained leave and introduced a bill for an act to facilitate the provision of information to consumers regarding the price and availability of fuel for retail sale and wholesale, to regulate the retail sale and wholesale of fuel, and for other purposes.

Second Reading

The Hon. F. PANGALLO (17:18): I move:

That this bill be now read a second time.

I am pleased to introduce the Fuel Watch Bill 2020. This bill is based on a similar bill moved by the member for Florey, Frances Bedford, in another place on 4 March this year. Sadly, the government chose to ignore that bill when it was introduced and has left it to languish on the *Notice Paper* since—that is close to four months.

On 13 May, the government moved its own legislation in another place, the Fair Trading (Fuel Pricing Information) Amendment Bill 2020. This was in response to the Productivity Commission report, which the government received on 18 March. That is close to two months. To remind members, the government committed to introducing fuel price transparency at the 2018 election, which is over two years ago. The best that can be said is that this government has moved at a glacial pace.

Meanwhile, fuel retailers have continued to manipulate the market at the expense of consumers. Pre COVID-19, we saw a price spike in Adelaide petrol prices that was unprecedented, with prices at some service stations jumping over 40¢ per litre in a single day. In January, the RAA estimated rising fuel prices over the last 12 months were costing Adelaide motorists up to \$30 extra to fill their tanks. Now, in a period of COVID, when the global crude oil prices have dropped to a 17-year low, in response to the drop-off in demand as the COVID-19 pandemic hits economies around the world retail petrol prices remain stubbornly high.

In April, CommSec found that retail profit margins are at a record high of 22.73¢ per litre, close to double the average level seen over the past two years. In times past, we would call that profiteering. It is evidence of a fuel market that is utterly stacked against consumers, a market that is dominated by a few large retail chains who predate upon motorists and the smaller independents who are their rivals in the market.

To understand fuel prices, consumers need to have the time and skills of a stockbroker, an extraordinary expectation which stacks the deck squarely against fuel consumers. Not only has the government been incredibly slow in acting to fulfil its own election commitment, but the bill they have introduced is substandard. If enacted, it will deliver a fuel monitoring scheme that will let the price manipulation by retailers continue unabated.

In simple terms, the government's bill will deliver a fuel price monitoring scheme that only the major petrol chains will benefit from. Government members will counter it is the scheme that the Productivity Commission report recommends. That, of course, would be a gross misrepresentation. The commission considered two options in its report.

Option one is based on the model applying in Queensland and several other jurisdictions. This model, referred to as Fuel Check in the report, requires fuel retailers to lodge information about retail fuel prices whenever they change their price, with the data aggregated and available on a portal and able to be used by motorists via an app. Option two is based on the model applying in Western Australia. This model, referred to as Fuel Watch in the report, requires fuel retailers and wholesalers to lodge their fuel price at 2pm each day, with that price guaranteed for the next 24 hours.

The commission makes the point that the choice of which option to implement is a matter for government and parliament. Indeed, the commission makes it very clear that its report does not make any recommendations. I quote from that report:

The Commission was asked to investigate potential models for improving the transparency of fuel prices in SA and improving the information available to motorists when buying fuel. It was not asked for recommendations.

To be fair to the Attorney-General, she has not sought to claim that this report supports the government's preferred model, but it is not clear why she has chosen the Fuel Check model over the Fuel Watch model.

In analysing the available evidence, the commission concluded that both options would deliver around \$3 million to \$8 million in net benefits for consumers each year, and the commission also states that these benefits are likely to grow over time with increased use of fuel price information by consumers. What the commission fails to explore in any depth is which model will deliver the most benefits for consumers. The only point of difference the report identifies is based upon information provided by retail chains, some of which has been provided in confidence and which is readily rebuttable.

The most tendentious argument raised by the major petrol chains is that there is no evidence to support the effectiveness of the Fuel Watch model. The fact that the Fuel Watch model is based on a scheme which has operated for nearly two decades in Western Australia and consistently delivers the lower retail fuel prices in the price cycle for Perth motorists is blithely ignored.

I understand that the suggestion that the Fuel Watch model delivers the same benefits as the Fuel Check model is utterly rejected by the Western Australians. Rather, they believe Fuel Watch delivers far higher benefits for consumers. Indeed, in Western Australia the Fuel Watch scheme is not only supported by consumers but also by industry, including peak groups such as the Motor Trade Association.

Despite this evidence, the major petrol chains have pointed to a pilot scheme in Queensland which has made scarcely a dent on Brisbane fuel prices, which remain the highest in the country, both on average and at the peak of the price cycle. What we know about the Queensland scheme is that, after two years in operation, it has hardly dented prices in Brisbane, the capital city which has the highest average petrol prices and the highest prices at the peak of the price cycle.

That should come as no surprise, as the Fuel Check model only guarantees prices for half an hour. That does very little to remedy the rampant price manipulation which has become so routine in our metropolitan petrol market. 'But this model has also been delivered in New South Wales and the Top End!' the major petrol chains will respond in a positive way for it. Yes, in both jurisdictions consumer take-up has been pathetically low, and there has been no discernible impact on price manipulation behaviours that the worst of retail chains routinely indulge in.

Simply put, this is a model which has repeatedly failed. Doing the same thing time and time again in the hope that it will one day work is not the smartest way to approach public policy. With one in five Perth motorists buying at the lowest price in the price cycle, it is clear the Western Australian Fuel Watch scheme has long proven its value to price-sensitive consumers. It achieves this while also giving fuel retailers a decent profit margin.

Despite the fevered rhetoric of some of the submissions made to the Productivity Commission by the major petrol chains and their acolytes, the world has not fallen apart in Western Australia since Fuel Watch was introduced 17 years ago. If we are to believe some of the claims made in submissions to the Productivity Commission, the Fuel Watch model which this bill advances would be an Armageddon for service stations.

Some of the more outlandish claims are made by the same Sydney-based industry lobbyists who slammed the opposition's proposal to protect retail workers exposed or potentially exposed to COVID-19 from loss of income. As far as I am concerned, we do not need to be told what to do by Sydney-based lobbyists when it comes to the interests of South Australian consumers and South Australian businesses. Why on earth would we want to pick up a model from the eastern seaboard with a proven track record of failure?

I am proud to introduce this bill, in partnership with the member for Florey in the other place, because this bill will ensure South Australian consumers will get a fair go. While this bill preserves all the elements of the scheme introduced by the member for Florey in March, it includes some additions which are designed to improve its operation.

Most important of these are two new clauses that are designed to address the high retail fuel prices we have seen in regional South Australia in recent months. These new clauses come at the

initiative of the member for Frome in the other place and will be moved as amendments there whenever the government either allows debate on the member for Florey's bill or proceeds to debate its own.

The first of these amendments grants the Commissioner for Consumer Affairs, who is responsible for monitoring fuel prices under the Fuel Watch scheme, power to refer to the Essential Services Commission (ESCOSA) any concerns about price gouging or market inefficiency in retail fuel pricing in any part of the state. This provision allows ESCOSA to investigate whether price controls ought to be applied in a part of the state by applying the provisions of the Essential Services Act to the provision of fuel, as if fuel retailing and wholesaling were a regulated industry under that act. This is a powerful tool to tackle exploitative market practices, particularly in regional areas.

The second new clause allows the Treasurer to establish a fuel subsidy scheme in any part of the state where fuel cannot otherwise be sold at a reasonable cost to consumers. This permits the types of previous subsidy schemes that have been used to tackle high fuel costs in regional areas when they have arisen from time to time. While country fuel prices will often be high due to transport costs, differing contractual arrangements and a tougher retailing environment, the differential between city and country prices should not be so high as to significantly disadvantage or take advantage of country motorists.

Both of these clauses are extra tools that will give government greater ability to stabilise country fuel prices when needed. The bill also includes two further minor amendments to clause 7, designed in part to respond to issues raised in the Productivity Commission report. New subclause 7 requires the Commissioner for Consumer Affairs to seek to minimise costs to retailers in determining how fuel suppliers are to provide information about their fuel prices to the government. In particular, the commissioner must have regard to existing price monitoring and aggregation systems already available.

The effect of this is to encourage the government to use the systems fuel retailers already use and directly responds to the suggestion put by some in the petrol sector that preference should be given to minimising retailer costs by plugging into existing reporting systems. New subclause 10 makes it clear that fuel retailers are not required to lodge a fuel price for days on which they are closed. While this was a rather theoretical idea, given that there are no fuel retailers in the metropolitan area that routinely close for a day, this new clause puts the issue beyond doubt and directly addresses the suggestion put by the Productivity Commission that this could result in a regulatory burden, which would not apply under the Fuel Check model.

Importantly, this new clause makes the suggestion put by retailers of the burdensome cost of a Fuel Watch scheme to bed. It is time for this parliament to choose. As the Productivity Commission has stated, both the Fuel Watch model and the Fuel Check model will result in net benefits to South Australian consumers. The government has chosen to put one model to the parliament.

At a time of economic crisis in the face of a once in a generation global pandemic, it is time for this parliament to choose—to choose the scheme that is proven to deliver for the motoring public, not the failed scheme favoured by the eastern seaboard lobbyists and the big major petrol chains; to choose the scheme that will protect country and city consumers alike and that will ensure local independent retailers are not forced out of the market by predatory price gouging and market manipulation, address escalating fuel prices and empower consumers in a sellers' market heavily skewed to major retailers.

This bill draws on the best aspects of successful interstate models for fuel price monitoring and regulation and adapts them to South Australian circumstances. If this parliament chooses to support the bill, it will empower consumers to choose themselves and to make an informed choice by using the information available.

As the Australian Competition and Consumer Commission has found, Adelaide motorists can save at least \$300 a year if they know when to buy petrol at its cheapest. That is exactly why the Fuel Watch scheme this bill adopts is superior to the Fuel Check scheme which the government bill in another place proposes, because to take advantage of prices when they are at their cheapest price-sensitive consumers need to know when to fill up.

In commending this bill to the chamber and asking for your support, I want to thank the member for Florey, Frances Bedford, and her staff. I would urge members who wish for more information to consider the second reading speech of the member for Florey or have a briefing. I also want to thank the member for Frome, Geoff Brock, and the other members of the crossbench in the other place, who have all contributed to and supported this bill. I hope that this bill will have the support of others in this chamber, including the opposition, the Greens and the Hon. Mr Darley.

I urge the government, too, to reconsider their position. You should not oppose something just because it came from the crossbench rather than your own party room. By passing this bill, you will earn accolades for collaboration and a willingness to take on the worst practices we see in petrol pricing. I am sure you will find that the South Australian motoring public will be grateful for this too. I seek leave to incorporate the explanation of clauses for the bill without my reading it into the parliamentary record.

The PRESIDENT: I am advised by the Clerk that you do not actually need to seek leave to do that.

The Hon. F. PANGALLO: I will table it.

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

Motions

CORONAVIRUS

The Hon. M.C. PARNELL (17:38): I move:

That this council—

1. Notes the significant impact that COVID-19 has had on the people of Australia, our society and our economy;
2. Acknowledges the substantial policy shifts by the Australian and the South Australian governments in response to the current crisis, towards a fairer, more compassionate and cooperative approach;
3. Recognises that we are now at a crossroad, giving us the choice to either go back to business as usual or take this opportunity to forge a new path for our collective future and Build Back Better;
4. Notes that, as South Australian legislators as well as leaders, we have the ability as well as the responsibility to put people, communities and the planet at the centre of all decisions, giving everyone a fair go; and
5. Calls on the Marshall Liberal government to continue to show South Australians that they matter by making choices and decisions that reflect care for each other, communities and the planet and investing in a renewed economy that works for people so that every one of us can thrive.

All of us contemplate how things will be after the COVID-19 pandemic and a growing number of people are reflecting imaginatively on the world that we want to rebuild. For many of us, the idea of going back to business as usual is unacceptable. We want to forge a new path for our collective future and Build Back Better.

The concept and the phrase 'build back better' is not new to COVID-19. It has been around for quite a while and it features as a guiding principle of the Global Facility for Disaster Reduction and Recovery (GFDRR), which is a global partnership that helps developing countries better understand and reduce their vulnerabilities to natural hazards and adapt to climate change.

The response to floods and earthquakes has many similarities with the response to a public health emergency such as COVID-19. According to the GFDRR, building back better is an approach to post-disaster recovery that reduces vulnerability to future disasters and builds community resilience to address physical, social, environmental and economic vulnerabilities and shocks.

One of the key words here is 'resilience', and when it comes to COVID-19, one thing it has taught us is that a shift of just a few percent in various economic indicators has a disproportionate effect on our quality of life. It has shown us how lacking in resilience we really are.

Similarly, the Green New Deal is being promoted by many progressive voices. That, too, is not a specific response to COVID—it long predates the pandemic—but COVID shows us how valuable and timely this approach is in transforming our environment, society and economy.

As I have said many times in this place before, we are in a climate emergency. In fact, the majority of the Legislative Council agreed and they joined the Greens in making that declaration only last year. The science on climate change is in and it is clear: we must urgently move to a zero carbon society, yet our governments at both state and federal level continue to expand rather than phase out the biggest source of climate pollution, which is the mining, burning and exporting of coal, oil and gas.

To make matters worse, too many of us are not getting a fair go. Even if you study hard, you complete university or you complete TAFE, it too often ends up in underemployment, insecure jobs and low pay. If you are lucky enough to land a good job, chances are you still cannot afford a house because the government has rigged the housing market against you, but it does not have to be this way.

The Green New Deal is a government-led plan of investment and action to build a clean economy and a caring society. Under a Green New Deal, government takes the lead in creating new jobs in industries and delivering universal services to ensure nobody is left behind. A Green New Deal is a massive opportunity to solve the climate crisis and to ensure everyone has a good life.

It sounds big, and it is, but it is absolutely possible. Government responses to COVID-19 so far have shown us what is possible if we care enough about making change. We already have everything that we need to make the transition and create a fairer, cleaner future. When Donald Trump says that he wants his country to 'get back to normal' within three weeks, not only is he spouting nonsense that is contrary to all medical evidence and logic, but he is implying that how things were before was good and our objective should be to get back there as fast as we can.

Getting back to normal begs the question: whose normal are we talking about? Is it those people who normally sleep rough in the streets or the Parklands because they cannot afford to pay rent? Is it people who normally do not eat properly or do not receive proper medical care because they cannot afford it on inadequate social security payments that keep them well below the poverty line?

Is it people who normally do very nicely, thank you, on the back of other people's low wages and insecure employment? Is it corporations whose profits depend on the very normal scenario of making the environmental problems they cause somebody else's problem? They make the single-use plastics and the wasteful packaging that pollute our marine environment and they exploit the fossil fuels that damage the climate. Is that the normal that we want?

One UK commentator whose views resonated with me is Simon Mair, who is a research fellow in ecological economics at the Centre for the Understanding of Sustainable Prosperity at the University of Surrey. Simon Mair invites us to reimagine our economic future. To help that process, he proposes that, from an economic perspective, there are four possible futures: (1) a descent into barbarism, (2) robust state capitalism, (3) radical state socialism, and (4) a transformation into a big society built on mutual aid.

He suggests that versions of all these futures are perfectly possible if not equally desirable. For example, the first, a descent into barbarism, is clearly unacceptable. Whilst a dog-eat-dog world might be the preferred model of a few arch conservatives, it is overwhelmingly abhorrent to most of us.

The second possible future, robust state capitalism, also has whiskers on it, because it perpetuates a reliance on and the dominance of markets to make decisions about economic activity and the distribution of wealth and resources. This view, as we all know, values everything in the world, except of course most of the things that make life worthwhile.

The third possible future, radical state socialism, raises some really interesting issues. In the context of COVID, this possible future includes measures like the nationalisation of hospitals and other essential services. It proposes that payments to workers are seen not as tools to protect markets but as a way to protect and value life itself. Citizens no longer rely on employers as intermediaries between them and the basic materials of life. Payments are made to everyone directly and are not related to the exchange value they create. In other words, the universal basic income is a possible outcome of this model.

The fourth possible future, mutual aid, is different in that the state does not take a defining role. Rather, it is individuals and small groups who begin to organise support and care within their communities. The main risks with this future are that small groups are unable to rapidly mobilise the kind of resources that are needed to effectively increase healthcare capacity, for instance. That is probably better left to government, like building hospitals, especially when you are in a pandemic.

But community groups not being able to quickly build expensive hospitals does not tell the whole story. In the context of the pandemic, mutual aid has provided a valuable service in effective transmission prevention by building community support networks that protect the vulnerable. Collectively, we have helped police the isolation rules. We know that community responses were central to tackling the West African Ebola outbreak that was largely the result of the failure of state responses; however, it can also be seen as a pragmatic, compassionate societal response to an unfolding crisis.

Simon Mair acknowledges that his four visions are extreme scenarios, caricatures, and likely to bleed into one another. He says that his greatest fear is the descent from state capitalism into barbarism, and his main hope is a blend of state socialism and mutual aid—in other words, a strong democratic state that mobilises resources to build a stronger health system, prioritises protecting the vulnerable from the whims of the market and responds to and enables citizens to form mutual aid groups, rather than working in meaningless jobs.

A few weeks ago, I conducted a Zoom seminar for nearly 100 constituents to explore some of these issues. What sort of society, economy and environment do we want to create after the pandemic has passed? Many participants took the trouble afterwards to share their vision with me of what they think should happen next. One constituent, Joanna, said:

Covid presents us with an unprecedented opportunity to make some very significant changes to the sort of society we are. Somewhere along the way we seem to have lost our bearings and got our priorities completely tangled up.

Government seems to have forgotten that its role is to provide services to the citizens, not to provide them with an amazing balance sheet every year. Not everything has to break even or make money.

Joanna is also a very big fan of the universal basic income, and she said:

We will know that things have changed when we no longer hear comments such as that recently by Minister Stuart Robert, when he commented that, as a result of COVID-19 there are suddenly lots of people, who 'through no fault of their own' now need support. The implication of this was clearly that if until now you had needed support, it was your fault. Let's face it, we all benefit from the existence of social security, even if we never need to access it ourselves. It's not called social security for nothing, is it?

I am a big fan of the universal basic income as well; however, I appreciate that others are not so sure. A fairly common response from many people is that they are not sure whether society is ready for it. I expect this is a combination of factors, including the constant messages from conservative forces about lifters and leaners and the deserving and the undeserving poor.

However, what I am detecting is a growing rejection of the soul-destroying and demoralising practices that are often rooted in mutual obligation requirements under social security laws. This requires people to undertake busy work in applying for non-existent jobs that they are unqualified and unsuitable for in order to satisfy officials that they deserve to receive a pittance from the state in order to live.

When the federal government doubled the unemployment benefit in response to the pandemic, it was not before time. The Greens and others had been calling for this for many years. However, it also brought into stark contrast those who were still getting nothing. We have refugees and asylum seekers who are here who should be our responsibility. We have overseas workers and backpackers, many of whom cannot return home, who therefore should also be our responsibility.

Whilst we could appreciate the help that was provided to many by the extra payments, it was clear there were many others who fell through the cracks: many workers in the arts, casuals who did not have 12 months' continuous service or who had taken some time off. They fell on the wrong side of the eligibility line.

In some ways this is the nature of systems that draw lines and create complex legal eligibility requirements, whether it is for regular social security or the extra COVID payments. How much

simpler and fairer would it be if your eligibility for money to survive was based on the universal principle that as human beings we should all have access to the basics of life?

In terms of specific government responsibilities, there is no department, no agency and no policy that does not need to be reassessed against fundamental principles based on human rights, ecological integrity and social equity. Here is a shortlist of eight:

- you do not scrap bus routes or remove stops, because even if they are not super popular they do allow some of the most vulnerable people in our society to participate;
- you do not close government service centres because not everyone can do what they want online;
- you do not waste money on useless and counter-productive road widening projects when you could reduce the need for bigger roads by investing in public transport, walking and cycling;
- you do postpone the rollout of the Planning and Design Code, because much of this document needs to be rethought in response to COVID to make sure that our communities are truly liveable, with green spaces and good accessibility to the services we will need;
- you maintain the commitment to ensure that nobody needs to sleep rough and that everyone has access to adequate, nutritious food regardless of who they are or the circumstances;
- you direct public assistance to where it is most needed. That means that building new social housing or helping pensioners modernise their kitchens should rank higher than giving someone \$25,000 to build their \$750,000 home, which they were going to build anyway even without that help;
- you invest in community organisations rather than corporate welfare; and
- you prioritise decarbonising the economy, not giving multimillion dollar handouts to fossil fuel companies to help them wreck the climate.

This list could go on and on, but the bottom line is that business as usual is not an option. Recovering only that which was lost during the pandemic is not an option: we need to do much better.

When it comes to the environment COVID has shown us that, given the opportunity, South Australians are itching to get out into nature. Visitation to national parks has doubled. I am a regular visitor to Belair National Park and the numbers there each weekend are truly amazing. There was one person who could not participate in my post-COVID Zoom forum, a woman called Kerri. She wrote to me about how we need to use COVID as a trigger to revitalise environmental programs and prioritise investment in natural resource management. She said:

The solution is to create a shared vision for a regenerated Australia in the year 2100 and beyond. It is time to blend modern monetary theory with socio-ecological system thinking, work at how much it will cost to regenerate our landscapes and climate, and just get on with it.

We have so many excellent, risk-based and robust plans for sustainable agriculture and wise natural resource management for every region in Australia that have never been funded adequately. COVID gives us an opportunity to break out of a history of chronic underinvestment in our natural capital. The benefits are being tangibly demonstrated across every community. Seeing is believing. Our global ecosystems are recovering.

One of the great benefits of being in the Anthropocene is that we can drive ecological change for the better. We know what to do, we just need to do it. We can thrive if we take this opportunity to reset and invest in our future natural capital.

I am disappointed that Kerri could not participate in the forum; it sounds like she has some great ideas.

As for the reference to global ecosystems recovering, if you have a look at the Adelaide and Mount Lofty Ranges Natural Resource Management Board Facebook page you can find a video taken a few weeks ago in Belair National Park by my good wife. It is a short iPhone video of the endangered southern brown bandicoot, and it was filmed foraging for grubs just off the side of the

walking track. So, if we do look after and we do invest wisely in the environment, it repays us many times over with experiences such as this.

Finally, I would like to address the issue of how we make this happen. Are our current structures up to the task? I would suggest that they are not. In times of national crisis Australians expect governments and indeed all political parties to work together. I think one of the success stories has been the concept of the national cabinet, the fact that all of the leaders of the different jurisdictions were brought together. Mind you, I do not think it is enough, but I think it resonated with people that there was a level of cooperation that they had not seen before.

Earlier this month, the Prime Minister announced a new national federation reform council that is going to replace the Council of the Australian Governments, COAG. COAG itself replaced the old premiers' conference, which was routinely regarded as the bun fight of the year. I do not know whether COAG was much better, but I am hoping the new national federation reform council will be an improvement. But, the Prime Minister has also committed to the national cabinet remaining at the centre of the national federation reform council, and the national cabinet's main job is going to be focusing on job creation in response to the COVID-19 pandemic.

At the state level, I would say that it is time for us to look beyond simple business as usual adversarial politics. I would pose the question about whether it is time to have a similar state process to that of the national cabinet that involves more players—more political players, more community players, more business players. Some might say, 'Well, that's the job of parliament,' but clearly there are mechanisms of governance that are far more collaborative and cooperative and deliver better outcomes I would say than business as usual via parliament.

So I am up for a discussion with all the other parties, with civil society, with business and local government, about how we might make that happen. I would say: why don't we treat COVID as a catalyst for change, not just as an interruption to business as usual but a catalyst for change, because we need to collectively plan for our brighter future because, at the risk of repeating the slogan, we are all in this together.

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

COMMUNITY TELEVISION

Adjourned debate on motion of Hon. T. A. Franks:

That this council—

1. Congratulates Adelaide's community TV media broadcaster, Channel 44, for covering South Australian stories, social and cultural activities, showcasing talent and creating employment and hands-on training opportunities for the local screen sector for the past 15 years;
2. Expresses concern that, while community television has always been self-funded, the past six years of instability caused by both short-term and often last-minute extensions on their licence have made Channel 44's financial stability and forward planning unduly challenging;
3. Expresses disappointment that the federal government intends to switch off community television in Australia from 30 June this year;
4. Notes that allowing continued access to the spectrum comes at no budgetary cost and that no alternative use has been planned for the spectrum but that, without an ongoing and stable free-to-air licence, Channel 44's partnerships and training opportunities will be lost; and
5. Maintains that there is significant public benefit to Channel 44's continuance on the local airwaves and urges the Federal Minister for Communications to urgently provide a five-year commitment to the spectrum, while it is not in use, for Channel 44 so that South Australia can keep local TV.

(Continued from 8 April 2020.)

The Hon. E.S. BOURKE (17:58): I rise to support this motion, because the last months have proven to be challenging for everyone, but it has also highlighted the importance of strong communities. Our community spirit between neighbours, volunteers and not-for-profit organisations has kept our state strong in the face of adversity.

However, does a Liberal government agree with this perception? After the decision to switch off community television on 30 June this year, many feel that the Liberal government does not value

community services in our community. For Channel 44 here in Adelaide, this decision will be detrimental.

For over 15 years, Channel 44 has been providing an essential community service for many South Australians, whether you are part of the arts, love local sport or are just interested in learning more about stick insects (as I have discovered with my children), there are stories for everyone on Channel 44. When they are really desperate for talent, they will call out for talent from politicians. *Our Time*, a segment on Channel 44, with Malcolm and Janice, is in its eighth year of production, and I had the pleasure of meeting Malcolm and Janice last year.

Their enthusiasm for the platform community television provides is infectious, but their segment is far from a two-person show. When you arrive at the station, you are greeted by a team of volunteers who have given up their night at home. They do this because they not only believe but they see the benefits of giving voice to the community to share their stories, stories that would otherwise not be told.

Channel 44 has given the state an alternative to the mainstream, and at times sensationalised, stories, championing everyday South Australians and giving voice to those who would usually be sidelined by the larger broadcasters. Channel 44 has become one of the few places where the little stories that are so important to our communities are shared and given the time and significance that they deserve.

Much like community newspapers, where I used to work, Channel 44 provides an essential, localised and relatable perspective. I have seen firsthand the love, care and passion that Channel 44 volunteers pour into their programming. The station is mostly run by a large group of hardworking volunteers who believe wholeheartedly in the service they provide to the community. Allowing students to gain important skills and experience in journalism and broadcasting, community television like Channel 44 has given a leg up to so many new journalists in our community.

With social distancing and restrictions, Channel 44 has also been there for South Australians. Stories have been beamed into households to connect people to the community. For a large group of the South Australian Greek community, not being able to attend their usual Greek Easter church services earlier this year would have been devastating. Thankfully, and due to the work of Channel 44 and the member for West Torrens, the Hon. Tom Koutsantonis, the Easter service was broadcast live to thousands celebrating Greek Easter, to keep this tradition and important calendar day alive.

This is just one example that shows how important it is that Channel 44 remains just that—a television channel. I would like to thank the Hon. Tammy Franks for introducing this motion into the state parliament and the member for Badcoe from the other place, Jayne Stinson. I would also like to thank my friend Amanda Rishworth, the federal member for Kingston, and other federal Labor colleagues who have championed and are fighting for our local essential community services like Channel 44.

The Liberal government still does not have a planned alternative use for the broadcast spectrum that community television stations like Channel 44 occupy. To put it simply, it would be a shame and a waste to all South Australians to have their community stations switched off and even worse to have them switched off with no specific reason. Now more than ever we need to protect our essential community services. It is the strength of our community bonds that has kept South Australia close while social distancing restrictions have been in place. When we look back on our state's history, the sharing of these little stories will not seem so little anymore. They will and have become the backbone and the fabric of our communities and the state's vibrant and diverse history.

Premier Steven Marshall likes to talk about his involvement and connection with the national cabinet, but it would appear that he has not been able to represent and protect our essential services like this station. Labor will not be supporting the state government's amendments they have tabled. We support the acknowledgement of the hard work of volunteers at Channel 44. However, we do not support erasing important sections of this motion. The 30 June deadline is quickly looming, and action is needed now. As we have seen across the country, with only two community television channels remaining, once a community station goes, you cannot just flick the 'on air' light back on easily. We support this motion.

The Hon. F. PANGALLO (18:03): I rise to speak in strong support of the motion by the Hon. Tammy Franks, and I thank her for bringing this important community service facing cruel extinction at the end of the month to the attention of the parliament. Allow me to roll off a few names: Hamish and Andy, Rove McManus, Peter Helliar, Waleed Aly, Tommy Little, Sam Mac, Gorgi Coghlan, Dave Hughes, Dave Thornton, Dilruk Jayasinha. You might have heard of them: national TV and arts identities.

Rove has won three Gold Logies, Waleed Aly and Hamish Blake one each. Dilruk, a comedian who appeared on Channel 10's *I'm a Celebrity*, has won a Logie for most popular new talent. To get there, they had to start from somewhere to learn the ropes in TV production and presentation, because you are not going to get that sort of training from the big free-to-air networks.

One of the best breeding grounds for broadcast talent is community television. This is where all those celebrities got their start. As someone who has spent more than a quarter of a century working and producing in television, I can appreciate the significant part CTV plays in developing the variety of skills required in broadcasting. It provides practical learning pathways, experiences and opportunities for those in the creative arts and graduates. There is the potential to unearth another Scott Hicks or Cate Blanchett.

Community television public broadcasting is also an inexpensive conduit for so many others in our community to have a platform, a platform that would not exist anywhere else, particularly on the free-to-air networks. There are 1,500 volunteers who work in this cottage industry, making content in more than 30 languages. One of those content producers in Adelaide is Jethro Heller, who won an Antenna Award in 2019 for his factual series 'Tales of a City'. Allow me to read out a portion of an email I received from Jethro about his 10 years in community TV. I quote:

Community television offered me the opportunity to reach a larger audience than my shows had previously attracted whilst broadcast on Foxtel.

During the last 10 years, I have had the chance to provide practical experience and paid work to dozens of young emerging film makers and technicians, many of whom have gone on to produce their own work and begin their careers as filmmakers and journalists.

I receive hundreds of messages and emails from members of the public expressing their gratitude that these stories are being broadcast, which are largely overlooked by mainstream media.

Community television gives voice to the voiceless, gives recognition to the unsung, and provides an oasis for those that feel they have not been heard or represented.

But if community television is switched off, that training ground stops. There will be no studios for them to learn how to operate camera, sound or on camera skills. There will be no experience gained by learning the art of editing, scriptwriting or lighting.

Gone will be the stories of culture, of underrepresented segments of society, as well as the events in social history that are recorded for posterity.

The people who participate in community TV deserve better than to be simply silenced on the free to air landscape and relegated to be lost among the millions of global YouTube video channels.

A large percentage of our audience does not have a computer, or even a smart TV, and could sometimes be described as 'not very tech savvy'.

I have personally appealed to Minister Fletcher, with over 40 video messages to him via social media, as his office does not respond to emails or calls.

Thank you, Jethro. If there is a medium that so encapsulates our diverse multicultural society, it is community television, which broadcasts 220 hours of locally made content every week on Channel 31 in Melbourne and Channel 44 in Adelaide. They are the last two standing since 2014 when the then communications minister, Malcolm Turnbull, announced that the five metro CTV stations licences would not be renewed beyond 2015 because the commonwealth required the spectrum it was broadcast on for other unspecified communications purposes.

In 2015, the federal government supplied \$215,000 to the five stations at the time to set up an online streaming platform. However, it failed to generate much alternative revenue in comparison to the combined \$3.4 million they had been getting. The self-funded sector was placed on a lifeline, dependent on the federal government granting it extensions. In 2017, when I was working with

senator Nick Xenophon, Nick secured a six-month extension during the torrid negotiations on the Media Reform Bill. A further two-year extension until 2020 was given.

With all the uncertainty surrounding CTV's future and falls in revenue, it resulted in stations in Perth, Brisbane and Sydney folding. However, while Melbourne and Adelaide have managed to weather the economic challenges, revenues have been shrinking because of the destabilising effect of the decision to shut them down is having. It would be naive for anyone in government to suggest they could compete with the plethora of streaming services now available, many of which have vast amounts of investor and subscriber capital and content that is very expensive to produce.

CTV is not-for-profit and operates on the smell of an oily rag with revenues of around \$2.5 million that are generated from sponsorships and partnerships. It has never been a financial burden on the federal government and was profitable until its licence renewals were taken away. CTV accommodates 140 internships each year sourced from diverse cultural backgrounds. It broadcasts 11 programs per week produced as part of tertiary institution coursework in film, television and journalism degrees.

Channel 31 has a long-running partnership with the National Ethnic Multicultural Broadcaster Council to produce the *Multicultural AFL Football* show, which is produced by young people from multicultural and multifaith backgrounds. Channel 31's Community Builder program creates content that focuses on minority, disability, health, multicultural, youth and environmental causes. Channel 44 provided coverage of the Adelaide Fringe parade, the DreamBIG Children's Festival and the Adelaide Cabaret Festival. Who will do that once it has gone?

Mr President, I will share with you some statistical figures that will come as a surprise to many, myself included: 90 per cent content is produced in Australia. Since the COVID-19 lockdown in March, Channel 31 in Melbourne had a 23 per cent increase in viewers—150,000 new sets of eyes. In Adelaide, it was a 27 per cent rise, with an additional 57,000 viewers. OzTAM data shows that in April one million Australians watched community television. Between February and April this year, it competed with, and regularly beat, free-to-air networks, including ABC ME, ABC News, 7Flix, 9 Life, 10 Peach, SBS Viceland, SBS Food, NITV and SBS World Movies.

During the COVID-19 lockdown, both channels broadcast live Easter Roman Catholic and Greek Orthodox services and a Ramadan TV daily program for the Islamic community. This is what community television does: it brings communities together and builds bridges. I strongly commend this motion to the Legislative Council.

The PRESIDENT: The Hon. Mr Pangallo, you need to move the amendment standing in your name.

The Hon. F. PANGALLO: I move:

After paragraph 5 insert—

6. Requests the President of the Legislative Council to write to the federal Minister for Communications, Cyber Safety and the Arts conveying this resolution.

The Hon. T.T. NGO (18:14): I also rise today to speak in favour of this motion. Firstly, I would like to thank the Hon. Ms Tammy Franks for bringing this motion to the council and also raising awareness of the plight of Channel 44. Channel 44 has been sending television content into our community for over a quarter of a century, broadcasting via a free-to-air television signal and digitally through its online platform. It is our state's only community television broadcaster; in fact, I believe it is one of only two community television stations in Australia, the other being Channel 31 in Melbourne.

Channel 44 is a not-for-profit and I understand provides its community service without funding from taxpayers. It enables people to develop skills in production, presentation and broadcasting areas, where limited opportunities exist in a state of our size. Channel 44 gives our community opportunities to express ourselves, to reflect on who we are, to showcase local events and to share our stories and content. Furthermore, during the coronavirus pandemic restrictions, community television brought people together in ways that were unanticipated and unexpected.

I understand that, as part of the celebrations over Easter, Ramadan and Vaisakhi, Channel 44 and Channel 31 filled a void and provided an important community service. When people were unable to attend places of worship, the stations helped them feel connected and enabled them to practise faith by broadcasting multid denominational services.

Although many in the community enjoy streaming digital content, we must remember those who are unfamiliar with this medium and still rely on free-to-air. For these people, the local information and community service provided by Channel 44 can only be developed via its broadcasting signal. Despite all its good work, as this financial year closes Channel 44's free-to-air signal will cease, reducing access to local television content. It seems we have been here before, when the station started down the same dilemma in 2017; at that time, the federal government saw sense and extended Channel 44's broadcasting licence.

From what I can gather, the station has no insights as to what their broadcasting signal is needed for or why they will no longer be able to use it. It seems the federal Liberal Coalition government believe that white noise is better than hearing our local voices speak. I lend my voice to argue that avenues should exist for the community having access to both participate in the experience of television production and broadcasting and to be able to access community broadcasting and local content. With that, I commend the motion to the chamber and urge the federal minister to approve ongoing free-to-air broadcasting for Channel 44 and Melbourne's Channel 31.

The Hon. J.S. LEE (18:18): I rise on behalf of the government to speak on the motion moved by the Hon. Tammy Franks about community television Channel 44. I would like to take this opportunity to thank the mover and acknowledge her passionate work in this area and the broader arts and cultural sector. The honourable member's motion seeks to bring to the attention of the council that the future of Channel 44 is facing uncertainty and challenges since they were informed by the commonwealth government in September 2014 that their licence would not be extended beyond 30 June 2020.

There is no doubt in any of the honourable members' minds today that it is important that we acknowledge and congratulate Adelaide's community TV media broadcaster Channel 44 on covering South Australian stories, social and cultural activities, showcasing talent and creating employment and hands-on training opportunities for the local screen sector for the past 15 years, as mentioned by many honourable members today.

I have personally witnessed the good work of Channel 44 on a number of occasions, particularly their enthusiastic coverage of the Lunar New Year Street Party for Chinatown Adelaide and other significant multicultural events around South Australia in the last 15 years. As we all know, in the telecommunications and media business there is more competition, more innovation, and there are more dynamic online interactions which have drastically changed the way consumers and the public access content compared to 10 or 15 years ago.

During the coronavirus pandemic, we would have observed that our community members rely heavily on digital distribution platforms and using the internet to broadcast content and get timely information and stay connected with each other. In September 2014, all Australian community television programs were informed by the then communications minister, the Hon. Malcolm Turnbull, that community television transmitter licences were to expire at the end of 2014. In view of the concerns raised after the announcement and to allow the community television sector more time to prepare an alternative transition plan, the commonwealth government then extended all licences by another 12 months to 31 December 2015.

The advice I have received is that the federal government had worked with the community television sector and the Community Broadcasting Foundation to consider the most appropriate transition strategy for services to migrate online by the end of 2015. Since then, out of the five mainland capital cities that have community television channels, Western Australia, New South Wales and Queensland all moved off the spectrum, with South Australian and Victorian licences concluding on 30 June 2020.

With community television known as the sixth channel spectrum and due to the increasing amount of competition and innovation in telecommunications, the Australian government announced a spectrum review to carefully examine future prospects. Due to the evolution of the

telecommunications and viewers' behaviour, many Australians are increasingly turning to access content that does not require a spectrum such as internet services like Netflix or on-demand programs.

This has encouraged the government to refocus its vision and recast the current broadcasting spectrum policy framework to develop strategies that fit the next wave of innovation. The current serving federal Minister for Communications, the Hon. Paul Fletcher, has been working extensively with the community television sector over the last couple of years to develop a clear transition path and to assist those working in the industry.

In addition to the support given by the Australian government, the Premier of South Australia has contacted minister Fletcher to discuss the issue at hand. The Premier, who is passionate about the arts and media sector, has advocated for an extension to be given on behalf of Channel 44. However, the federal minister unfortunately has made it clear that another extension will not be granted. With the history and the background about the federal government's changes in broadcasting, I would therefore like to amend the terms of the motion as follows:

Leave out paragraphs 2 to 5 and insert the following new paragraphs as follows:

2. Notes the commonwealth government advised community television stations they would lose access to the sixth broadcast spectrum in 2014 and has provided support to community television stations to transition to online platforms;
3. Notes that the Premier, the Hon. Steven Marshall MP, has advocated for the commonwealth government to extend Channel 44's use of the spectrum; and
4. Thanks Channel 44's staff and all its volunteers for their exceptional service to South Australia through their local and culturally diverse content.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: Order, the Hon. Mr Wortley!

The Hon. J.S. LEE: On this point, we acknowledge that there will be disappointment in the community and would like to take this opportunity to recognise the advocacy and hard work of all the employees, supporters and volunteers behind Channel 44 since its launch in 2004. Working as a launching pad for many media personalities and creative industry experts, Channel 44 has nurtured and given a visual platform to tell South Australian stories and inspire many enthusiastic young talents to undertake a career in creative industries.

Over the last 15 years, there has been an amazing network of individuals who have contributed to and supported the delivery of community free-to-air television. No doubt, during the COVID-19 period, some of the religious and multicultural organisations turned to Channel 44 to connect with their community. It was reported that CTV stations in Adelaide and Melbourne achieved historical Easter live-to-air broadcasts.

These initiatives ought to be congratulated and I acknowledge and thank the leadership team of Channel 44 for their ongoing commitment and the valuable services they have provided the South Australian community. At the same time, during the pandemic, many groups in the multicultural sector also had access to internet services and were readily connected to their religious and cultural groups through digital means, such as Facebook Live and other social media platforms.

The Minister for Communications, Cyber Safety and the Arts recently reconfirmed that, since 2014, the radio frequency spectrum that was historically made available to community television stations in the five largest cities in Australia should be put to alternative uses. The federal government emphasised that community television will continue to have an important future and will continue to be a place where members of the community can make television content but, instead of using the traditional spectrum, there is now the capacity for community groups to generate and disseminate that rich content using online platforms.

I would like to highlight some of the best Australian new talents who have creatively produced new content online. For example, on YouTube, Natalie Tran, of Vietnamese background, is an Australian online producer, actress and comedian who has over 1.8 million subscribers. She has been described by her fans as charming, quirky and hilarious, and has been successful in delivering online.

In South Australia, we have the South Sudanese refugee Gabriel Akon, who has established the Playback 808 online record label. He and his fellow artists are making a difference through hip hop music online. He received Best Male Artist at the 2017 South Australian Music Awards and also received a Youth Award at the Governor's Multicultural Awards.

Sitting extended beyond 18:30 on motion of Hon. R.I. Lucas.

The Hon. J.S. LEE: There are people like Natalie Tran and Gabriel Akon who can be very successful in generating original creative content and disseminating it online. That is certainly where we will see more and more of community television going. The federal government has a policy to provide funding in those new online directions and the community television sector should seek further opportunities with the federal government.

In closing, I hope honourable members will consider the amendments I am moving to this motion. Once again, I express the government's appreciation and thank Channel 44 for its dedicated services and contributions to the South Australian community over the last 15 years. We acknowledge the great work and commitment of all employees, volunteers, content creators and viewers on their contribution to support community TV and wish them well in their future endeavours.

The Hon. T.A. FRANKS (18:29): I thank those speakers who have made a contribution: the Hon. Tung Ngo, the Hon. Jing Lee, the Hon. Frank Pangallo and the Hon. Emily Bourke. I also note the contributions of the member for Badcoe; the federal member for Mayo, Rebekha Sharkie; the member for Kingston, Amanda Rishworth; senators for South Australia, Marielle Smith and Penny Wong; as well as many others who have seen strong support for community TV in South Australia and in Victoria, the only two states where it is now left.

We know that the spectrum will be lost to community TV in just 13 short days. We also know that, since I introduced this motion, we have seen the Senate pass unopposed a motion calling for the minister to extend the licences of our last surviving community broadcasters. Our own station in South Australia, Adelaide's Channel 44, is fighting for survival. It is looking for stability. It has been given six years of stop-start unstable offers that have not allowed them to set up and keep the sustainability that they need that will indeed endanger their contracts with various academic and other institutions when they, for no apparent reason, are denied access to the spectrum.

When minister Turnbull made this decision, he said he had other uses. We are yet to hear any other use put forward from the current federal minister, yet with the stroke of a pen we are going to lose a substantial conglomeration of community talent, opportunity and expertise. I know Jethro Heller, who has sent 40 video messages to the minister because, as quoted by the Hon. Frank Pangallo, he does not answer other forms of messages.

I urge the Premier perhaps to try TikTok. Maybe if phone calls, pleadings and letters do not work, perhaps TikTok or an Instagram video would because that is all that will be left for South Australians in the screen industry at the local community level. You are telling them to go to Facebook and to use the digital world when you are withdrawing the spectrum at no cost to the South Australian taxpayer but significant cost to the South Australian community.

In this digital era and the screen era, we should be investing in pathways into these industries and connections that are local in this global village in which we live. We should be keeping community television strong, stable and supported and celebrate it having a long and fruitful future, rather than mourning the fact that it has only 13 days to go.

I support the Hon. Frank Pangallo's amendment to the motion, and in addition to a letter from the President of the Legislative Council, I hope that a TikTok video from the Premier might be on its way to the minister. I indicate to the government that, given their amendment seeks to replace my original motion's provisions, I cannot support it. I find it offensive that you would replace the motion with one of your own that mourns the loss of community television instead of standing up and fighting for community television in South Australia.

The Hon. J.S. Lee's amendment negatived; the Hon. F. Pangallo's amendment carried; motion as amended carried.

*Bills***CONTROLLED SUBSTANCES (CONFIDENTIALITY AND OTHER MATTERS) AMENDMENT
BILL***Introduction and First Reading*

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:35): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:36): I move:

That this bill be now read a second time.

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

Leave granted.

Today, I rise to introduce the Controlled Substances (Confidentiality and Other Matters) Amendment Bill 2020 into Parliament.

The Marshall Government made an election commitment to implement a Real Time Prescription Monitoring system for Schedule 8 medicines in South Australia.

This Bill is an important step in delivering on that commitment, and more importantly, it is a critical step towards reducing the misuse of controlled medicines in our community.

Sadly, the misuse of controlled medicines, which includes pain medications such as oxycodone, morphine and fentanyl, has become increasingly prevalent.

The Real-Time Prescription Monitoring software will integrate with existing prescriber and pharmacist software to provide access to real-time prescribing and dispensing information and to enable real-time detection and alerts for regulators and prescribers. The built-in alert functionality will help health practitioners identify patients with a history of problematic access to high-risk prescription medicines and enable them to make more informed clinical decisions that minimise the risk of overdose, addiction and death.

The South Australian Real-Time Prescription Monitoring system will link with other jurisdictions' Real-Time Prescription Monitoring systems through the Commonwealth-managed National Data Exchange to provide real-time access to prescribing and dispensing data nationally.

Amendments to the *Controlled Substances Act 1984* are limited to those required to effectively implement Real-Time Prescription Monitoring, and these amendments will not change the broader intent or objectives of the Act, or the role of the government regulator. The proposed changes include:

- Sanctions for inappropriate use of data collected under the Real-Time Prescription system.
- Additional regulation making powers so that the current general confidentiality provisions can be clarified and tightened under the Controlled Substance (Poisons) Regulations 2011.
- Increasing penalties for offences under the Controlled Substances (Poisons) Regulations 2011, along with the ability to expiate offences.
- Allowing information under section 18A to be provided electronically including via the new system.

The changes to the confidentiality provisions will ensure that only relevant patient information is collected, can only be accessed by relevant health professionals and regulators, and is only used for the explicit purpose of the system, which is to minimise the risk of harm from the legitimate use of high-risk prescription medicines.

Patients can be assured that Real-Time Prescription Monitoring will not prevent them from receiving treatment with the medicines they require, whilst the families, friends and carers of patients who are drug dependent can be more confident that there will be less risk of inadvertent harm and overdose.

There will be minimal day-to-day impact on prescribers and pharmacists as the system will be integrated into existing practice software.

The changes proposed will impose only minor additional record keeping or reporting obligations on prescribers and pharmacists who are not using integrated software. The administrative burden for most pharmacists will be reduced as the existing obligation to submit monthly reports of dispensing data to the government regulator will be automated with an integrated Real-Time Prescription Monitoring system.

Stakeholders strongly support the implementation of this system in South Australia and have been actively engaged in determining the specific elements of the system, including the high-risk medicines to be monitored, the

staged rollout, the training and support required for end users, and the information and education required for the wider community. Many of these elements will be captured in amendments to the Controlled Substances (Poisons) Regulations 2011 which will be amended in a concurrent process.

Victoria implemented a Real-Time Prescription Monitoring system, SafeScript, in April 2019, and in April 2020 it became mandatory for prescribers and pharmacists to use the system. Other jurisdictions are at variable stages of their development and implementation processes. As more jurisdictions implement Real-Time Prescription Monitoring and link with the National Data Exchange, more information will be available to health practitioners, further reducing the risk of harm to patients who may be doctor-shopping across borders.

The Bill before the House will enable the implementation of a Real-Time Prescription Monitoring system in South Australia to provide a national source of information about the prescribing and dispensing of high-risk medicines in real-time to address the growing problem of addiction, overdose and death associated with legal use of these medicines.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Controlled Substances Act 1984*

3—Amendment of section 18A—Restriction of prescription or supply of drug of dependence in certain circumstances

Section 18A of the Act empowers the Minister to give a registered health practitioner an authority to prescribe or supply a drug of dependence in certain circumstances.

This clause amends section 18A to provide that an application for such an authority be made in a manner and form approved by the Minister (rather than in writing), and for such an authority, or the variation or revocation of such an authority, also to be given in a manner and form approved by the Minister (rather than in writing).

4—Substitution of section 60A

This clause substitutes section 60A of the Act.

60A—Confidentiality

Proposed new section 60A makes it an offence for a person to disclose confidential information obtained (whether by that person or any other person) in the administration or enforcement of the Act except—

- (a) as required or authorised by or under the Act or any other Act or law; or
- (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
- (c) in connection with the administration or enforcement of the Act; or
- (d) for the purposes of any legal proceedings arising out of the administration or enforcement of the Act; or
- (e) in accordance with the regulations. The maximum penalty is \$10,000.

The proposed new section also makes it an offence for information disclosed for a particular purpose to be used for any other purpose by—

- (a) the person to whom the information was disclosed; or
- (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of a disclosure.

The maximum penalty is \$10,000.

However, the proposed section does not prevent the disclosure of statistical and other information that could not be reasonably expected to lead to the identification of any person to whom it relates.

Confidential information is defined to mean—

- (a) information relating to trade processes;
- (b) medical information relating to any person;
- (c) any other information that—
 - (i) is of a personal nature; or
 - (ii) is by its nature confidential; or
 - (iii) was specified as confidential by the person from whom the information was obtained;
- (d) information of a prescribed class.

5—Amendment of section 63—Regulations and fee notices

This clause amends section 63 so that fines up to \$10,000 can be prescribed for offences against the regulations and expiation fees of up to \$2,000 can be prescribed for alleged offences against the regulations. It also amends the section to provide for fees to be prescribed by the Minister by fee notices (under the *Legislation (Fees) Act 2019*).

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

HEALTH CARE (GOVERNANCE) AMENDMENT BILL

Introduction and First Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:36): Obtained leave and introduced a bill for an act to amend the Health Care Act 2008 and to make related amendments to the Mental Health Act 2009. Read a first time.

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:37): I move:

That this bill be now read a second time.

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

Leave granted.

Today I rise to introduce the Health Care (Governance) Amendment Bill 2020 into Parliament. A similar Bill was introduced in the Legislative Council last year proposing amendments to support the newly decentralised public health system.

Unfortunately, while the amendment bill did pass this place with amendments it did not pass the other place before Parliament was prorogued.

I would like to thank Honourable Members for their contribution to the debate in the previous session of Parliament.

Some of the amendments that were passed in this place have been included in this new Bill, in particular:

- a principle for the operation of the Act to ensure it is inclusive of primary health care networks, Aboriginal and Torres Strait Islander health services and public health services provided in local government, aged care and disability.
- an additional function of the Chief Executive of the Department for Health and Wellbeing to engage with consumer representatives and other interested parties in the development of health care policy, planning and service delivery.
- that service agreements specify that each health service provider must operate programs that promote the provision of health care for Aboriginal and Torres Strait Islander people.
- that the functions of a Local Health Network governing board include ensuring that their Local Health Network operates programs that promote preventative and primary health care, including the preventative and primary health care of Aboriginal and Torres Strait Islander people, within local communities.

The Marshall Liberal Government took to the election a commitment to decentralise the public health system by establishing governing boards to put responsibility and accountability for our local health networks at the local level, and to ensure that clinicians and communities are engaged in making decisions about their local health services.

Parliament passed the first tranche of amendments to the *Health Care Act 2008* in July 2018 delivering on our commitment to decentralise the public health system and enabling the establishment of the Local Health Network governing boards.

The governing boards have been operating since 1 July 2019 providing governance and oversight for health service delivery within their local area. At the same time the Government also established six new Local Health Networks in country South Australia to replace the Country Health SA Local Health Network on 1 July 2019.

The Bill I introduce today supports the decentralised system and the governing boards by establishing the new governance and accountability framework for the public health system. It largely proposes the same amendments as the previous Bill to:

- revise the functions of the Chief Executive of the Department for Health and Wellbeing;
- include provisions for service agreements between the Chief Executive of the Department for Health and Wellbeing and the Local Health Networks and the SA Ambulance Service;
- dissolve the Health Performance Council; and
- make minor amendments to sections of the Act to reflect the new governance and accountability framework for the public health system or clarify their intent.

Under the new governance arrangements decision making and accountability for local health service delivery is as close to local communities and clinicians as possible, to improve patient safety and provide a greater focus on accountability and transparency across the public health system.

Since 1 July 2019, the Governing Boards have been responsible for the governance and oversight of the local health networks, with their responsibilities including:

- appointing their Local Health Network's Chief Executive Officer;
- ensuring the LHN delivers safe, high quality services;
- establishing strong relationships with local communities and frontline health professionals, particularly through the development of clinical and community engagement strategies; and
- overseeing the efficient, effective and sustainable operation of the LHN.

The Governing Boards have been getting on with the business of governing our Local Health Networks and have achieved a lot in the short time they have been operating.

Governing boards have continued with the day-to-day business of establishing their governance committees including Audit and Risk, and Clinical Governance Committees, conducting their first Annual Public Meetings, and establishing the clinical and corporate governance frameworks to support the provision of safe, quality, and continuously improving patient care in their local areas.

I wish to take this opportunity to commend our health services and the governing boards on their response to the COVID-19 pandemic. The hard work, collaborative spirit and innovation that has been evident across our health system and the support our hospitals have offered to their local communities has been the foundation of our State's success so far.

Despite the effect of the COVID-19 pandemic the governing boards are well underway in progressing strategic planning and setting the vision and direction for the delivery of health services in their local areas.

The Central Adelaide Local Health Network Governing Board has overseen the establishment of a new leadership structure, with a new Executive team in place, and an organisation-wide restructure, with delivery of care now provided through clinical programmes which have medical, nursing, allied healthcare and business leads working as an accountable leadership team. The Board is overseeing the ongoing recovery programme and leading the Central Adelaide Local Health Network through a time of significant change.

LHN Governing Boards have also done significant work to develop their Clinician Engagement and Consumer and Community Engagement Strategies despite delays due to the COVID-19 pandemic. The Women's and Children's Health Network and the Northern Adelaide Local Health Network have published their strategies and all other governing boards are anticipating finalising their strategies in the near future. The engagement strategies will provide for strengthened and extensive clinician and community involvement in health service delivery and planning.

Local Health Networks continue to build connections within their communities. The governing boards of the Regional LHNs have been engaging with their Health Advisory Councils and wider community groups, Aboriginal organisations, General Practitioners, local government councils and specialists.

Our Governing Boards are improving the efficiency with which our LHNs deliver high quality care to our community, establishing improved governance, leadership and management protocols.

We now have a system where each Governing Board is accountable for the delivery of local health services within its geographic area that are safe, high quality and accessible, reflective of local values, needs and priorities,

and sustainable within the resources available. Each Governing Board is responsible for the control of the budget assigned to their local health network, and will be actively engaged with its local communities and health professionals.

The Bill reflects the significant shift in the way that the Department and the Local Health Networks are operating to deliver our health services.

The Bill reflects the changed role of the Chief Executive of the Department for Health and Wellbeing from having direct responsibility for the administration of the local health networks to a 'system leadership' role. Notwithstanding this, SA Ambulance Service is still accountable to the Chief Executive.

As the last State to return to board governance for local health services, South Australia has been fortunate to be able to learn from other jurisdictions in the establishment of our new performance and accountability framework, including gaining an understanding how devolved health systems best operate.

Service agreements have been in place in South Australia for a number of years through administrative arrangements. As required under the National Health Reform Agreement, these service agreements have been published on the Department's website.

The Bill formalises these Agreements and their content and the Governing Boards will be required to report annually against the performance measures outlined in the Service Agreement. This again brings South Australia in line with other jurisdictions that have health service boards.

Governing Boards are instrumental in driving the Service Agreement process for their Local Health Network.

Concurrent with the work that has been occurring with the governance and accountability framework for the public health system, two other Marshall Government commitments have been achieved, with the establishment of Wellbeing SA and the Commission on Excellence and Innovation in Health as attached offices to the Department for Health and Wellbeing on 6 January 2020.

As attached offices to the Department rather than being part of the Department, Wellbeing SA and the Commission have a level of independence to set their own strategic direction, while ensuring they meet the strategic objectives of the South Australian health system.

The establishment of Wellbeing SA demonstrates the Government's commitment to health promotion and prevention strategies designed to keep people out of hospital.

The creation of Wellbeing SA provides an opportunity to tackle the major contributors to the burden of disease in a coordinated and integrated way through:

- promoting wellbeing and preventing or managing risk factors in well people;
- early identification of people who have an illness so that it can be treated or managed better; and
- ensuring people who have chronic diseases have the best care, closest to their home and community.

It is well documented that early intervention is likely to be more cost-effective and lead to better health outcomes. Wellbeing SA will assist in alleviating the pressure points in the health system through the implementation of the My Home Hospital Program. This program will provide care for public hospital patients in their own homes who would otherwise have required admission to hospital.

The State Government has also established the Commission on Excellence and Innovation in Health. The Commission is based on similar entities in New South Wales and Victoria, and is established to:

- provide leadership and advice within SA Health and to the Government on clinical excellence and innovation;
- to bring together expertise from public and private sector clinicians, as well as consumers, health partners and other relevant stakeholders to maximise health outcomes for patients;
- to be recognised as a centre for excellence and a strong partner for clinical improvement and innovation; and
- to support the provision of safer, more innovative and efficient health care through empowering clinicians and consumers.

Importantly, the Commission now administers and supports the Statewide Clinical Networks, which have been re-established, after being abolished by the previous Government. The first four Statewide Clinical Networks are focusing on cardiology, palliative care, cancer, and urgent care.

The Commission will empower clinicians and consumers to work together to help build a continuously evolving, improving and learning health system. The Commission has committed to establish a consumer partnerships program including the creation of a Consumer Advisory Committee that engages consumers, carers and the community by involving them in the planning, design, implementation and evaluation.

I would like to briefly address issues that were raised when this Bill was debated last year including the proposal to amend the *Health Care Act 2008* to include the Mental Health Commission.

In September 2018, the State Government engaged an independent consultant to review the governance of mental health services across the state.

The purpose of the review was to ensure the most effective governance and safeguards are in place to deliver high quality mental health services for all South Australians.

The Government broadly accepted the recommendations from the review but in relation to the Mental Health Commission took a different approach, strengthening the Commission. Three part-time Mental Health Commissioners were appointed on 19 December 2019 for terms expiring on 7 January 2023.

The Mental Health Commissioners have increased focus on engagement with consumers and carers. The previous health promotion, preventative and administrative resources of the Commission have been transferred into Wellbeing SA, which now provides secretariat support to the new Mental Health Commissioners.

There is no need to enshrine the role of the Mental Health Commissioner within the *Health Care Act 2008*. It is important to allow the South Australian model to continue to evolve.

The six regional Local Health Networks are supported by the newly established Rural Support Service under arrangements agreed by all of their Governing Boards. The establishment of the Rural Support Service enables highly specialised, system-wide capacities, clinical governance and access to expertise to be made available to the regional LHNs. It supports the development of country and state-wide models of care to ensure equitable access to health services across country SA.

It also delivers specialised corporate functions that ensure all regional LHNs have equitable access to skills and expertise which may not be viable if carried out by individual entities. This critical mass ensures that Regional LHNs are able to focus resources on supporting access to care for consumers.

The Rural Support Service is hosted within the Barossa Hills Fleurieu Local Health Network; but through agreed arrangements, is accountable to a Chairs Committee, comprising all six regional Governing Board Chairs, and a Management Oversight Committee, comprising all six regional Local Health Network Chief Executive Officers.

Services and customer service expectations of the six regional Local Health Networks, with respect to the Rural Support Service, are set through formalised agreements between the six Regional LHNs.

I can also confirm that over half of the Rural Support Service's approximately 220 staff are located in different rural and remote locations across regional South Australia.

Service agreements are technical funding, performance and accountability agreements negotiated between the Department and LHN. Legislating for direct consumer and community involvement in their development, as was proposed when the Bill was last debated is not appropriate.

The Government remains of the view that the establishment of LHN governing boards has diminished the need for the role of the Health Performance Council. The Council was established in 2008 when the previous government abolished local hospital boards and centralised authority and accountability for the State's public health system in the CE of the Department.

The key rationale for its establishment was to provide a level of accountability and transparency, given the centralised governance, through provision of independent advice to the Minister and Parliament on the effectiveness of the health system.

The devolved structure of the health system provides for alternative checks and balances. This includes the remit of Boards in monitoring the performance of their LHN and their accountability to the Minister for the effective performance of their duties. The Department's role of system leader through Service Agreements with the LHNs provides additional scrutiny on system performance.

This is bolstered by the significant increase in national and State reporting in hospital performance since 2008, and the adoption of National Safety and Quality Health Service Standards, including the Open Disclosure Framework. These initiatives have strengthened transparency within the health system by monitoring health system governance, and mandating open communication and support for patients who have experienced adverse events during health care.

The Department has a refined focus on the strategic direction and performance of the public health system, increasing its role in analytics, evaluation and monitoring of the effectiveness of strategies, service plans and system performance, to determine investment priorities and guide commissioning.

There is strong alignment between areas of Wellbeing SA, prevention and population health outcomes research and analytics and functions of Health Performance Council, and the Commission's remit includes providing leadership and advice on clinical best practice and innovation, with a focus on maximising health outcomes for patients and supporting clinical collaboration.

The issues raised by this Bill have been the subject of significant consultation, including through the previous Bill.

The previous Bill was released for consultation on 8 April 2019 and briefings were held with stakeholders between 9 and 16 April 2019. All stakeholders consulted were offered a face-to-face briefing prior to introduction of the Bill. Stakeholders were given until 30 April 2019 to make comments on the Bill. Two stakeholders were provided additional time beyond 30 April 2019 to submit their feedback.

Since that time, the Government, our Local Health Networks and their governing boards, SA Ambulance Service, as well as the Department and new attached offices have continued to have ongoing discussions with our many stakeholders, as part of our commitment to strengthened community, consumer and clinical engagement in the way we do business.

In closing I would like to thank officers from the Department and Parliamentary Counsel who have assisted with bringing this legislation before the chamber.

I commend the Bill to the Council.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health Care Act 2008*

4—Amendment of Long title

This clause amends the long title to remove the reference to the Health Performance Council.

5—Amendment of section 3—Interpretation

This clause deletes the definition of *HPC* from the provision.

6—Amendment of section 5—Principles

This clause amends section 5 of the principal Act to make provision for health services to be provided as part of an integrated system that is inclusive of primary health care networks, Aboriginal and Torres Strait Islander health services and public health services provided in local government, aged care and disability sectors.

7—Amendment of section 7—Chief Executive

This clause amends section 7 of the principal Act to substitute a number of the Chief Executive's functions.

8—Repeal of Part 3

This clause repeals Part 3 of the Act.

9—Insertion of Part 4A

This clause inserts Part 4A, which establishes a requirement for each incorporated hospital and SAAS to enter into a service agreement with the Chief Executive in relation to the provision of health services.

Part 4A—Service agreements

28A—Preliminary

28B—Service agreement with Chief Executive

28C—General provisions about service agreements

10—Amendment of section 33—Governance and management arrangements

This clause amends section 33 of the principal Act to broaden the functions of a governing board of an incorporated hospital.

11—Amendment of section 33A—Engagement strategies

This clause amends section 33A of the principal Act to provide for 3 yearly reviews of a strategy that the governing board of an incorporated hospital must develop.

12—Amendment of section 33B—Composition of governing boards for incorporated hospitals

This clause amends section 33B of the principal Act to alter the cases in which a person is not eligible for appointment to the governing board for an incorporated hospital.

13—Amendment of section 33E—Chief executive officer for incorporated hospital

This clause amends section 33E to provide that the governing board of an incorporated hospital cannot give a direction concerning the clinical treatment of a particular person.

14—Amendment of section 34—Employed staff

This clause inserts subsection (8a) to provide that no direction may be given by the governing board of the incorporated hospital to the chief executive officer relating to the appointment, transfer, remuneration, discipline or termination of a particular person if the CEO of an incorporated hospital is designated as an employing authority or a power or function of an employing authority is delegated to the CEO of an incorporated hospital.

15—Amendment of section 50—Management arrangements

This clause amends section 50(4) to provide that the CE cannot give a direction concerning the clinical treatment of a particular person.

16—Amendment of section 78—Testamentary gifts and trusts

This clause amends section 78 in relation to preserving the intention of testators in respect of the distribution of testamentary gifts to prescribed entities that have been dissolved.

17—Amendment of section 93—Confidentiality

This clause amends section 93 to make it clear that any obligation about confidentiality does not prevent a person from disclosing information in connection with the management or administration of the Department, or an attached office attached to the Department, as well as a hospital or SAAS.

18—Repeal of section 101

This clause deletes section 101.

19—Repeal of Schedule 1

This clause deletes Schedule 1.

20—Amendment of Schedule 2

This clause removes the reference to HPC from Schedule 2.

21—Amendment of Schedule 3—Governing boards for incorporated hospitals

This clause amends Schedule 3 of the principal Act to make changes to provisions concerning the governing boards for incorporated hospitals.

22—Insertion of Schedule 3A

This clause inserts Schedule 3A, which provides for the dissolution of the Health Advisory Councils listed in Schedule 3A, clause 2.

Schedule 3A—Dissolution of Health Advisory Councils

23—Amendment of Schedule 4—Transitional provisions

This clause amends Schedule 4 for transitional purposes so that HPC members are removed from office on the commencement of this clause.

41A—Cessation of office of Health Performance Council members

Schedule 1—Related amendments to *Mental Health Act 2009*

1—Amendment of section 106—Confidentiality and disclosure of information

This clause makes related amendments to the confidentiality provision of the *Mental Health Act 2009*.

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

STATUTES AMENDMENT (LICENCE DISQUALIFICATION) BILL*Second Reading*

The Hon. R.I. LUCAS (Treasurer) (18:38): I move:

That this bill be now read a second time.

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

Mr President, I am pleased to introduce the Statutes Amendment (Licence Disqualification) Bill 2020.

This Bill is one of the many measures the Marshall Government is implementing to improve court efficiency and ensure that our laws stay up to date and relevant.

This Bill amends the *Motor Vehicles Act 1959* and *Road Traffic Act 1961* to simplify the process by which the Courts currently calculate licence disqualifications and will improve efficiency in the Magistrates Court.

This amendments in this Bill, while simple in nature and providing efficiency to the Magistrates Court, were previously introduced into Parliament as part of the Statutes Amendment (Transport Portfolio) Bill 2017. The 2017 Transport Portfolio Bill lapsed when Parliament was prorogued ahead of the 2018 Election, so I am pleased to be able to move these amendments today.

Section 471AA of the Road Traffic Act allows South Australia Police officers to issue immediate loss of licence notices ('ILOLs') to drivers where they reasonably suspect the driver has committed certain drink and/or drug driving offences.

Where the driver is licensed, the immediate loss of licence notice operates to suspend the driver's licence for a specified period of time.

If the driver is not licensed, the driver is disqualified from holding or obtaining a licence or permit.

Where the driver is subsequently convicted of the offence and a mandatory minimum period of disqualification applies, the Court must order that the driver is disqualified from holding or obtaining a licence for a period determined by the Court.

Each of the offences to which s 471AA of the *Road Traffic Act 1961* applies, have a mandatory minimum period of disqualification. These periods range from 6 months to 3 years.

Section 471AA of the *Road Traffic Act 1961* applies to the following offences:

- Category two and three drink driving (that is having a prescribed concentration of alcohol ('PCA') between 0.08 and 0.149 for category 2 and PCA of 0.15 and higher for category 3);
- Refusing or failing to submit to an alcotest or breath analysis
- Refusing or failing to submit to a drug screening test, oral fluid analysis or blood test;
- Being a driver of a motor vehicle involved in an accident and refusing or failing to submit to a compulsory blood test when being treated at a hospital for an injury suffered in the accident.

The offences I have listed also have a corresponding offence for committing the offence where a child under 16 was present in or on the motor vehicle at the relevant time. An immediate loss of licence notice can also be issued for these offences.

When determining the period of disqualification, the Court must take into account the amount of time a person has already been suspended or disqualified from driving as a result of the immediate loss of licence notice.

The Court may impose a period of disqualification that is less than the mandatory minimum as long as the period imposed is not less than the difference between the mandatory minimum and the period that has applied as a result of the immediate loss of licence notice.

An example of this calculation is:

Margaret holds a driver's licence. Margaret is pulled over by a SAPOL officer who reasonably suspects her of drink driving having observed her to be swerving and driving erratically on the road. Margaret submits to an alcotest and returns a blood alcohol concentration of 0.16 (i.e. a category 3 drink driving offence pursuant to section 47B(1) of the Road Traffic Act 1961). The SAPOL officer issues Margaret with an immediate loss of licence notice for 12 months pursuant to s 471AA(2). The ILOL notice takes effect at the time Margaret is given the notice. The ILOL operates to suspend Margaret's licence for 12 months (s 471AA(12)(b)(iv)(B)). Margaret is formally charged with driving while having prescribed concentration of alcohol in blood pursuant to s 47B(1).

Margaret is subsequently tried in the Magistrates Court three months later. The ILOL has not yet expired and Margaret is still suspended from driving (for a further nine months). The Court convicts

Margaret of the category 3 drink driving offence pursuant to s 47B(1), being an offence to which s 47IAA applies. This is Margaret's first offence under s 47B(1).

Pursuant to s 47B(3)(a)(i)(B), the Court is required to order that Margaret be disqualified from holding a driver's licence for a period of not less than 12 months ('the mandatory minimum').

In determining the relevant disqualification period, the Court is required to take into account the amount of time Margaret has already had her licence suspended as a result of the ILOL (s 47IAA(9)).

Under s 47IAA(9)(e), the court may order a period of disqualification that is less than the mandatory minimum, as long as the period ordered is not less than the difference between the mandatory minimum and the period of suspension that has applied as a result of the ILOL.

In Margaret's case, the difference between the mandatory minimum (12 months) and the period of suspension that has already applied as a result of the ILOL (three months) is 9 months. As a result, the Court must order that Margaret be disqualified from driving for a period of not less than 9 months. Notwithstanding, the Court retains the discretion to impose a longer period of disqualification than the mandatory minimum, where it sees fit. As Margaret held a driver's licence at the time of sentencing, the period of disqualification ordered by the Court will operate to cancel her licence.

The calculation of the period of licence disqualification is quite straightforward in Margaret's case. However, if Margaret was still suspended at the time of sentencing, and had already been suspended for 3 months, 2 weeks and 5 days, the Court would have to subtract this period from the mandatory minimum period of 12 months to work out the minimum period of disqualification it must order (noting that it retains the discretion to impose a longer period of disqualification than the mandatory minimum, where it sees fit).

The Chief Magistrate has requested amendments to simplify this process due to the complexity of the current method of imposing a notional disqualification and then reducing it by the length of time already served under an immediate loss of licence notice.

The Bill simplifies this process by allowing the Courts to backdate the period of disqualification to the commencement of the immediate loss of licence notice in cases where the period of suspension or disqualification imposed by the notice has not ended.

These amendments will remove the need for the Courts to undertake complex backdating calculations and will deliver increased efficiencies for courts.

This Government is always focussed on ensuring we deliver an efficient justice system. By reintroducing these amendments to Parliament, this Government is giving Parliament the opportunity to resolve an issue raised by the Chief Magistrate and improve court efficiency.

Mr President, I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 81E—Circumstances in which licence will be subject to mandatory alcohol interlock scheme conditions

This clause amends the principal Act to make an amendment to make the necessary reference to orders made under section 47IAA(9)(e)(i) of the *Road Traffic Act 1961*.

Part 3—Amendment of *Road Traffic Act 1961*

5—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

This clause amends the principal Act to facilitate the ability of the court to take into account the period of licence disqualification or suspension that has applied to the person whether or not that period of disqualification or suspension has ended.

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

LABOUR HIRE LICENSING (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 18:39 the council adjourned until Thursday 18 June 2020 at 14:15.

*Answers to Questions***LAND TAX**

In reply to **the Hon. F. PANGALLO** (12 May 2020).

The Hon. R.I. LUCAS (Treasurer): I have been provided the following advice:

1. The substantive provisions come into operation at midnight on 30 June 2020, and apply from the 2020-21 financial year, commencing 1 July 2020, onwards.
2. As stated in answer to the first question, the substantive provisions technically come into operation at midnight on 30 June 2020, but apply from the 2020-21 financial year, which commences on 1 July 2020, onwards.
3. The information requested from landowners to assist RevenueSA in administering the new laws cannot be used by RevenueSA to retrospectively apply the new laws. The new laws are not retrospective and do not apply to before the 2020-21 financial year.

The information provided to RevenueSA by landowners may, however, be relevant to assessments of land tax made under the existing laws and that may result in the Commissioner of State Taxation becoming aware of an error in a landowner's land tax assessment in the financial years prior to the 2020-21 financial year under the existing laws. It is incumbent on the commissioner to make a correct assessment of a liability. In the absence of a deliberate tax default, the commissioner may make a reassessment of a tax liability up to five years after the initial assessment of the liability under the existing laws. Interest and penalty tax may also apply where there has been tax default under the existing laws.

STEEL INDUSTRY

In reply to **the Hon. M.C. PARNELL** (3 June 2020).

The Hon. D.W. RIDGWAY (Minister for Trade and Investment): The Minister for Energy and Mining has advised:

1. GFG Alliance has publicly announced its transformation plan for the Whyalla Steelworks that includes consideration for future green steel production.
2. Our government continues to work with GFG to secure the long-term future of the Whyalla Steelworks operations and green steel production.

The government has committed to provide \$50 million for capital investments at Whyalla which ensure its long-term viability.

3. The Department for Energy and Mining is currently delivering the Hydrogen Action Plan. The department is also collaborating with the CSIRO on the state's Magnetite Strategy and with the University of Adelaide's Centre for Energy Technology on its proposed Heavy Industry Low-carbon Transition Cooperative Research Centre, on how they might contribute to green steel in the future.