LEGISLATIVE COUNCIL

Thursday, 18 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 Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Report of the Remuneration Tribunal No. 2 of 2020—Review of Remuneration for Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Health and Community Services Complaints Commissioner

Report of the Remuneration Tribunal No. 3 of 2020—2020 Application for Additional Salary—Deputy President Magistrate Cole of the South Australian Employment Tribunal

Determination of the Remuneration Tribunal No. 2 of 2020—Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Health and Community Services Complaints Commissioner

Determination of the Remuneration Tribunal No. 3 of 2020—Deputy President Magistrate Cole of the South Australian Employment Tribunal

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

Government Response to the Natural Resources Committee of the Parliament of South Australia Inquiry into South Australian Livestock Industries

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

Response to the Recommendations of the Inquiry into Workplace Fatigue and Bullying in South Australian Hospitals and Health Services

Ministerial Statement

BUDGET AND ECONOMIC UPDATE

The Hon. R.I. LUCAS (Treasurer) (14:18): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.I. LUCAS: This week I would have delivered the 2020-21 state budget in another place, but instead I remain amongst friends and colleagues to deliver a budget update in much cheerier circumstances. I just wish the news was cheerier as well.

With the focus on protecting and supporting our communities through the coronavirus pandemic, the commonwealth government took the decision to delay its 2020-21 budget to October, with all state governments to deliver their 2020-21 budgets later in the year. As the parliament is aware, South Australia's budget will now be delivered on 10 November.

The South Australian community has worked together like never before and done an excellent job adhering to the social distancing and other restrictions required for us to deal with the virus. We have successfully flattened the curve more than even the most optimistic projections

several months ago, although of course we acknowledge the sad loss of four South Australians to the virus.

While South Australia has now had an extended period without a significant number of cases, this outcome has not come without a cost to the economy and the budget position. Today, I provide an update on the South Australian economy and the budget.

The front line of the COVID-19 response has been our health services and the need for them to be prepared and respond as the pandemic developed. We have provided significant additional funding to the health sector in conjunction with the federal government to fund a nation-leading testing regime, a significant increase in ICU capacity, enhanced mental health resources, and ensuring sufficient supplies of protective equipment and ventilators.

This was critical preparatory work which, together with the expertise and commitment of our Health staff, has resulted in our state's impressive health responses. As health costs associated with COVID-19 continue to be incurred, a total estimate of costs will be detailed later this year in the budget.

In addition to the health crisis, of course, COVID-19 has created an economic crisis as well. In response, the government has announced two large stimulus and support packages that have provided a wide range of programs and support payments to businesses and residents in need. The $350 million stimulus package announced on 11 March provided funding across a range of areas, including:

- bushfire response and recovery;
- roads infrastructure;
- an additional $70 million to the Economic and Business Growth Fund; and
- investment in nature-based tourism, local government projects through the Planning and Development Fund, country health facilities, social housing and grassroots sports facilities.

The Jobs Rescue Package of $650 million was announced on 26 March to provide targeted support, including:

- $300 million for the Business and Job Support Fund;
- $250 million for the Community and Job Support Fund;
- Cost of Living Concession additional payments; and
- payroll tax relief and land tax relief.

The business and community jobs funds have been the vehicle to support industry sectors and small businesses in need. These funds have been used to support many organisations, including:

- $10,000 grants to around 19,000 South Australian businesses;
- land tax and other financial relief to support tenants and landlords;
- sporting associations funding to survive;
- support for international students in South Australia;
- rent relief for government tenants;
- support for the taxi industry and regional tourist bus operators; and
- support for local government childcare providers.

To date, approximately $840 million of the total $1 billion in stimulus funding has been allocated. It has, of course, been necessary to estimate the value of each support measure in an environment of significant uncertainty. We understand there will be ups and downs in relation to the final costs of individual measures in recognition of the significant uncertainty on the timing and nature of restrictions.

For example, on 26 March 2020, the government announced a once-off boost of $500 and the bringing forward of the 2021 Cost of Living Concession for households that are receiving the Centrelink JobSeeker payment. This has provided substantial cost-of-living support to those households.

It was initially estimated that this program would cost around $27.5 million. Following that announcement, the commonwealth introduced its JobKeeper initiative, which meant that many Australians kept their jobs and did not need to go onto the unemployment or JobSeeker queue. As a consequence, year to date, the Cost of Living Concession support has provided $11.8 million of relief.

The state government recognises that the easing of restrictions will impact businesses and community organisations differently. While some organisations will face minimal impacts in the future, others will continue to be impacted for some time. It is therefore necessary to keep some capacity in our $650 million Jobs Rescue Package to provide further assistance as required in quarter one of financial year 2020-21.

In addition to the over $1 billion in stimulus through those two packages, the government has provided substantial further support and stimulus. The government has exempted JobKeeper payments to staff from both payroll tax and the return to work levy at an estimated cost of over $110 million, with that money staying in the hands of businesses across South Australia.

Spending across many government agencies has also been repurposed to directly support business and industry in need through a range of programs. For example, when possible maintenance expenditure has been brought forward to support tradies and small businesses.

In addition, the government has assisted many businesses by enabling deferral of fees, taxes and loans and the bringing forward of grant payments. These have included $150 million of payroll tax deferral, $180 million of land tax deferral, $53 million of gambling tax deferral, and $180 million of grants to non-government schools brought forward from financial year 2020-21 to financial year 2019-20.

The total value of all the stimulus provided by the government is now estimated to be around $2 billion. All these measures have provided much-needed cashflow benefits to businesses, industry and the broader South Australian community.

The government has also maintained and grown its commitment to invest in productive infrastructure to support jobs through this period and ensure our economy is well placed to respond as restrictions are raised. The government will continue its commitment to the record $12.9 billion infrastructure program. The government also acknowledges that we may need to provide additional support and stimulus for the economy, and further announcements will be made over coming weeks.

The government's priorities since the election have been to build a strong economy, grow jobs, lower costs and provide better services for South Australians. The government's policy direction has been driven by the view that the cost of doing business in South Australia must be nationally and internationally competitive to ensure our businesses are able to compete effectively.

This government has reduced the range of costs of doing business in South Australia. We have abolished payroll tax for small businesses, reduced land tax by $200 million over three years, cut emergency service levy bills by $90 million per year, reduced motor vehicle compulsory third-party premiums, taken steps to reduce electricity costs, and have recently announced significant water price reductions for South Australian businesses. An average business will receive savings on its water bill of $1,350 from 1 July 2020, but for many businesses the savings will be significantly higher.

There have been suggestions that the government should respond to the financial challenges arising from COVID-19 by increasing taxes and charges; however, the government will not be diverted from our commitment to providing a competitive environment for South Australian businesses. The government does not consider that the option of increasing taxes is a pathway to growing jobs and the economy.

Parts of the economy have been affected in different ways by COVID-19 restrictions. While some have been busier than normal levels, others have been closed down or have had to adapt to stay operating. Undoubtedly, the federal government JobKeeper program has helped businesses and our economy through these difficult times. Unfortunately, even with the assistance of governments not all businesses will survive.

Retail expenditure fell during April but appears to have returned to more normal levels, albeit with a shift to food and household goods and away from restaurants and cafes during that period. Hours worked fell by over 10 per cent in April, and the number of South Australians unemployed increased to 62,900.

The government has worked hard to keep open trade routes for exports in order to keep income for our businesses. With border closures we know the tourism sector is doing it tough, and we welcome South Australians now being able to holiday at home to help our tourism sector and our regions.

The most recent state final demand data showed that South Australian business, government and consumer spending contracted by 1.0 per cent in the March quarter. The projection for the June quarter is a further contraction of around 5 per cent, resulting in an estimated negative growth of 1.75 per cent for state final demand for the 2019-20 financial year. We know the economy is starting its recovery with the easing of restrictions, and we will provide projections of economic growth in 2020-21 and beyond in the budget in November.

Having inherited a budget deficit of $330 million in 2017-18 and a record of seven budget deficits in the last 10 years of the Labor government, in 2018-19 the government, in its first budget, delivered a $289 million net operating balance surplus in the general government sector. At the Mid-Year Budget Review we were predicting a $91 million surplus in 2019-20.

Clearly, the unprecedented impacts of the COVID-19 pandemic have resulted in a massive deterioration in the budget position of all governments. All governments are reporting significant increases in deficits and debt in response to COVID-19 impacts. As I outlined earlier, the government has provided significant assistance from the budget for the response to the pandemic and through stimulus to the economy.

In addition, the broad effect on the economy has meant that the normal revenue streams of government, including GST, payroll tax and conveyance duty, have all been substantially reduced over recent months and will take some time to recover. As an example, national GST receipts alone have been down in the order of 30 per cent per month, which is hundreds of millions of dollars each month in lower revenue for South Australia.

At the time of the 2019-20 budget, we were estimating GST revenue grants of around $6.8 billion in 2019-20 and $6.9 billion in 2020-21. While it is still very difficult to estimate the impact of the pandemic on GST revenue grants, our best estimates suggest that the state's GST revenue will be in the order of $850 million lower in 2019-20 and around $1.1 billion lower in 2020-21. Estimates of GST revenue in 2020-21 will obviously be impacted by the easing of restrictions and the pace of economic recovery.

It is also impossible to predict the final impact on state taxation revenues arising from the coronavirus response, but our early estimates suggest that payroll tax could be lower by $90 million in 2019-20 and $100 million in 2020-21, compared to estimates in the 2019-20 budget. Other government revenues will also be impacted, including stamp duty and gambling taxes. Total state taxation revenue could be $230 million lower in 2019-20 and $360 million lower in 2020-21, compared with estimates at budget time.

In addition, a number of government agencies, including the health department, have not achieved their budget in 2019-20. This relates in part to pandemic and bushfire related expenditure but also to additional services provided, some savings not achieved and some changes in timing to projects and revenues. While the local health networks have commenced taking steps to get their budgets under control, SA Health obviously has not been able to deliver its budget position in 2019-20. It is currently forecasting that it will require additional funding of around $220 million in 2019-20, compared with budget forecasts.

The government recognises that Health's focus in recent months has been on responding proactively to the COVID-19 challenges, which it has done well. However, it will be important for the state's longer term financial sustainability for Health to remain committed to delivering health services in line with national efficiency benchmarks, moving forward. TAFE SA has also been impacted by COVID-19 restrictions, as well as facing challenges in achieving necessary efficiencies. It is currently forecasting to require additional funding of $45 million in 2019-20 and over $50 million in 2020-21.

The government has chosen to maintain its record $12.9 billion infrastructure program. It could have helped the budget, including the increasing debt, by cutting infrastructure spending, but that is not the response that is needed. With all of these significant budget impacts, we are now predicting a net operating balance deficit in 2019-20 of $1.9 billion in the general government sector. Total non-financial public sector debt at 30 June is estimated to be around $18.1 billion, up from $16.5 billion estimated at the time of the Mid-Year Budget Review.

Of course, the budget impacts of COVID-19 are not constrained to 2019-20. With all of these impacts it is clear that we will have a significant net operating deficit again in 2020-21 and that debt levels will grow across the forward estimates. Our early estimate is that the net operating balance deficit in 2020-21 will be of a similar size to 2019-20, with non-financial public sector net debt to be around $30 billion by the end of the forward estimates. Other governments will be reporting similarly significant increases in their total public sector debt by the end of their forward estimates. More accurate forward estimate projections of the net operating balance and the net debt will be included in the 2020-21 budget when it is released in November.

Significant budget deficits and increasing debt are the inevitable consequence of fighting the COVID-19 pandemic. They are the inevitable consequence of spending what was needed to prepare our health system to fight the virus and also spending whatever was needed to save as many jobs and as many businesses and community organisations as possible.

The government now remains focused on supporting South Australians and our businesses as the economy transitions back to more normal operations. Our current policy responses are helping us manage a transition to an exciting future, which will be influenced significantly by the massive new opportunities in the defence, space and IT industry sectors. Over the coming months the government will announce a series of further initiatives, designed to help drive economic and jobs growth in South Australia.

ELECTRICITY NETWORK STABILITY

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (14:35): I table a copy of a ministerial statement made today by my colleague the Hon. Dan van Holst Pellekaan on the topic of energy.

SKILLING AUSTRALIANS FUND

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): I table a copy of a ministerial statement on the Skilling Australians Fund National Partnership Agreement made today by the Minister for Information and Skills in another place.

Parliamentary Procedure

MEMBERS' BEHAVIOUR

The PRESIDENT (14:35): Before we start questions without notice, I have a brief statement I wish to make. The behaviour of members in this chamber yesterday was less than satisfactory, and I have been reminded of a statement to the council in November 1988 by one of my predecessors, the Hon. Anne Levy AO, who, while President, stated:

> The behaviour in this house in recent times has not been acceptable to me. When important issues are before the parliament, such behaviour is not conducive to proper consideration of parliamentary business.
>
> I have said on many occasions that repeated interjections are out of order. There are some members who continually ignore my requests for proper decorum in the chamber.
>
> I wish to indicate that I expect standards of behaviour to improve in the remaining weeks of this session. I shall have no hesitation in naming members who persistently interject and, by their behaviour, demean the institution of parliament.

I can but remind members of their responsibilities to the parliament and the people they represent.

So, members, I would certainly share the sentiments of the Hon. Anne Levy. I would hope that the standard of behaviour in this chamber would have improved with the passage of 30 years, and ask members to demonstrate that to be the case.

Question Time

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:37): My question is to the Minister for Human Services regarding disability services. Minister, you claimed in question time yesterday that your conduct was in stark contrast to previous ministers, who you say let their staff take a fall for them. Minister, do you stand by that?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): My understanding of the situation that took place in relation to the rape at the western suburbs school is that the minister at the time claimed that his chief of staff had received an email, and therefore that he was unaware of the allegation in the first instance.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:37): Supplementary arising from the answer: minister, will you let your staff take a fall for you?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): No.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): My question is to the Minister for Human Services regarding disability services. Minister, who wrote the statement that purports to be from the family of Debbie Pearce that your office released to the media last night?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): My department has been in contact with the family, and those statements have been provided to my media adviser and transmitted to the media.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): My question is to the Minister for Human Services regarding disability services. Minister, is it totally unacceptable to issue statements from a deceased woman's family that misrepresents their views and is released without their knowledge or approval?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): I reject those statements. Can I also state for the record that my department has looked into the matters that were raised by the Leader of the Opposition, which have been published by the member for Hurtle Vale, and a number of those elements we would say are not factually correct.

Once again, the Labor Party comes in here misrepresenting things. We know that the deputy leader fabricated 90 per cent of an entire story in here last year, and it is unfortunately a very poor practice of the Labor Party to come in here misrepresenting comments and then promulgating them throughout the media.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Supplementary arising from the answer: minister, specifically what do you reject?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): There are details that I have refused to provide yesterday, for the simple fact that it goes to the privacy of this matter. It is under investigation and therefore it is inappropriate to comment.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Supplementary arising from the answer: minister, was the statement that your office purported to release from the deceased

woman's family last night released with the knowledge and approval of the family, and did it represent their views?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): That is my understanding, that the department had spoken to the family and that they were happy with those comments.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee.

CORONAVIRUS, HEALTH INITIATIVES

The Hon. J.S. LEE (14:41): My question is directed to the Minister for Health and Wellbeing about public health. Will the minister update the council on public health protection measures during the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I thank the honourable member for her question. South Australia has been successful in combating the COVID-19 pandemic so far.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Minister, please. Minister for Health and Wellbeing, continue. The Hon. Mr Hunter, don't interrupt. Minister for Health and Wellbeing.

The Hon. S.G. WADE: We have no active cases and we have not seen our health system overwhelmed, as happened in other parts of the world. As the Chief Public Health Officer—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. S.G. WADE: I would hope the council would appreciate how important the COVID-19 pandemic is. As the Chief Public Health Officer, Nicola Spurrier, reminded South Australians yesterday, the virus is still out there in other jurisdictions and in other countries. We cannot be complacent in our practice of the basic protections against the virus, particularly physical distancing and personal hygiene.

To reinforce this message, SA Health last weekend at the Showdown launched a new campaign called, 'There's no room for complacency'. The campaign emphasises the importance of physical distancing through images of South Australians in various locations. As they stand apart from each other, practising physical distancing, the gap between them is highlighted with the phrase, 'There's no room for complacency'.

The campaign features images at bus stops and shopping centres as well as spots on TV, radio and digital media. The message of the campaign is particularly important at the moment as we go through the careful process of reopening our society and our economy. We know that we will get more cases. We have to accept that, but we are in a very different position today to where we were back on 1 February when we had our first cases.

South Australia has come through the first wave of the pandemic well. We are learning from that experience and through the experiences of other jurisdictions and countries. We have demonstrated that we have world-class testing, we have expanded our team of contact tracers and we have seen that we can respond quickly and effectively to cases.

Importantly, we have learnt to practise physical distancing as we have learnt the importance of basic personal hygiene measures, such as hand sanitisers. We will get more cases, but if we maintain our vigilance and do not become complacent, we can ensure that any future outbreaks can be contained. There is no room for complacency.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:44): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the Women's and Children's Hospital.

Leave granted.

The Hon. C. BONAROS: The iconic Women's and Children's Hospital is world renowned for very good reason, but with the Liberal government committed to building a new Women's and Children's Hospital in the near future there is increasing concern among the medical fraternity that the old hospital is virtually being ignored.

Earlier this year, a letter signed by 215 hospital doctors warned that services such as childhood cancer and neonatal were on the verge of collapse. We have also been advised that not only is general maintenance being wound back but, more critically, senior medical positions aren't being filled or replaced when GPs and specialists are on leave. Further, there is growing concern that the hospital's executive is making determinations about the new hospital without clinical engagement. My question to the minister is:

1. Have any business cases been made to the Women's and Children's Hospital since the 2018 state election for the employment of additional or vacant FTE medical officers and, if so, how many business cases have been submitted and have they resulted in the employment of additional staff?

2. Can the minister confirm the hospital's executive is consulting with clinicians in planning for the new hospital, and what is the extent of that consultation?

3. Can the minister outline the concerns that SASMOA has made to the hospital's executive about the lack of clinician engagement with that planning?

4. How does the government define what it called, during the election period, a 'new world-class hospital'?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): In relation to any business cases that have been presented to the government since 2018, it is a detailed question and I will provide the member with a detailed answer on notice. In terms of the issues raised by Women's and Children's Hospital staff, I would refer the honourable member to an answer I gave to the Leader of the Opposition earlier this year, when the Leader of the Opposition sought details of staff concerns and I provided that detail.

In terms of a world-class hospital, the very first element of a world-class hospital is our government's commitment to have a co-located Women's and Children's Hospital alongside the new Royal Adelaide Hospital. I would refer honourable member to the public statements the Treasurer made this morning on radio, where he reiterated the government's commitment to the Women's and Children's Hospital. We are in a very significant financial challenge as well as a very significant health challenge and I welcome the Treasurer's public reiteration again, which he has consistently done.

This government is determined to deliver that world-class hospital. As I said, the first criteria of a world-class hospital in relation to the Women's and Children's Hospital is to avoid the disaster of Labor's proposal to leave the children's hospital stranded at North Adelaide.

In relation to the hospital in the meantime, I would remind honourable members that this government has invested more than $50 million in sustainment works at the site and, more recently, in the context of the COVID-19 pandemic, has actually installed additional pods. I think, if my memory serves me correctly, there are nine treatment bays that have been added to the Women's and Children's Hospital to make sure that services for children are COVID-ready. That demonstrates, in my view, that this government is not going to neglect the current hospital as it plans an exciting future for the hospital at the North Terrace site.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:48): Supplementary question: can the minister confirm for the record:

1. Is the executive consulting with clinicians?

2. Of that budgetary figure that he referred to, how much is being used to release clinicians from their clinical roles to appropriately engage and consult on the clinical and staffing requirements of a new hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): My understanding is that, first of all, as I said in my answer to the honourable Leader of the Opposition which I referred the honourable member to earlier, there has been significant engagement with clinicians. Through the clinicians I met with at the end of last year, there was very broad agreement that clinicians need to be engaged not just in the new Women's and Children's Hospital project but also in the ongoing development of services.

But in terms of whether or not staff are specifically freed up in terms of remuneration, my understanding is that the practices being used in relation to the new Women's and Children's Hospital project are similar to other capital works projects in Health.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:49): Supplementary question: will the minister confirm what the budget is for releasing clinicians from their clinical roles to appropriately engage and consult on the clinical and staffing requirements for the new hospital under the current proposal?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): I am happy to take that on notice.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:50): Further supplementary arising from the original answer: can the minister also confirm whether the pods that he referred to were made available for staff as well as patients? Were there staff pods made available?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): I will certainly take on notice the particular staff arrangements, but let's be clear: those pods haven't been used. Unused pods don't need to be staffed.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:50): Supplementary: were the pods intended to be used for staff during the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): So the honourable member is asking me whether it's going to be used for staff. Let's put it this way: my understanding is the pods are going to be used for patients, and patients need staff to receive their care.

The PRESIDENT: Further supplementary question.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:51): Sorry, were there pods available for staffing arrangements? That's the question.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51): I don't understand your question, I am sorry.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:51): My question is to the Minister for Human Services regarding disability services. Minister, can you outline the details of any conversations you have had with any members of the family of Debbie Pearce, who died after an incident in state-run care, for which you are responsible—for which you are responsible?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): I will quite openly say that I have not directly spoken to the family, but my department, which has a—

Members interjecting:

The PRESIDENT: Order! The minister has been asked a question. The minister listened in silence; you will listen to the answer in silence.

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke and the Hon. Ms Scriven, you do not speak while I am speaking. Minister.

The Hon. J.M.A. LENSINK: Which has had a—

The Hon. K.J. Maher: Not once?

The PRESIDENT: The honourable Leader of the Opposition, I am concerned about your attention span. I have just given a direction; listen to it. Minister.

The Hon. J.M.A. LENSINK: My department has a relationship with all of the families who are within our care, so the contact with them is entirely appropriate, that they should continue to be a point of contact for these families.

The Hon. I.K. Hunter: Someone died and you didn't pick up the phone.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. C.M. Scriven: They don't even deserve a call from you; is that what you're saying?

The PRESIDENT: The Hon. Ms Scriven!

Members interjecting:

The PRESIDENT: Please sit down. Are we going to listen to the answer or are we going to just constantly interrupt so that there is no answer? Otherwise we will just move on. Minister, please continue.

The Hon. J.M.A. LENSINK: In contrast to the shadow minister for human services, I am a little bit disturbed that we are still trying to get to the bottom of what those conversations may have been with the family in the context of whether they were misled or misunderstood; that she may have been conducting her own investigation into this matter. So I am quite concerned on a range of levels about the activities of the member for Hurtle Vale, allegations—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —that have been raised in inappropriate circumstances, matters which are factually incorrect, which have been placed on the public record inappropriately, and which have subsequently been provided to the media.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (14:54): Supplementary question arising from the answer: minister, did it even once cross your mind that it might be a good idea to pick up the phone and talk to one of the members of Debbie Pearce's family?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I outlined yesterday that we do receive a number of CCIs. We also have a number of deaths that occur in our services.

The Hon. K.J. Maher: You said one in 2018 yesterday.

The Hon. J.M.A. LENSINK: Well, there are a number of—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher: Unbelievable.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: There are a number of deaths that occur across the 34,000 public housing properties that we own. We have 500 clients in our disability services accommodation. There is a range of people who are supported in a range of ways. I am not sure if the honourable member is suggesting that every time a death occurs within a service which is funded or regulated or operated by the state government that I should be picking up the phone. I would be spending an awful lot of time talking to a lot of families.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I have every confidence in my department and their existing rapport with their clients and their families and that they do an outstanding job in assisting people through what is—

The Hon. I.K. Hunter: Nothing to do with you then. It's operational, is it? It's operational.

The PRESIDENT: Order! The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: This family is grieving—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: They have lost someone they love, and the Labor Party for a second day in a row has been bringing these things into the parliament, in the public domain, using these matters as if they are some sort of political football in some sort of attempt to get a gotcha moment. Mr President, is that the standard of what we expect? Does the community of South Australia, indeed, expect that kind of behaviour? My answer to that is no.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:56): Supplementary arising from the answer: minister, have you even cared enough to call a single member of any family whose loved one has died under your watch under state-run disability care?

The PRESIDENT: Minister for Human Services.

The Hon. K.J. Maher: Once. Even once. Just once.

The PRESIDENT: Order! Minister, sit down. We are going to move on. You cannot ask a question and then immediately interrupt. I am not having it.

DISABILITY SERVICES

The Hon. D.G.E. HOOD (14:56): My question is to the Minister for Human Services. Can the minister outline what legal and/or policy constraints exist on what personal details can be shared publicly about individuals?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57): Thank you, Mr President, and I thank—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition, you are trying my patience to the end. Minister for Human Services.

The Hon. J.M.A. LENSINK: I will start again.

The PRESIDENT: Please.

The Hon. J.M.A. LENSINK: Thank you, Mr President, and I thank the honourable member for his excellent question. There are a number of legal and policy constraints on what can be shared publicly about individuals, and it would be good if the Labor Party could pay particular heed to these. The advice I have received from my department is that:

To protect confidentiality and minimise risk, it is generally recommended—

Members interjecting:

The Hon. J.M.A. LENSINK: No, to individuals.

The PRESIDENT: Order! Don't be diverted, minister, please.

The Hon. J.M.A. LENSINK: The advice is that:

…it is generally recommended that ministerial comments do not identify individuals and their circumstances. Particular attention should be given to the privacy of vulnerable individuals.

Premier and Cabinet Circular No. 12 sets out requirements under the Information Privacy Principles Instruction and regulates the way the State Government can disclose personal information.

Which is as follows:

You may not disclose personal information about someone for a purpose that is not the purpose of collection unless it falls under one of the below exceptions:

- That the record-subject would reasonably expect it to be disclosed for another purpose and that purpose is related to the primary purpose of collection,
- The record-subject has consented,
- You believe it to be reasonable to prevent or lessen a serious threat to life, health or safety of the record-subject or of someone else,
- Disclosure is required or authorised by law,
- Disclosure is reasonably necessary for enforcement of the criminal law, or a law imposing pecuniary penalty or the protection of public revenue, interests of the government, statutory authority or statutory office holder as an employer.

There are specific statutes as well which quite explicitly mean that anyone who is in a position to obtain information that is confidential should not disclose it. This includes child protection legislation, mental health, youth justice and SACAT.

The family did advise that they were grateful for the care their sister received. They advised that they don't have any concerns with staff at the service and do not want them to be blamed for her death. They also expressed that they did not wish for this to be a matter of media interest. They also did not wish for comparisons to be made with the tragic case of Ann Marie Smith.

I have advised that this matter is under investigation. I would repeat the fact that there are a number of allegations that have been aired by the Leader of the Opposition and the member for Hurtle Vale which are not correct and, in fact, I was somewhat concerned when the honourable member raised these yesterday, and I asked him whether he would ensure that they were provided forthwith. It appears from the shadow minister's own media release that some of these allegations were made on 1 June. I was not advised of this information. The shadow minister had specific allegations—

The Hon. K.J. Maher: Because you don't ask, you're not interested, you're not serious.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —that she sat on for over two weeks—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —specific, disturbing allegations that she sat on for two weeks because that is how much—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —she cares about the welfare and wellbeing of vulnerable South Australians.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The email of 1 June from a whistleblower sent to the Hurtle Vale electorate office over two weeks ago.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: We all have a duty of care. The member for Hurtle Vale—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —loves to remind everyone that she is a caring person because she's a nurse. Well, what—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —kind of duty of care does it demonstrate to have allegations of that nature and not provide them to—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —people who could follow up these matters? I think that raises a great deal of concern.

Members interjecting:

The PRESIDENT: Order! Minister, sit down. Question time is an opportunity for the opposition to ask questions, and the crossbench, and certainly members of the government. The questions are almost invariably asked and listened to in silence. The answers should also be listened to in silence. I am not going to continue to have this rabble. I will not deny the crossbench their questions. If this keeps up, I will just go straight to the crossbench, and I will listen to their questions for the rest of question time. Minister, please conclude your answer and let's move on.

The Hon. J.M.A. LENSINK: I am nearly finished, Mr President. I note that the member for Hurtle Vale posted a story about this page on her Facebook page. She received a comment from Kelly Vincent, which appears to have been deleted, but can I just echo Kelly's comments to the member for Hurtle Vale: you are profiting from grief and it's disgusting.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:02): Supplementary arising from the answer: minister, are there are any legal or policy constraints that you're aware of that prevent a minister misrepresenting the views of a family of someone who has died under her watch in her care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:02): I understand that this is some line of questioning that the honourable member has probably been provided by the member for Hurtle Vale. She frequently misrepresents information. I stand by what my department has advised me.

POLICE, RACISM

The Hon. T.A. FRANKS (15:03): We are going straight from a Labor question to a crossbench question.

The PRESIDENT: No, it was a supplementary, but thanks for checking on that.

The Hon. T.A. FRANKS: Thank you, Mr President. I seek leave to make a brief explanation before addressing a question to the minister representing the Minister for Police, the Minister for Health and Wellbeing in this case, on the topic of whether SAPOL has a racism problem.

Leave granted.

The Hon. T.A. FRANKS: In 2016, the Equal Opportunity Commission was commissioned by SAPOL to do a review about the nature and extent of sex discrimination, sexual harassment and predatory behaviour within SAPOL, and to make recommendations to address it, something they have now done after three reports. I note that the results state, in the media release from the EO Commission:

The review found that sex discrimination and sexual harassment of women—and anyone else that doesn't fit the white macho male stereotype—is commonplace in SAPOL, including amongst supervisors and managers.

I note that in the past week we have seen two officers put on administrative duties post the event in Kilburn on Monday night, where a young Aboriginal man was punched in the head while being detained and then later released with no charge. I also note that this morning the police commissioner has had to apologise for the racist remarks made by a SAPOL officer to a Sudanese-Australian woman.

I note that each time these events have occurred the SAPOL commissioner and the police minister have both said that SAPOL does not have a racism problem. However, former SAPOL officer Ms Capponi told Ali Clarke on ABC radio late last year, as a former officer who had worked on Operation Mandrake, that SAPOL did indeed have a racism problem. She noted that she was treated quite appallingly, and to the point where she had to quit the police force because her partner was Aboriginal. She said:

I remember pretty much the first week of having graduated from the police academy, we were walking down Hindley Street, and I remember one of my supervisors at the time said 'It's not racism, it's stereotyping that we do'.

She went on to tell Ali Clarke, 'That stuck with me—it is racism—it's not stereotyping.'

Noting that while SAPOL has also rejected cross-cultural awareness training offered by Aboriginal leader Haydyn Bromley, and has stated that they prefer to do their cross-cultural training in house without Aboriginal leadership, my questions are:

1. Does SAPOL have a racism problem, and do they call it a stereotyping problem?

2. Do they racially profile, and will they undertake and commission the EO commissioner to do the same body of work to address this issue that they have done with the sexual harassment and sexist behaviour that SAPOL clearly had and is now addressing?

3. Will SAPOL admit they have a racism problem so that they can fix that racism problem?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I thank the honourable member for her question. I will be quite up-front and say that this government and SA Police reject racism in every form. I will refer the honourable member's question to the minister and provide a response.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (15:06): My question is to the Minister for Human Services regarding disability services. If it, in fact, transpires that the statement purported to be released from the family of Debbie Pearce turns out to be either a misrepresentation or not approved by the family, will you let your staff take the fall for you?

The PRESIDENT: Minister, you will not answer that. It is a hypothetical question. We did that yesterday.

The Hon. K.J. Maher: You can answer if you want.

The PRESIDENT: No.

Members interjecting:

The PRESIDENT: Order! She is not going to answer the question; it was a hypothetical question.

The Hon. J.M.A. Lensink interjecting:

The PRESIDENT: Minister!

Members interjecting:

The PRESIDENT: Minister, please; enough. The Hon. Ms Centofanti has the call.

LANDING PAD PROGRAM

The Hon. N.J. CENTOFANTI (15:07): My question is to the Minister for Trade and Investment. Can the minister provide an update on the South Australian Landing Pad program?

The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (15:08): I thank the honourable member for her ongoing interest in our wonderful program, being the South Australian Landing Pad program, which was established in 2019 by the Marshall Liberal government to assist businesses to expand in our state. The program proactively targets companies with high-growth potential and synergies with our own key growth sectors, creating connections between suppliers, retailers, customers and markets.

I am very pleased to announce today that the next business to receive a South Australian Landing Pad grant is a company called Cellr. Cellr has created a world-first technology in innovative bottle lids that guarantees the origin and authenticity of the contents to ensure the product remains tamperproof along the supply chain.

Cellr's founders created the technology to help combat counterfeit wine operations. Over 20 per cent of the $70 billion of the global $350 billion wine industry is comprised of counterfeit wine. Cellr's bottle lids help wine producers protect their IP through track and trace capabilities that manage inventory more easily and allow consumers to confirm a wine's credentials and origin.

The technology leverages near field communication and radio frequency identification, and is uniquely embedded within the lid as opposed to imperfect cosmetic solutions like QR codes, stickers and invisible inks. The company has also created a customer engagement app where users can scan a product from anywhere in the world to find out its origin and engage directly with the brand.

Both of these technologies will no doubt create significant value for wine producers—just one of the reasons Cellr relocated their headquarters from Western Australia to Stone and Chalk at Lot Fourteen. Eighty per cent of the premium Australian wine is produced here, and more than 50 per cent is bottled here. Furthermore, Lot Fourteen has created an attractive ecosystem of similar start-up and scale-up businesses in the high-growth sector. The Landing Pad program was the final piece of the puzzle in incentivising Cellr to set up in South Australia.

Businesses that apply to the South Australian Landing Pads program can access up to $80,000 to help reimburse working space and professional services costs. As part of the program, successful applicants also have access to bespoke case management services through the Department for Trade and Investment. Cellr has now its first employee, located at Stone and Chalk at Lot Fourteen, and will be using their Landing Pad funding to expand up to 16 FTEs over the next three to five years.

The Landing Pad program aims to smooth the process of setting up in a new country or a new state and at the same time helps create jobs for South Australia and boosts our local economy. Once again, I welcome Cellr to Lot Fourteen and to South Australia.

BUDGET FORECAST

The Hon. F. PANGALLO (15:10): My question is to the Treasurer. Regarding your horrific budget forecasts for 2019-20 and beyond, would the South Australian government support a rise in the GST and/or a tax levy? Has this measure been recently canvassed or proposed by the federal Treasurer and the Prime Minister in light of the dire economic forecasts caused by the pandemic?

The Hon. R.I. LUCAS (Treasurer) (15:11): There is a very easy answer to this: no and no.

PEARCE, MS D.A.

The Hon. K.J. MAHER (Leader of the Opposition) (15:11): My question is to the Minister for Human Services, regarding disability services. Minister, are you still confident that the statement purportedly released by the family of Debbie Pearce is accurate, represents their views and was approved by the family?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:11): I have responded to this question already.

REAL-TIME PRESCRIPTION MONITORING

The Hon. J.S. LEE (15:12): My question is directed to the Minister for Health and Wellbeing. Can the minister please update the council on how the Marshall government is helping to protect South Australians against the misuse of prescription drugs?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I thank the honourable member for her question. The Marshall Liberal government was elected with a commitment to reduce the misuse of prescription drugs through the introduction of real-time prescription monitoring. The government has delivered on that commitment with a $7.5 million investment to implement a real-time prescription monitoring system for schedule 8 medicines in South Australia. This system will help reduce the risk of addiction, overdoses and death associated with the use of these controlled medicines.

In another milestone, Fred IT has been awarded the contract to implement South Australia's IT system to deliver real-time monitoring. Fred IT is the largest dedicated IT provider to the pharmacy industry in Australia. It has also been appointed by the commonwealth government to design, build and deliver the National Data Exchange component of the National Real Time Prescription Monitoring system. Using the IT solution that will be developed, South Australia's real-time reporting will assist doctors and pharmacists to identify patients who are at risk of harm from dependency, misuse or abuse of high-risk medicines and patients who are diverting these medicines. The system will provide an instant alert to doctors and pharmacists, through their clinician software, if patients have previously been supplied with a high-risk medicine.

Australian jurisdictions that implement a real-time prescription monitoring system will be able to link to the commonwealth-managed National Data Exchange to address prescription forgery, misuse and doctor shopping of controlled drugs across Australia. The National Data Exchange will capture information from state and territory regulatory systems prescribing and dispensing software and a range of external data sources to provide real-time detection and alerting for regulators, pharmacists, doctors and other health professionals. The Marshall Liberal government is delivering on this commitment to protect South Australians from the misuse of prescription drugs, and I look forward to the further implementation of the system.

HOMEBUILDER PROGRAM

The Hon. M.C. PARNELL (15:14): I seek leave to make a brief explanation before asking a question of the Treasurer about HomeBuilder grants.

Leave granted.

The Hon. M.C. PARNELL: The *Financial Review* on Monday afternoon reported that the HomeBuilder grant scheme effectively was not operating. Under the heading, '"Frustrating": State delays hold up HomeBuilder grants', the *Financial Review* said:

> Inquiries for the HomeBuilder's grant are mounting, but mortgage brokers say they are yet to get any borrower across the line due to state and federal government delays in releasing details on how to access the money.

The quote from Susan Mitchell, the chief executive of Mortgage Choice was:

> We haven't been able to process one successfully because the states have yet to sign up.

Another quote from Susan Mitchell:

> Once the states sign up, then the banks will figure out how to use the grant and how it works into the loan process.
>
> But I don't think any of the states have signed up yet. It's frustrating for everybody.

My question of the Treasurer is: has South Australia signed up, and when will applicants and their mortgage lenders be able to access the scheme?

The Hon. R.I. LUCAS (Treasurer) (15:16): The answer to the question is: no, we haven't yet, but it is imminent, if I can use an accurate descriptor of where we are up to. The Board of Treasurers discussed the issue last evening in a teleconference, and the Board of Treasurers is the state and territory treasurers, minus the federal Treasurer.

It is fair to say that some jurisdictions do have a number of issues. Whilst South Australia understands the particular concerns, we are prepared to move more imminently and quickly perhaps than some of the others. Nevertheless we accept that some of the jurisdictions are wanting to ask of the federal government whether there is a willingness to amend slightly the terms of the proposed national partnership agreement that has been put to the states.

Put in its simplest form, the federal government is proposing to pay the funds, but it is requiring of the states and territories to implement the scheme and therefore to pick up the costs of implementing the scheme. A number of significant issues have been raised by stakeholders, and some have been well publicised, in particular the concern about the three-month rule, which is that to qualify for the grant you have to have commenced the construction of the new building within three months of the contract.

Because of significant concerns about planning approvals, but more particularly in terms of obtaining finance, there are significant concerns that potentially otherwise eligible customers may well find themselves being refused permission for the grant because they time out on the three-month provision. We have only had the draft agreement from the commonwealth for a little over a week—it seems that it was announced months ago, but I think it was only a week to two weeks ago, or something—and in the original proposal from the commonwealth there was a very strict three-month provision.

South Australia, together with a number of other jurisdictions, went back to the commonwealth and said, 'We think this is unreasonable and you may well find that the policy purpose you want will be negatively influenced by the strict interpretation you have put in the agreement.' To their credit, and I think I might have referred to this earlier this week in response to another question, the commonwealth further amended the agreement and essentially has left it back on the states to make a judgement in, I think it says something like 'unforeseen circumstances' or something, so it will now be up to the states to make that difficult decision as to what constitutes an unforeseen circumstance.

We were seeking more clarity in terms of the extension of time, maybe a time period or something like that. Nevertheless, we welcomed the fact that there was some movement. There have been a number of examples like that, in terms of, 'Well, why haven't you signed the agreement we have plonked on the table within 48 hours of its being announced by the federal government?', but there have been good reasons why we have come back to them.

The Hon. Mr Ngo asked an excellent question yesterday in relation to eligibility criteria. I think my colleague the Hon. Jing Lee has raised this issue with me as well, but other states also, and that is that the eligibility for our First Home Owner Grant is for Australian citizens but also permanent residents, a much broader category.

The commonwealth government's eligibility says permanent residents are not eligible for the $25,000, only Australian citizens. We have said for uniformity of application of this, that is, to say to a group of people, 'Here is $40,000 now instead of $15,000,' it would make sense to make it uniform. The commonwealth government in that particular area has not been prepared to further amend the agreement.

There are now significant issues being raised by some states more strenuously than perhaps we in South Australia in relation to the fact that it will now be the states and territories that have to make the difficult decision to say no to a whole range of people, given the current drafting of the agreement.

If, for example, the state government was to give a grant to someone which was then criticised in the media, that that person was ineligible, the state government will be the one that will be in the firing line, because the commonwealth government will say, 'We just put the money up. It is the states who are administering the scheme. Go and speak to the state government in relation to why they gave this particular person a $25,000 grant.'

The reason I raise the issue about that is that a number of the other state jurisdictions, Labor and Liberal, have raised that particular issue as a significant concern for them. One of the issues is what constitutes the commencement of construction? It is not defined and some of the industry

stakeholders have said that if, for example, the builder just happens to put a flag in the sand, that is, turns the first sod, and then doesn't return to commence the actual construction until two months later, does that constitute the commencement of construction?

What deems the commencement of construction and who will be interpreting the commencement of construction? That is undefined in the legislation. Some of the other states are saying, 'If we allow this particular grant to go ahead and there is criticism in the media about it, will the federal government then just say, "It's the state that has actually wrongly given this particular person or builder approval to go ahead."'?

So some of the state and territory governments are saying to the commonwealth, 'Hold on, that seems unfair or unreasonable. Maybe if you better defined exactly what you mean by 'commencement'—is it laying the slab, is it whatever it is, as to your definition?' Thus far, the commonwealth has not been prepared to better define those issues.

It is an easy and a cheap shot in the Eastern States newspapers to say that state and territory governments are being intransigent. We are not; we are very anxious to get this money out there as quickly as possible. As I said, we in South Australia are less concerned about some of these issues. We will go with the flow, and if we are going to get attacked by the media or the opposition or commentators about having given a grant out, we are prepared to defend the decision that we take. We will push back and say, 'The federal government didn't define it. We have done the best that we can in relation to it.'

Whilst this is a long answer, it is an important question. I have discussed it with my cabinet colleagues and, without going into the discussion with cabinet colleagues, I do have authority now to see whether or not we can get further quick agreement from the commonwealth to change one particular provision in the agreement. If that is the case, that would be welcomed, not only by South Australia but by other jurisdictions, but we don't intend to let the federal government saying no to that particular request prevent us from indicating that we are now prepared to go ahead and proceed.

I would hope that by no later than early next week I will have signed the agreement on behalf of the South Australian government and that soon after that we can actually get RevenueSA, which is going to have to pick up the load in relation to this, organised to start getting the funds out there and start processing the applications.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:24): 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: In this place yesterday, the minister raised an issue about a former minister not being notified when a child was raped at a western suburbs school. The minister spoke about her own conduct regarding notification of critical incidents and I quote the minister when she said:

> …I demanded—I insisted—being on this list. When I was a new minister in this government…I said to my CE that I wanted to be on the list.

Minister, have you been informed of any person living with a disability having been raped or sexually assaulted in a state-run disability care facility for which you are responsible?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:25): I receive a number of these critical incidents, which relate to a whole range of matters. Sometimes they are of that nature and sometimes they relate to other forms of abuse.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:25): Supplementary arising from the answer: in your time as minister, how many notifications have you received of a person living with a disability being raped in a state-run disability care facility?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:25): I would need to double-check the record. In terms of the process, I have outlined the different steps that are taken. Of course, on the matters in the period prior to the full transition, which was 1 July 2019, the Department of Human Services was still funding a range of non-government services as well.

A lot of these matters clearly need to be investigated. Sometimes people make allegations. They all need to be properly followed up and, if necessary, reports made to the police. In terms of that specific whether, how and what process that transitioned to, I would need to check the records, but I do receive a diverse amount of CCIs from the agencies for which I am responsible.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:26): Supplementary arising from the original answer: minister, are you aware of an instance where a person has been convicted of a rape that occurred at a state-run disability care facility?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:27): I have indicated that I am happy to bring back any information that I am able to provide in relation to the critical client incidents and those relevant issues.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (15:27): Finally supplementary: just to be clear, minister, are you aware of a single incident where someone has been convicted of a rape in a state-run disability care facility?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:27): I have answered this question.

The Hon. K.J. Maher: No, you haven't.

The Hon. J.M.A. LENSINK: I have.

STATE ECONOMY

The Hon. D.G.E. HOOD (15:27): My question is to the Treasurer. Given the COVID-19 induced increase in state debt, can the Treasurer outline details of the interest payable on recent state borrowings?

Members interjecting:

The PRESIDENT: Order! Treasurer, sit down, please. Minister, the honourable Leader of the Opposition, the Treasurer has been asked a question and he will be heard in silence. Treasurer.

The Hon. R.I. Lucas: My early-onset dementia—I have forgotten the question.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS (Treasurer) (15:28): The honourable member's question related to interest rates and state debt.

An honourable member: Are you sure?

The Hon. R.I. LUCAS: I think I am. The member rightly pointed, in my ministerial statement, to the significant increase in state debt and I have been asked today in the media, by various sections of the media, about interest borrowing rates on state government debt to help fund this. The only slightly silver lining on the otherwise gloomy debt deficit projections as a result of COVID-19 is that we are in a historically low interest rate environment.

The South Australian Government Financing Authority (SAFA) has advised me that this financial year—we are almost at the end—we the state, on behalf of the taxpayers, have borrowed $5.26 billion in the market and our average interest rate has been 1.3 per cent.

Depending on the length of the borrowing, in the current market some of our longer term borrowings are up to 12 years and the average interest rate on some of those tranches of borrowings

have been as high as 1.8 per cent and 1.9 per cent. But some of our borrowings over shorter periods of two and three years have been as low as 0.695 per cent, which was a borrowing of almost half a billion dollars over a much shorter term, and 0.91 per cent, which was a borrowing of $628 million for a period of about four years.

Depending on the length of the bond or the borrowing, the interest rate clearly has varied. I will say two other things. I give credit to Andrew Kennedy from SAFA, who is a very hardworking public servant in SAFA, and the members of his team. They have been at the forefront of a bond called AONIA, which is an acronym for Australia overnight interbank average. I am sure everyone is aware of that; I even had to double-check.

That innovative borrowing rate varies on a quarterly basis and has been taken out for three years. I think we borrowed $1.26 billion only recently on that and the first quarterly interest rate on that was at 0.4 per cent. The estimate over the duration of the bond—at this stage it is only an estimate because it varies on a quarterly basis and will depend on the overnight rate between banks—is that it will average somewhere between 0.4 per cent and 0.6 per cent for $1.26 billion of funding, to help fund the state's debt.

Clearly, the state, given its credit rating—and the credit rating of all states and territories will be, I suspect, closely scrutinised and potentially placed on negative watch as a result of the significant increases in the level of state debt. Nevertheless, it hasn't prevented the market from recognising the quality of the offerings that the South Australian government, through SAFA, puts out into the marketplace. The innovation of the product offering through this AONIA product, as I said, is being closely monitored by other equivalent bodies in other state and territory jurisdictions, but in that respect it helps keep what would otherwise be much more significant increases in interest payments on our significantly increased debt at much lower levels than they might otherwise have been.

The final point I will make is that in a recent either Board of Treasurers teleconference or the Council on Federal Financial Relations (CFFR) teleconference, which does include the federal Treasurer, Josh Frydenberg—so I suspect it was probably the CFFR teleconference—the Reserve Bank Governor, Philip Lowe, participated and made a presentation. He made clear in that private forum very much the same views he has made clear in a public forum, which is that he and they envisage, for the foreseeable future, the historically low level of interest rates that we are currently enjoying.

Whilst one can't ever dictate decades hence, and clearly over the long term this state—for those of you young enough to last beyond the election of 2022, says he looking around the chamber at the younger members of this particular group, because I will not be here—there will be a long-term challenge to slowly pay down the level of the state's debt. Hopefully, none of you younger members ever have to confront a global pandemic like COVID-19 again and that the health costs and the economic and budget costs are not inflicted upon those of you young enough to survive beyond the 2022 state election.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (15:34): I seek leave to ask the Minister for Health and Wellbeing a question about the Women's and Children's Hospital.

The PRESIDENT: Do you want to make a brief explanation?

The Hon. C. BONAROS: Yes, I do, Mr President.

Leave granted.

The Hon. C. BONAROS: Actually, I will refer the minister to the brief explanation I made earlier regarding concerns about positions not being filled at the hospital, about the hospital being run down to the verge of collapse, pleas for equipment—critical equipment—to be provided to the hospital and the lack thereof and in relation specifically to the issue of pods, and I ask the minister:

1. Has your government made available a budget to staff the pods at the Women's and Children's Hospital; that is, for staffing arrangements so that they can become operational?

2. If so, how much is that budget and, if not, why hasn't that been done?

3. Has the minister undertaken to consult with doctors over the concerns that were raised in the letter signed by 215 doctors concerning the issues I have raised today?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:35): I thank the honourable member for her question. If I might start with the consultation, certainly when I received the correspondence last year and also when I met with the clinicians, there were a number of issues raised, and I know that discussions have been going on in relation to a number of those issues since. I can certainly seek an update and provide that—take that on notice and provide the honourable member with a more detailed answer.

In terms of the pods, if I could make it clear: the pods are part of the reserve capacity for COVID-19. My understanding, for example, is there is actually, very sadly, a child interstate who has got COVID and is in hospital. Even with a relatively low level of COVID-19 in Australia, we need to be ready for every eventuality, so those pods are still available.

We have a whole range of facilities: the ECH College Grove, the Wakefield hospital, the Repat site and the pods at the facility at Women's and Children's that are on stand-by. They are not staffed because they are not open. I would remind honourable members of the extraordinarily generous response of the nurses of South Australia who don't work in SA Health but have recorded their willingness to support the state in its COVID-19 response.

One of the ways that we will be staffing the facilities as they are needed will be using capacity within our own workforce to the extent that we need to. We may well be engaging staff from those pools. Also, I would remind honourable members that we have, under the COVID NPA—sorry, I might rephrase that. It might not be COVID NPA, but certainly with the commonwealth agreement with the states and the private hospitals, we also have the capacity to engage staff from private hospitals. So certainly for those groups of facilities it is not as though we have staff waiting on the sidelines with rosters ready to go.

The Hon. C. Bonaros: Budget.

The Hon. S.G. WADE: Well, again—sorry, it would be disorderly for me to respond to an interjection, but there have been plans made for some of the facilities in terms of staffing models, and they would, if you like, have budget implications. But as the honourable Treasurer knows, I come back and seek the money as I have the need. Considering that we don't have a single person in hospital in South Australia in relation to COVID-19, there are no budget implications.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! You, out. Away you go. Go on.

The Hon. I.K. Hunter having withdrawn from the chamber:

Bills

LIQUOR LICENSING (LIQUOR PRODUCTION AND SALES LICENCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 June 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:39): I rise to speak on this bill. The government has urgently moved this bill in the Legislative Council in the same week that it passed the House of Assembly. It was not in the weekly correspondence from the Leader of the Government to the opposition and the crossbench that normally guides our proceedings.

Whilst moving so quickly on a bill would usually represent an egregious breach of the conventions which help this chamber run smoothly, the opposition understands there are special circumstances. We are advised by the government that all non-government members in this chamber

have indicated unanimous support for the progression of this bill this week, and that provides some comfort in stepping outside the standard practices of this council.

Despite the very short time frame, the opposition has received advice from some stakeholders, including the Australian Hotels Association (SA) and the Wine Industry Association, supporting the government's proposal. As has been set out, this bill is deemed urgent because there are reportedly numerous liquor licence applications from a supermarket that have caused concern. These apparently seek to exploit a loophole in a specific licence that is intended for use by genuine producers.

This bill seeks to close this loophole by amending the liquor production and sales licence category in section 39 of the act. It seeks to prevent the sale of alcohol from supermarkets, convenience stores and delis, or at least those ordinarily known and advertised as such. It seeks to limit direct sales, including online and mail orders. In this area, the bill will limit sales to the licensee's product only, except in the case of a wholesale transaction where the volume of liquor sold is 4.5 litres or more.

The bill also makes changes to section 22 that deal with the applications of the commissioner, specifically by amending section 22(1)(c) of the act. It will allow any party to make an application to the court, where the court allows it. This expanded capacity will apply in all circumstances, except those handled under section 22(1)(a) and section 22(1)(b). These sections deal with applications where the commissioner held a hearing in relation to an application and decisions relating to designated applications such as those for pubs and hotels.

It is not immediately clear whether this additional change about the expanded court access is as critical as the change to the specific licence provision, but I trust the government will go into further detail during the second reading sum-up or the committee stage.

Whilst I indicate the opposition is supportive of this bill, there are a couple of questions that we will seek answers to and an assurance given during the second reading summary or during the committee stage. Specifically, how can we be certain that no genuine producers will be made ineligible for this licence as a result of the change? Have any other applications from supermarkets or similar retailers been received or dealt with prior to those that have caused the government to seek this urgent change in the law? Having said that and with those couple of questions being answered, we will be supporting the swift passage of this legislation.

The Hon. C. BONAROS (15:43): I rise to speak in support of the Liquor Licensing (Liquor Production and Sales Licence) Amendment Bill 2020. The bill, as we know, seeks to amend limited provisions of the Liquor Licensing Act 1997. I have made it clear from the outset what our long-held position has been on the sale of alcohol in supermarkets and the concerns around opening the floodgates for the sale of alcohol at the expense of boutique wineries, cellar doors and, of course, independent bottle shops.

Restrictions on the physical availability of alcohol and reduced outlet density are also a proven way to reduce consumption and alcohol-related harm. These are very important factors, but this is a debate for another day. The bill addresses a very specific liquor licensing issue, and we have been asked to deal with it as a matter of urgency. It closes a loophole that would otherwise create a very uneven playing field for one supermarket giant over others.

As I understand it, there are currently outstanding matters before the Licensing Court in relation to applications by Aldi for producers' licences for six of its stores. It is worth noting that the applications were made under the old licensing scheme, and a decision is expected imminently. I understand Aldi has purchased its own wineries and has no plans to sell other wine labels in its stores.

The government has made it very clear that it is anxious to make these legislative amendments before any decision is handed down by the Licensing Court. Of course, the amendments are retrospective and are intended to capture that outstanding matter.

As I said, the licence applications were made under the old scheme. The new licence category commenced on 18 November last year, and I think it is correct to say that had the Aldi applications been made today they would have been subject to the new community impact test that

imposes a significantly higher threshold on any applicant—and rightly so. It replaces the needs test, as recommended by an independent review of South Australian liquor licensing laws conducted by former Supreme Court Justice Anderson in 2016.

The Commissioner for Consumer and Business Services has issued community impact assessment guidelines pursuant to section 53B of the Liquor Licensing Act. The guidelines outline the considerations given in granting applications for a packaged liquor sales licence and other high-risk licence applications.

They include potential harm to the community as well as social, cultural, employment and tourism impacts in a similar vein to those that relate to poker machines. The onus is on the applicant to satisfy the commissioner in the absence of a waiver, and we welcome the high threshold. High-risk licences are just that; they have the potential to create greater harm to the community.

In relation to this particular bill, the government informs me that it has sought to consult with a number of key stakeholders, including the SA Wine Industry Association, the Department for Trade and Investment, various peak wine bodies and, I believe, our long-time adversary the Australian Hotels Association. All appear to have remained silent on this issue, but I think it is safe to assume that none would oppose the move by the government to tighten this loophole.

It goes without saying that the AHA will back any move to zealously protect its market share, and I suspect this bill falls fairly and squarely within that category. As all in this chamber already know, it is extremely rare—if ever—that SA-Best aligns with the AHA on any view, but I think it is fair to say that in this instance there are obviously very vested interests on the part of the AHA for doing so.

Mr President, I noted your interest in this particular issue. I can say that I have previously worked on an application concerning a transfer of licence where I also appeared before the court on the same side as hoteliers because they objected to an application—again, not because they agreed with us that we did not need more poker machines in that instance, but because they just did not want more competition. When it suits the AHA we know they will come to the party and back proposals that back their membership. That is factual.

We continue to take issue with the AHA's significant lobbying power in relation to poker machines in this state and, indeed, its stranglehold over both the Liberal government and the Labor opposition, driven of course by its extremely generous donations to both. However, that is an argument for another day.

In contemplating the bill at hand we have regard for its very limited focus. The power of Aldi, and indeed all the supermarket giants, needs to be kept in check. Allowing the exploitation of an unintentional loophole would have dire consequences for competition in South Australia. It would be detrimental to allow Aldi's presumably cheap, home brand wines to fly off their shelves. That is not what we, the community, needs right now—or, in my view, at any point in time.

For those reasons, SA-Best supports this bill and the amendments proposed by the government. However, I make it clear, again, that this is a very limited debate that relates specifically to that case. Had it been any broader we would have insisted that we have more time to debate it.

The Hon. F. PANGALLO (15:49): While my colleague has indicated our support, I must view this step with some cynicism. This government, as have Labor, have made their intentions clear about the sale of alcohol in supermarkets, and it would not surprise me if there has been intense lobbying on this from their generous election benefactors, the Australian Hotels Association and of course other elements in the liquor and hospitality industry dependent on door sales.

This bill does close a loophole that the clever legal eagles at Aldi supermarkets sought to exploit. We are being asked to push it through with retrospectivity, no doubt before a decision on Aldi's application is handed down by the Licensing Court. It is rhetoric promoting shopping hours deregulation. The Treasurer often points to the eastern seaboard supermarkets to amplify his argument, even though various reports would suggest it could result in an increase in prices and a negligible rise in jobs, but that is debatable, too.

If I am to gaze into my crystal ball of cynicism, I see the Treasurer bringing back his trading hours bill soon. If he were to be consistent in his comparisons with the Eastern States, he would entertain what they also do in supermarkets, and that is that they sell alcohol on their shelves. The world has not caved in on bottle shops, liquor retailers or winery cellar doors in those states. If anything, it provides a competitive market for the sale of liquor and opportunities for small boutique wineries and distillers to get much-needed exposure for their products.

South Australia is one of Australia's leading wine regions. It has many world-class brands and produces world-class wines and spirits, and we also have several acclaimed small wine producers and breweries. They all have a right to get their products widely exposed and promoted without having to pay exorbitant fees to the big retailers, some of whom have already cornered the liquor retail sector with their own outlets and hotels, many with electronic gaming machines.

Smaller supermarket operators have indicated to me that the ability to sell liquor could help alleviate any financial losses incurred, should trading hours ever be deregulated. As my colleague has indicated, this issue will probably be for another occasion. I would hope that the passage of this bill does not eventually signal that any hope that liquor would one day be sold in our supermarkets is extinguished. With that, as indicated by my colleague the Hon. Connie Bonaros, we support this bill.

The Hon. T.A. FRANKS (15:53): For the sake of the record, the Greens do support this bill. We simply put that on the record, noting that this is an unusual process but that we appreciate the various time pressures upon us today due to the court proceedings.

The Hon. R.I. LUCAS (Treasurer) (15:53): I thank all honourable members for their contributions to the second reading, and I reiterate, as I have done to all members privately, that if any member of this chamber, Labor or crossbench, had said to me, as Leader of the Government, that they were unwilling or unprepared to proceed with this debate this week, I would not have persisted and the government would not have persisted.

I gave that undertaking privately and I put it on the public record that we would proceed only if everyone agreed to proceed and to support. So I thank the honourable members for that. As each of the three members—the Hon. Ms Bonaros, the Hon. Mr Pangallo and the Hon. Ms Franks—have briefly indicated, the reason for this is that there is a current case. There may well be others, but there is certainly one at the moment and this matter is to resolve that particular issue.

The Attorney-General issued a statement on behalf of the government on 13 May, 'Liquor licensing loopholes to be shut.' I will not read all that because the Hon. Ms Bonaros in her contribution more than adequately placed on the public record the position of which the government, through the Attorney-General and her advisers, had advised SA-Best.

I repeat that the advice that SA-Best and other members were provided by the Attorney and/or her officers is a fair reflection of the government's position and a fair reflection of the reasons the government has asked members to consider debating and passing this bill today.

I know this was an issue the honourable Leader of the Opposition raised with me, so I place on the record that the advice that has now been placed on the record by the Hon. Ms Bonaros and the Hon. Mr Pangallo is a fair reflection of the advice and views of the government, the Attorney-General and her officers in relation to the need for the legislation before us today.

With that, I thank honourable members. I know there have been veiled references about other issues, which I will leave for another occasion, other bills and other debates. We will leave this one to this particular issue. I will not take up the invitation to explore other very interesting avenues of debate and discussion.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (15:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SINGLE-USE AND OTHER PLASTIC PRODUCTS (WASTE AVOIDANCE) BILL

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:58): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Single-use and Other Plastic Products (Waste Avoidance) Bill 2020 to the Legislative Council on behalf of the Minister for Environment and Water.

This Bill restricts and prohibits certain single-use and other plastic products. By doing so, it promotes better waste management practices, including reducing marine and other litter, and supports the waste management hierarchy and principles of the circular economy.

This legislation demonstrates South Australia's continued leadership in waste management and resource recovery.

It also fulfils the government's commitment to take action following the overwhelming sentiment expressed by the community in response to the *Turning the tide on single-use plastic products* discussion paper.

The message was clear—South Australians are concerned about the impacts of single-use and other plastics, and want the government to take action.

The Bill has been developed in accordance with the Minister for Environment and Water's July 2019 announcement to develop legislation to address single-use and other plastic products, and has undergone consultation with a stakeholder taskforce as well as publicly. A summary of submissions received and the government's response has been published on the Green Industries SA website.

The Bill prohibits the sale, supply or distribution of:

- single-use plastic drinking straws;
- single-use plastic cutlery;
- single-use plastic drink stirrers;
- expanded polystyrene cups;
- expanded polystyrene bowls;
- expanded polystyrene plates; and
- expanded polystyrene clam-shell containers.

The Bill also prohibits the manufacture, production, sale, supply or distribution of all products made of oxo-degradable plastic.

These are the plastic products that have additives to accelerate their breakdown into smaller pieces, which continue to exist in the environment for a very long time, contributing to global micro-plastic pollution. These products are not compostable, create confusion amongst the community and should be prohibited.

In feedback on the *Turning the tide* discussion paper, the community suggested a number of other products for government intervention.

The Minister for Environment and Water has already identified some products for further consideration. These include takeaway coffee cups, plastic bags and other takeaway food service items.

Members of this chamber will likely have their own suggestions as well as from their constituents.

In accordance with the Minister for Environment and Water's announcement last year, this Bill establishes a framework to consider additional products for inclusion in the legislation.

The framework comprises public consultation to consider the reasons the product is being considered, the availability of alternative products, and potential exemptions that may be required. This will ensure impacts to businesses and the community are considered prior to adding other products to the legislation.

Subject to passage through Parliament, the legislation will come into operation via proclamation.

On commencement, single-use plastic drinking straws, cutlery, and drink stirrers will be prohibited from sale, supply or distribution.

Following a period of 12 months, expanded polystyrene cups, bowls, plates and clam-shell containers, and oxo-degradable plastic products will be prohibited.

I understand the Minister for Environment and Water has considered feedback from consultation on the draft Bill regarding commencement timeframes, and also taken into account that the government's intentions regarding the products listed in the Bill were made clear in the July 2019 announcement.

When introducing the Bill to the House of Assembly, the Minister advised that he had determined that six months from the date of royal assent is sufficient for businesses to transition to alternative products for the initial prohibited products. This provides 18 months for businesses to make transitional arrangements for the other prohibited products.

However, due to the coronavirus pandemic, the Minister also advised that he will give consideration to commencing the legislation at a later date to be cognisant of businesses that are and have been impacted by social distancing restrictions.

The legislation contains provisions for exemptions to be made via regulations.

The government has already flagged several exemptions that will be enacted via regulations under the Act.

An important exemption that is purposely referenced in the Act, and has been raised from the outset of this initiative, is to enable access to single-use plastic drinking straws by people who require them due to a disability or medical requirement.

To maintain a greater level of accessibility for people who require single-use plastic drinking straws, the government is proposing a general exemption that will allow for the sale and supply of these on request, without the need to provide proof.

Ahead of and during implementation of the legislation, the government will be communicating with businesses to make it clear that it is not an offence under the legislation to provide single-use plastic drinking straws under these circumstances, and that proof is not required.

Further, this legislation does not prevent members of the community from purchasing single-use plastic drinking straws online, or from bringing their own straws to establishments.

Other exemptions that have been indicated include:

- products that are attached to another product at the point of manufacture and packaging (e.g. single-use plastic drinking straws attached to fruit boxes)
- products that are packaged with food contents for consumption (e.g. expanded polystyrene noodle cups)

There is also the ability to exempt a product, or product of a class; or business, or business of a class, from the provisions of the Act should it be required.

As these regulations are yet to be drafted, the Minister for Environment and Water released explanatory information to help inform Members and the community on the proposed exemptions, and to prompt feedback that will assist with their development.

Other governments around Australia are also looking to tackle single-use plastic products.

There are national initiatives underway, including actions under the National Waste Policy and response strategies to support the implementation of export bans agreed to by the Council of Australian Governments.

South Australia is again the first mover on this waste management and resource recovery initiative, and we look forward to other jurisdictions following our lead.

This Bill gives us the flexibility to add other plastic products in the future, and assist with harmonisation of approaches in other jurisdictions.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Interpretation

These clauses are formal.

4—Application of Act

This clause provides that the measure does not apply to a beverage container that may be returned to a retailer or collection depot for a refund in accordance with the *Environment Protection Act 1993*.

5—Objects of Act

This clause sets out the objects of the measure.

Part 2—Prohibited plastic products

6—Prohibited plastic products

This clause sets out the definition of prohibited plastic product. It lists products that are a prohibited plastic product and allows for certain products to be included in, or excluded from, the definition by the regulations.

This clause further provides that before a regulation may be made to include a product in the definition of prohibited plastic product, the Minister must undertake public consultation in accordance with the requirements set out in subclause (2).

7—Person must not sell, supply or distribute prohibited plastic products in course of carrying on a business

This clause provides that a person commits an offence if the person sells, supplies or distributes a prohibited plastic product to another person in the course of carrying on a business. This offence applies even if the product is given to a person free of charge or if the product is incidental to, or part of, the sale, supply or distribution of other products, such as food or drinks. The offence does not apply if the person is the manufacturer, producer or distributor of the product and the product is supplied or distributed to a person outside of the State.

The clause provides that it is a defence to a charge of the offence if the person is not either a manufacturer or producer of the product, or a wholesaler or distributor of the product in the course of carrying on a business, and proves that they believed on reasonable grounds that the product was not a prohibited plastic product.

This clause expands the definition of a business to include an enterprise, association, organisation or other body regardless of whether its activities are of a commercial, charitable, sporting, educational or community nature. It further allows the regulations to include or exclude a particular business, or business of a class, generally or in specified circumstances, from the definition of a business for the purposes of this clause.

8—Person must not represent that product is not a prohibited plastic product

This clause provides that a person commits an offence if they sell, supply or distribute a prohibited plastic product to another person and before or during the sale, supply or distribution represents to the other person that the product is not a prohibited plastic product.

Part 3—Oxo-degradable plastic products

9—Person must not manufacture or produce oxo-degradable plastic products

This clause provides that a person commits an offence if they manufacture or produce a product comprised of oxo-degradable plastic in the course of carrying on a business.

10—Person must not sell, supply or distribute oxo-degradable plastic products in course of carrying on a business

This clause provides that a person commits an offence if the person sells, supplies or distributes a product comprised of oxo-degradable plastic to another person in the course of carrying on a business. This offence applies even if the product is given to a person free of charge or if the product is incidental to, or part of, the sale, supply or distribution of other products, such as food or drinks.

The clause provides that it is a defence to a charge of the offence if the person is not either a manufacturer or producer of the product, or a wholesaler or distributor of the product in the course of carrying on a business, and proves that they believed on reasonable grounds that the product was not comprised of oxo-degradable plastic.

This clause expands the definition of a business to include an enterprise, association, organisation or other body regardless of whether its activities are of a commercial, charitable, sporting, educational or community nature. It further allows the regulations to include or exclude a particular business, or business of a class, generally or in specified circumstances, from the definition of a business for the purposes of this clause.

11—Provision of manufacturer's or producer's certification as to oxo-degradable plastic content of plastic products

This clause requires a person who manufactures or produces a plastic product in the course of carrying on a business to, if an authorised officer so requests in writing, provide to the Environment Protection Authority certification as to whether the product contains oxo-degradable plastic, unless there is a reasonable excuse for not doing so.

This clause also requires a person who distributes a plastic product or sells or supplies a plastic product by wholesale in the course of carrying on a business to, if an authorised officer so requests in writing, provide to the Environment Protection Authority certification of the manufacturer or producer of the product as to whether the product contains oxo-degradable plastic, unless there is a reasonable excuse for not doing so.

Certification under this section must be in the manner and form, and contain the information, determined by the Environment Protection Authority and must be provided within 30 days of the request.

12—Person must not represent that product is not comprised of oxo-degradable plastic

This clause provides that a person commits an offence if they know, or should reasonably know or suspect, that a product sold, supplied or distributed by them is comprised of oxo-degradable plastic and before or during the sale, supply or distribution represents that the product is not comprised of oxo-degradable plastic.

Part 4—Miscellaneous

13—Delegation

This clause provides that the Minister may delegate a function or power under this measure.

14—Interaction with Environment Protection Act

This clause provides that this Act and the *Environment Protection Act 1993* are to be read together and construed as if the 2 Acts constituted a single Act and, if there is an inconsistency between the provisions of the two Acts, the provisions of this Act prevail for the purposes of the operation of this Act.

This clause authorises authorised officers to exercise their powers under the *Environment Protection Act 1993* for the purposes of the administration and enforcement of this measure.

15—Exemptions from Act

This clause provides a power for the Governor to make regulations exempting, or empowering the Minister to exempt, a person or product, or person or product of a class, from the operation of the Act or a specified provision, subject to any specified limitations and conditions.

It further provides that the Governor may make regulations exempting the sale, supply or distribution of single-use plastic drinking straws from the operation of Part 2 or a provision of that Part to a person who requires straws due to a disability or medical requirement or so such a person can otherwise access or obtain straws (subject to any specified limitations and conditions).

16—Evidentiary provision

This clause provides that an allegation in an information that a specified product was a prohibited plastic product will be accepted as proved if there is no proof to the contrary in proceedings for an offence against this measure.

17—Regulations

This clause provides a power for the Governor to make regulations contemplated by, or necessary or expedient for the purposes of, this measure.

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

RADIATION PROTECTION AND CONTROL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 June 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:59): I rise to speak today on the bill. I can indicate that the bill has the general support of the opposition. It is a relatively straightforward modernisation of the current act, regulating the management of radiation products and processes. Radioactive substances are widely used and handled across a number of industries, including industrial processing, mining and petroleum operations, medical and health care, and research and educational facilities.

Parties that are regulated under the legislation include hospitals, dentists, veterinarians, soil analysis companies, mining companies, radiographers, radiologists and ports. South Australia is one of only two jurisdictions in Australia where uranium mining takes place, and uranium is an essential contributor to the state's economy. It is therefore essential that modern, effective legislation covers both mining and all other aspects of radiation use.

As we all know, radiation also has the power to cause long-term harm, and as such it is paramount that there is legislation that regulates its use. In a broad sense, I agree that it is therefore necessary for the government to renew this legislation in a timely manner and in doing so to also

review to ensure the legislation is sufficiently up to date with the requirements and our knowledge of radiation.

The opposition was pleased and somewhat reassured that an extensive consultation process was undertaken in the process of introducing this bill. However, we understand that the Hon. Mark Parnell does have some amendments, and I can flag that some of those amendments are likely to find favour with the opposition, especially those relating to increasing transparency and increasing parliamentary scrutiny.

It is absolutely vital that we ensure the ongoing security of our radioactive sources and as such modernise its regulatory framework in order to minimise the risk to the health and safety of our community. With that, I reiterate that we are largely supportive of this bill, but we are inclined to support a number of the Hon. Mark Parnell's amendments.

The Hon. F. PANGALLO (16:01): I rise to briefly speak in support of the government's Radiation Protection and Control Bill 2020. I commend the Minister for Environment for initiating a review of this legislation to update and modernise the act, for the first time since 1982, I believe. We have a special responsibility to carefully regulate the handling of radioactive material in South Australia to ensure the safety of all South Australians, including those workers who handle those materials in their everyday working lives, and indeed to protect all South Australians from radiation exposure.

Radioactive materials are commonly used and disposed of in a wide range of modern medicine, science and technology industries. A variety of medical imaging technologies use radiation, such as X-rays, CT scans and PET scans, which are all important tools used to diagnose and treat serious medical conditions. These technologies and nuclear medicine therapies have contributed to incredible advancements in the treatment of cancers and other illnesses.

South Australia has a particularly acute appreciation of the need to safely manage radiation, in part because of our history of the British atomic testing conducted at Emu Field in 1953 and Maralinga in 1956 and 1957, and the subsequent inadequate clean-up of the most exposed areas at a cost of more than $100 million.

It is actually some comfort to see how far we have come in building protections for industry and the community around radioactive substances. Radioactivity remains a relatively new field of science pioneered 125 years ago. In August, it will be 75 years since atomic bombs were dropped on humans in Hiroshima and Nagasaki, an horrific and cruel act of war we hope will never be repeated. What it did do was hasten an arms race of the superpowers like the US, the Soviet Union and the UK to develop weapons of mass destruction.

Radioactivity then became something of an international curiosity, surrounded with secrecy and intrigue in the 1950s, 1960s and 1970s. Australia was the testing ground for nuclear bombs by Britain at Maralinga and Emu Field in South Australia and the Montebello Islands, while the French used Mururoa atoll in Polynesia for its tests, some of them done underground, from 1964 to 1996.

My first recollection of radioactive waste was as a child growing up in Thebarton in the late 1950s. Some mates and I one day found ourselves inside the grounds of the Amdel facility near the old pughole next to Thebarton Oval. There was little or no security in those days and I recall coming across a couple of drums with skulls and crossbones painted on them. I yelled out to my friends that I had come across some pirate treasure and we jumped on them, playing swordfights with some bamboo sticks we had found. We hightailed out of there when someone turned up. I later discovered those drums had contained contaminated soil that had been gathered from Maralinga. Luckily, we did not try to open them.

Then, back in the early days of *Today Tonight,* a retired science lab assistant at the Adelaide University told me of the cover-up in the late 1950s when radioactive contaminated material was detected in their testing equipment and on the rooves of university buildings and houses in the metropolitan area following a big dust storm from the north. She told me orders had gone out from worried government health officials at the time to keep their discovery a secret, while milk from several dairies had to be dumped. There was no freedom of information available at the time I was

researching her account, nor could I locate any records of the incident; however, she was adamant the contamination incident happened.

We never again want to see people exposed to the radiation spread thousands of kilometres from the Maralinga bomb tests or the ongoing physical, mental and health trauma this caused Aboriginal people, military personnel and other support staff. More recently, we have seen the establishment and development of the massive Olympic Dam mine, where uranium, gold and silver are produced and transported via Adelaide to be sent all over the world. We are soon to see a major expansion of this mine, which will drive a significant contribution to the South Australian economy.

An outstanding example of a world-leading development that this bill ensures will continue to be safely operated is the cyclotron at SAHMRI, which was constructed in 2013. The cyclotron develops radioactive tracers that are supplied to South Australian and interstate medical imaging facilities to identify and treat cancers, heart disease, Alzheimer's disease and other forms of dementia.

This legislation also supports the safe construction and operation of Australia's first and only proton therapy unit at SAHMRI. The Australian Bragg Centre for Proton Therapy and Research will be in a bunker in the planned $300 million SAHMRI 2 building, next to the cheese grater building. It will be the only proton therapy unit in the Southern Hemisphere. This exciting development, which will be operational in 2020, will treat about 800 patients a year, destroying cancer cells with radiation, thereby avoiding damage to healthy tissue by delivering powerful proton beams precisely where needed.

This means South Australians and indeed other Australians accessing our facility will no longer need to travel overseas to receive such treatments. These moments in history and exciting developments on our horizon have made South Australians very aware of the need to protect, secure, safely transport and store radioactive materials and to ensure the safety of those who handle them or may be exposed to them.

Nuclear technology has provided us with world-class discoveries and treatments, but with it come risks that need to be carefully managed by modern and agile legislation that can respond to all these technologies. I am pleased to see the bill has been informed by the consultation report and comments received from the EPA, an important agency that has some independence from the minister and a strong track record in environmental protection and compliance in this state.

My colleague in this chamber the Hon. Mark Parnell has filed a number of amendments to the bill, which seek to improve the accountability and transparency of the government's provisions. It is my intention to support these amendments. We have nothing to fear and everything to gain from increased monitoring and reporting of something so dangerous but so essential as the handling of radioactive material.

Of course, this bill has nothing to do with the selection or establishment of a potential low-level radioactive waste storage facility in South Australia, radiation associated with telecommunications infrastructure, including the rollout of the 5G network, or nuclear power. I will point out here that I did ask a question of SA Health regarding where they are currently storing the low-level radioactive waste from hospitals and other establishments, and I am still waiting to receive a reply.

At present, commonwealth law prevails over regulation of these technologies and projects, but as and where these impact on South Australians—for example, the potential establishment of the new radioactive waste storage facility in the state—we will of course take a very healthy interest in the actions of the commonwealth. These are all discussions for another day, so with those comments I commend the bill before us today to the Legislative Council.

The Hon. D.G.E. HOOD (16:11): I rise to speak on the Radiation Protection and Control Bill. This important bill is for an act to control activities involving radiation sources and to provide for the protection of people and the environment from the effects of radiation. The bill makes related amendments to the Environment Protection Act of 1993 and repeals the Radiation Protection and Control Act of 1982.

Industries relating to medical and health care, mining and petroleum, industrial processing, and research and educational facilities all handle radioactive substances. South Australia and the Northern Territory are the only two jurisdictions in Australia where uranium mining takes place, which is an essential contributor to the state and national economies. It is therefore essential that current and effective legislation covers uranium mining and all other aspects of radiation use.

The Radiation Protection and Control Act of 1982 regulates activities involving radiation sources and provides for the protection of people and the environment from the harmful effects of radiation. Specifically, it controls the licensing of activities and registration of items and premises involving radiation sources. Hospitals, dentists, veterinarians, soil analysis companies, mining companies, radiographers, radiologists and ports are all regulated under the legislation.

Despite the importance of this legislation, it has not undergone substantial revision since its commencement some time ago, back in 1982. Many of the standard administrative and enforcement provisions are therefore outdated. There is a clear need to modernise radiation protection regulation in South Australia. This bill will implement a progressive risk-based approach that will improve the current system by reducing administrative burdens on small business. The existing seven separate licence categories will be streamlined down to two categories: a radiation user licence and a radiation management licence.

The act currently does not contain expiable offences and requires a provision to provide expiation fees for enforcement in the regulation. As a result, only the courts can prosecute the enforcement of the act and regulations. This inefficiency becomes time consuming and expensive when dealing with less serious offences under the current act. It does not provide an effective deterrent for recalcitrant licence holders who act in the knowledge that no expiation fee can be applied to them.

The bill includes expiations for several offences and for further expiable offences to be established via regulation. We currently have an appropriate avenue for review of administrative decisions through the South Australian Civil and Administrative Tribunal (SACAT). However, under the current act the review of administrative decisions is upon application to the Supreme Court. This is unnecessarily burdensome, in my view. This bill allocates jurisdiction for administrative appeals to the South Australian Civil and Administrative Tribunal.

As things currently stand, the offences referred to in the existing act are largely administrative in nature and are not linked to the harm or risk of harm that a breach of the act might present. They are set within the licensing and registration requirements and relate to the unauthorised use or handling. The penalty framework proposed in the bill draws on the approach taken in the Work Health and Safety Act 2012 and the Environment Protection Act 1993. Radiation harm offences will provide a significant penalty in circumstances where an individual, a group of persons or the environment is harmed or likely to be harmed by exposure to quantities of radiation beyond those lawfully permitted by the remainder of this bill.

The maximum penalties for the radiation harm offences have been set with consideration to the nature of the legislation, the offences they relate to and the precedents set by other comparable legislation. The maximum penalty proposed for recklessly or intentionally causing serious radiation harm is $5 million for a body corporate and $1 million or 15 years imprisonment for an individual, the highest penalty that can be imposed by a sentencing court and must reflect the worst possible offences that could occur.

It is important to note that national commitments have previously been made through the Australian Health Ministers' Conference and the Council of Australian Governments to implement a uniform national framework for radiation protection. This bill contains key provisions to implement these national commitments.

The National Directory for Radiation Protection, agreed to in 2004 by the Australian health ministers, aims to provide nationally agreed and uniform requirements for the protection of people and the environment that meet international best practice and ensure the safety of radiation use. These relate to radiation protection principles, management requirements for radiation sources and provisions for the future adoption of documents forming part of the national directory.

In 2006, the Council of Australian Governments also agreed to a national chemical, biological, radiological and nuclear security strategy to provide a framework to strengthen and enhance Australia's existing arrangements. This included the establishment of a national regulatory scheme for the storage, possession, use and transportation of certain radiological materials to minimise the risk of such materials being misused.

In my view, this bill is vital to ensuring the ongoing security of our radioactive sources and modernising the regulatory framework in order to minimise the risk to the health and safety of our community. Accordingly, I support the bill and commend its passing to the council.

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

TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2020.)

The Hon. C. BONAROS (16:17): I rise to speak on the Teachers Registration and Standards (Miscellaneous) Amendment Bill 2020, which seeks to amend the Teachers Registration and Standards Act 2004. At the outset, the recognition of the welfare and best interests of children as the paramount consideration, rather than the existing primary consideration, is a most welcome and indeed critical amendment. It means any decision-maker under the act should—must—as the overriding and dominant principle consider the welfare and best interests of children.

In any situation where there are competing interests, the decision-making will rest firmly in favour of the interests of children above all else, as it should. If only the minister would adopt the same approach with the same vigour regarding ending period poverty in our schools. I say 'if only' because his approach to date has been abysmal. It has been an abject failure, a failure at the most basic level: he fails to acknowledge the best interests of children as paramount and overriding all else, especially his own obstinacy.

Of course, that is a matter for another debate. This bill has been broadly supported for many reasons. I do not intend to speak to all of them other than to say it is imperative that laws governing the registration and standards of our teachers are relevant to our changing times. The bill includes a number of modern amendments, especially in relation to child protection matters and information sharing, which make perfect sense.

Before addressing the contentious aspects of the bill, I first wish to make one very important observation. The Teachers Registration Board is funded by teachers and was established by teachers in the best interests of teaching. I am told the current three-year registration fee sits at around $360, or about $120 a year, and that is funded, again, by teachers for teachers in the interests of teaching.

Teachers need to have faith that the board, their board, will set appropriate professional standards and make proper decisions based on their real-life, day-to-day experiences. These experiences should then be complemented by other skill sets, but teachers need to maintain significant input.

I understand the board meets on a monthly basis to consider a range of issues, including the administration of the act and the review and promotion of professional standards and the profession in general. It also collaborates with teacher education institutions on admission standards and facilitates the national and international exchange of information, amongst other things.

Current board members have reported to me that the board, as it stands, works efficiently. There seems to be a general consensus on issues, and I am told it is rare for matters to go to a vote. That current membership consists of five members nominated by the Australian Education Union; one member nominated by the Association of Independent Schools of South Australia; one member nominated by the Catholic Education Office; two members nominated by the Independent Education Union; one member put forward by the universities of the state; three by the Department for Education; and three by the Minister for Education; making a total of 16.

The bill, of course, seeks to reduce that number to between 10 and 14. The headcount of the board does not appear to be problematic in itself, and consultations with stakeholders have generally confirmed this, but it cannot be considered in isolation. The change in the composition of the board is of real concern. The government is seeking to significantly water down teacher representation on a board established by teachers for the purpose of teaching.

It also seeks to remove the power of the various stakeholders and sectors to nominate their own members. It wants the minister to pick and choose who it wants on the board. The bill guarantees only one spot for a practising teacher from each of the preschool, primary and secondary areas. It is entirely possible that a board of 14 members, all of whom have been appointed by the minister, could include only three practising teachers, if this bill were to successfully pass in its original form.

Diluting the board to reduce the voice of teachers, who fund the board and whose profession is governed by the board, is far less than ideal. We do not accept this is in the best interests of children or, indeed, of the teaching profession. We have faith in the experience of teachers, from the ground up. Teachers need to have at least an equal voice in decision-making as it relates to them. It is one thing to have knowledge gained from textbooks, but it is another thing to be able to join the dots of that knowledge through experience.

This bill retains the appointment of one legal practitioner and one school parent to represent the interests of the community, which I believe we can all accept is justified. Indeed, a legal practitioner is generally considered, across many spheres, as a valuable member of any board. The representation of a school parent also brings a unique viewpoint. It is, I think in this instance, an obvious inclusion that needs to be kept.

The bill seeks to eliminate the voice of the university sector altogether, a sector which is the breeding ground of our teachers. We do take issue with this. Universities are training our next generation of teachers. A representative from this sector has an important contribution to make. Our general distaste for this most contentious provision has recently been addressed by the Labor amendments filed earlier this week.

Those amendments are based loosely on the current status quo by retaining a similar proportionate representation by the various existing groups. However, a very valid concern was raised with me during the consultation process in relation to the opposition's amendments, and that is specifically in relation to the amendment in the name of the Hon. Kyam Maher, amendment No. 1 to clause 7, in that it does not accurately reflect the proportion of teachers employed in the non-government sector.

As it stands, the Labor amendment provides for four nominations by the AEU and one nomination by the IEU. This 4:1 ratio is not a true reflection of registered non-government to government teachers, and we have filed an amendment accordingly. The AEU, and obviously the IEU, have indicated their support for the amendment which would allow for four AEU and two IEU nominated members sitting on the board.

Consequential to this change are a number of our amendments to the total board number, which would sit at between 11 and 14, as a result of adding one to the IEU, with six members collectively nominated by the AEU and IEU together. I am told this has no impact on broader implications on the quorum.

Furthermore, the government wants to empower the minister to appoint every single board member, thereby removing the voice of the various union and stakeholder groups. The government also wants to empower the minister to direct the work of the board. In considering these, we return to the overarching question of who should control the board: the minister or the profession itself with its wealth of knowledge and experience. In this instance, we are firmly on the side of the profession.

As I said before, there are many aspects of this bill which are, as I understand it, universally accepted. The development of a code of conduct is a positive and modern step and one that we welcome. We are concerned about the lack of teacher input into the development and maintenance of the code of conduct, and if the government has its way there could be three—just three—practising teachers on the board consulting on the code. Teachers need to be confident in the elements of such

a code for it to function at its best. That confidence is dependent on the input of teaching experience, those at the coalface of teaching in the classroom.

Labor, again, has filed an amendment providing for a consultation element with the various unions prior to the publication of the code of conduct. It means the board must call for submissions from the major stakeholders, who would be given adequate opportunity to provide those submissions—a period of not less than one month, as I understand it. There is certainly some in-principle support for that position as well because we think it makes perfect sense that there be a level of consultation.

The Labor amendment No. 7 provides a further safeguard by ensuring the code of conduct could be disallowed by parliament in any event and, again, that is something that we look at favourably. Also problematic is the ability of the minister to appoint committee members who are not board members. As I understand it, there are four standing committees established by the board which consider teacher education and professional issues, admission and audit and risk frameworks.

Further, one subcommittee considers matters arising from admissions, improper conduct and teacher competence, and then various ad hoc panels sit from time to time to consider specific issues and make recommendations to the board. All committee members must currently be members of the board; this ensures a high level of accountability.

There is nothing in the operation of the current act that prevents the consultation with experts on an as-needs basis. Consultants such as psychologists can already be called upon, as required, to assist committee members by giving evidence on certain aspects of the matter. While they may bring a unique skill set and experience to a particular case at hand, there are serious questions about whether they need to be a permanent fixture on these committees. Indeed, if the minister considers a certain expert, a psychologist for example, should sit on a committee, then they will have the power to make a nomination to the board to fill the spare seats provided for in clause 7 of this bill.

We have some questions in relation to the Labor amendment No. 2, which seeks to ensure gender equality on the board, as far as practical. I will defer those questions to the committee stage, but I make the point that to my knowledge and, in fact, based on the 2018-19 annual report, it tells us that 74 per cent of registered teachers in South Australia are women, and 12 of the current 16 members of the board are female. The obvious inference from that is that the amendment that is being proposed could potentially involve reducing the number of female members on the board. Given their 76 per cent representation in relation to the profession, that is something we intend to pursue further with the Leader of the Opposition.

The commitment of teachers during the recent COVID-19 pandemic was summed up perfectly in a letter that I received just this week, penned by Professor Emeritus Alan Reid AM, who hails from the University of South Australia's School of Education. In addition to drawing on his vast teaching experience in voicing his concerns about aspects of the bill, Professor Reid made the following observation:

> If ever proof was needed about the professionalism and commitment of teachers to the education and well-being of children and young people, it was amply provided by the recent COVID-19 crisis.
>
> At some personal risk, teachers stayed in the front line, educating children whose parents could not teach them at home; and bearing the significant extra work-load involved in teaching students at home and at school.
>
> There was a broad community consensus that teachers, along with other workers in the front-line, served the public with distinction.
>
> How is it that the government can rely on teacher professionalism during times of crisis, but diminish that professionalism when the crisis has passed?

That is food for thought. With those words, I indicate our support for the second reading of the bill and look forward to the next stages of the bill.

The Hon. T.A. FRANKS (16:31): I rise on behalf of the Greens to indicate our general support for the Teachers Registration and Standards (Miscellaneous) Amendment Bill 2020. This bill modifies the size and the composition of the Teachers Registration Board. It expands its functions and supports the implementation of relevant recommendations from the national reviews that have been related to teacher registration, as well as improving oversight of persons granted those special

authorities to teach. Indeed, it is not just an essential profession but one where our best and brightest should be.

The bill also addresses various other technical and operational issues. It provides the following functions for the board and codifies some existing activities that are undertaken by the board: it will accredit initial teacher education programs, undertake or support reviews of research and data collection, develop and maintain a code of conduct for registered teachers, and recognise quality teaching and leadership in the teaching profession.

The bill amends the act to provide that the welfare and best interests of children are the paramount consideration in relation to the operation, administration and enforcement of this act. This certainly reflects the developments of recent years and the current standards expected, not only by the community but, in a welcome way, by this parliament.

The bill clarifies current arrangements for the employment of staff on the board. It also extends the term of registration from three years to five years and provides an option for the annual payment of fees for registration for the longer period. It improves the oversight of persons who are granted a special authority to teach. It increases powers to deal with unprofessional conduct, incompetence, incapacity and issues of fitness and propriety.

I think those are probably the areas where we most understand there is a real need for registration boards such as this. Certainly, industries where we put either vulnerable or young people in the hands of professionals should be regulated through these registration schemes. I am going to say that I hope we will shortly be reporting back on the social work registration bill that I previously moved in this place, which has been the subject of a joint committee of the houses.

I note that in the other place the Labor opposition moved some amendments that were accepted but also others that were not. When this bill was introduced in the other place, it had removed any requirement for practising teachers to be members of the board, and successful amendments from the opposition changed this. The Greens welcome that, and we indicate our strong support for that position.

I also note that amendments that did not find favour in the other place will be reintroduced by the Labor opposition, and these include a requirement to consult and receive submissions from unions and other key stakeholders when adopting a code of conduct or professional standard. I note that both the Labor opposition and the Hon. Connie Bonaros from SA-Best have amendments with regard to the composition of the board and related matters, which have been filed.

The Greens support the bill in a general way, and we welcome the debate on the detail of who is on the board. We note that in the past, where the Liberal then opposition and now government has made attempts to diminish the role of unions in these sorts of boards, the Greens have always stood strong in the face of that attack on what is a voice of advocacy, a voice of membership and a voice of a profession. The AEU and the IEU have made strong submissions not only to the Greens and other members of this parliament but to their own members and to the community, and I think they have extraordinary support within the community, based particularly on their fine history of representation and advocacy for their membership.

Individuals do not have the corporate memory or the collegiate advocacy that a union in its representation brings to these discussions. Stakeholders are many and varied, but to continue ideological attacks on unions will not be tolerated by the Greens in this parliament whenever and wherever a Marshall Liberal government puts them up.

I thank Jane Lomax-Smith for her briefing in late May. She was ably assisted by Cheryl Bauer and Joanna Blake from the Department for Education. We will be engaging in the debate on those amendments foreshadowed, but I indicate that we have strong support for the Labor opposition amendments to this bill to ensure that that advocacy role for teachers is kept as strong as possible, and that we respect the voices of unions in representing their members and in forwarding the noble profession of teaching.

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

STATUTES AMENDMENT (REPEAL OF SEX WORK OFFENCES) BILL

Second Reading

The Hon. T.A. FRANKS (16:38): I move:

That this bill be now read a second time.

I speak in support of the second reading of the Statutes Amendment (Repeal of Sex Work Offences) Bill 2020. It has been a long time in coming, because I first gave notice of this back in February and released it to be introduced in April, but, as the parliament would well know, we have had a pandemic on our hands in the meantime. So the criminal offences of prostitution have not been before the parliament for the last few months, but here they are again.

This is the 14th bill, to our knowledge, before this parliament to update our archaic attitudes and laws when it comes to sex work in South Australia. I note that South Australia does have the most archaic laws in the country.

The laws in this repeal bill are based on a Victorian model, where what is termed 'bawdy houses' and prostitution is made subject to criminal provisions. In 2020, it is high time that we modernised our legislation in South Australia and we admitted that criminal provisions provided for prostitution, soliciting and bawdy houses are in no way a replacement for protection and regulation of the sex industry.

Sex work is not going anywhere. Sex work is undertaken day in day out and, indeed, even during a pandemic, despite those restrictions, and it will not be eradicated by criminal provisions. We have hundreds of years of evidence that this is so. This bill will remove the provisions in the Summary Offences Act for soliciting, where a person who in a public place, or within the view or hearing of any person in a public place, accosts or solicits a person for the purposes of prostitution, or loiters in a public place for the purposes of prostitution, is guilty of an offence that attracts a penalty of as much as $750.

A person who is engaged in procurement for prostitution for a first offence may face imprisonment for up to three months or a penalty of up to $1,250. For a subsequent offence, they are looking at possibly going to prison for six months or paying a fine of $2,500. If that person engages in procurement for prostitution and publishes an advertisement to the effect of that, they may fall foul of that particular provision as well.

I note that the Adelaide *Advertiser* during the pandemic had ads every single day for sex workers. They became fewer and fewer in number, but they were always there. Every single day, sex work and sex workers needed a way to make a living and demonstrated that no criminal provision was going to stop them from undertaking that, but I note that *The Advertiser* continued to publish those ads even under a pandemic with no great moral outcry from the community.

Living on the earnings of prostitution is also an offence. A person who knowingly lives wholly or part on the earnings of prostitution is guilty of an offence that will attract a possible six months' imprisonment or a $2,500 fine. In the proceedings for this offence, if the person is living with, or habitually in the company of, a prostitute and has no visible lawful means of support or an absence of proof to the contrary, that person is defined under our laws currently as living on the earnings of prostitution. I note that technically these laws could apply to the children of sex workers in our state.

Further, our current laws define brothels, and a brothel, under the criminal laws of this state, means a premises:

(a) to which persons resort for the purpose of prostitution; or

(b) occupied or used for the purpose of prostitution

The keeping and managing of brothels attracts three months for a first offence or a $1,250 fine, and for a subsequent offence a possible six months' imprisonment or a $2,500 fine. Under 'Keeping and managing of brothels' it is defined that:

A person who acts or behaves as master or mistress, or as a person having the control or management, of a brothel will, for the purposes of this section, be taken to keep that brothel, whether he or she is or is not the keeper.

'Permitting premises to be used as brothels' should sound a warning bell to those real estate agents, to those property owners whose premises are currently used as brothels right across this state who advertise online and in *The Advertiser* each and every day. If you are a real estate agent or an owner of a property that is being used as a brothel, you could face three months' imprisonment or a $1,250 fine for your first offence and six months' imprisonment or a $2,500 fine for your second or a subsequent offence.

In terms of the Criminal Law Consolidation Act, we also have punishment under certain common law offences for the crime of 'keeping a common bawdy house', which is defined as a 'common ill-governed and disorderly house', and that penalty is indeed a term of imprisonment not exceeding two years. I note that these laws are rarely enacted, but around the debate on sex work, they were increasingly used to attempt to prove a problem.

As Assistant Commissioner Linda Fellows stated to a previous select committee into this, the current laws are unworkable from a policing point of view. Indeed, back in 2016, when giving evidence before a select committee into a previous bill, the SAPOL assistant commissioner, Linda Fellows, stated:

> …I think it is reasonable to say, and I think we have been consistent in our views over many years, that there are some definite challenges and difficulties in policing the current legislation as it exists. We do commit policing resources to the industry; however, it is a difficult thing under the current legislation to police, and I think some of the outcomes in our court matters, where we have proceeded to criminal charges, probably reflect those difficulties.

I note that under our current laws, there is no specific offence for the exchanging of sexual services for money. Indeed, it is not expressly prohibited for a person to engage in sex work itself but it is, of course, as the aforementioned criminal offences note, an offence to earn a living from its earnings, to work in a brothel or to be living on the proceeds of it. Therefore, there are gaping inconsistencies within our law.

What we have seen over the past few years is those gaping inconsistencies applied in policing in quite unfair and unusual ways. One particular brothel manager who had worked in the industry in this state for decades was charged with money laundering for using an EFTPOS machine to take payments in her brothel. She had previously been told by police that should we ever legalise the industry in this state, she would be one of the first people that they would endorse to continue to work managing a sex work premises.

When the crackdown came, as we debated sex work law reform in this place, brothels were raided and *Hansard* was seized from the previous select committee and attempted to be used as evidence against those workers in this industry who had come to us and given that evidence, this woman was charged and convicted with money laundering for using an EFTPOS machine—extraordinary and outrageous.

She is now without any protections under the law that we could have afforded her with removing those former sex work convictions under the Spent Convictions Act, unable to even get a job working for Uber Eats. She had 30 years in this industry. She is skilled. She is a mum to a child who she is trying to put through school. She has very little recourse now and very little access to employment because, on her record, whenever she applies for a job or attempts to set up business, she has the convictions of money laundering for using an EFTPOS machine.

In 2020, surely South Australia can acknowledge, as every other state and territory in the country has done as they develop their roadmaps out of this pandemic for the sex work industry, that South Australia is alone in having no roadmap for this industry because we have the surreal situation where a previous worker in this industry now has criminal convictions for money laundering for having used an EFTPOS machine to take a payment for consensual adult commercial sex. In any other state or territory of this country she would not have faced a criminal penalty at all.

Our laws are outmoded and outdated. Coming out of this COVID pandemic where people have joked that they would pay $50 for a hug, surely right now we can understand and accept that sex work is not going anywhere and that this state parliament really does actually have to address the issues that we have sidelined, marginalised and criminalised a group of people who, if they were doing what they do here in South Australia in any other state or territory, would not be treated as criminals. We have let them down as a parliament.

I have moved this bill today not necessarily to solve the problems for the sex industry in how it will go forward but to point out and to have a conversation in this place about how our current laws are in no way a replacement for the supports, protections, procedures and policies that an industry needs. A few criminal provisions protect no-one. These criminal provisions of keeping a bawdy house exist in very few other places in the modern world. South Australian community members are scratching their heads over how this parliament allows these archaic laws to continue.

Getting back to coming out of the pandemic, we have been talking a lot about building a better future and that we would look to a new normal. I hope that at this point people will understand that human contact and intimacy are crucial to many members of our community, that they are not evenly distributed and that the sex work industry plays a significant role for certain groups in our community to enjoy those pleasures and those necessities of basic human life.

I would hope that this bill, however, will be that conversation starter for us to explore how sex work is being policed in this state. I hope we will hear again from those in the industry who we have rarely listened to, who are criminalised and who are offered little protection to have their voices heard by parliamentarians.

I hope we will be able to have a respectful conversation with the police about whether or not we are wasting crucial resources with a dedicated unit in the LEB that polices the sex work industry, contrary to the recommendations in royal commissions in New South Wales and in anti-corruption reports in Victoria. This is contrary to their recommendations about best policing to ensure that we are not susceptible to corruption in this area, not within the community but within the police forces themselves. I hope that conversation can be across both houses.

This is a starting point for that conversation, to get real about the fact that sex work is with us and we have a problem when we have these criminal provisions applied to these people in this industry in a way that is very much out of step with community expectation and in a way that punishes, for example, a person with a disability who in any other state or territory could actually access sex work through the NDIS, and does access sex work through the NDIS.

Does this state intend to continue to punish people simply for wanting that human intimacy and contact or punish people who choose to engage in adult consensual commercial sex to pay their bills, to put their kids through school, to have the life that they choose and to deny their autonomy, their own agency and their own choice, or does it want to start this conversation where we go back to basics and we acknowledge that our current laws are not working, do not provide protections and indeed punish probably the most vulnerable in this industry more than they punish anyone else.

I have had conversations with members in this place and in the other place who are disappointed with the outcome of the previous vote on the sex work bill, from all sides of that vote. I hope this will be the beginning of a conversation where we can move forward on this issue.

These are difficult issues for this parliament to deal with, but we know that in this place time and time again we have actually passed bills for decriminalisation of sex work, yet they fall and they fail and they falter in the other place for reasons of a lack of time, for the inability for private members' business to get to a vote and for a lack of respect for that debate to occur, taking the fullness of time it needs in the other place rather than an hour on a Thursday morning, as has traditionally been accorded to it.

I would say that this bill, by debating the current laws that are criminalised, those archaic laws, and setting a date that those laws would be repealed by July 2021, would put on notice the government to ensure the proper protections are installed, to ensure the industry is able to have not just a roadmap out of COVID but a roadmap to the future that would be required, and allows the government to take on that heavy lifting and the parliament to indicate its view that the criminalised laws that we currently have around prostitution and bawdy houses have no place in the year 2020, let alone the year 2021.

With those words, I indicate that I seek to have conversations members here and in the other place. I would urge the consideration of a joint parliamentary committee to look at the policing of the sex work industry in this state, to have those conversations, to find the consensus to create that way forward and to give the sex work industry in South Australia the roadmap that they do not currently have that every other state and territory in Australia has been given through the national cabinet.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (16:57): I move:

That the council at its rising do adjourn until Tuesday 30 June 2020.

Motion carried.

At 16:57 the council adjourned until Tuesday 30 June 2020 at 14:15.