LEGISLATIVE COUNCIL

Wednesday, 9 September 2020

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:16 and read prayers.

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:17): I bring up the 11th report of the committee.

Report received.

The Hon. N.J. CENTOFANTI: I bring up the 12th report of the committee.

Report received and read.

Question Time

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): My question is to the Minister for Human Services regarding disability care. Minister, can you outline the protocols that apply for notifying people and their families who live or have lived in state government care where an employee is alleged to have committed offences against those in their care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:21): I thank the honourable member for his question. In relation to particular incidents, I understand that the Department of Human Services applies the Debelle protocols and that families and guardians are given appropriate notification in relation to those in accordance with the Debelle protocols.

DEBELLE PROTOCOLS

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary question, minister, and given it is such an important and delicate area: what are the Debelle protocols, and what is adequate notice?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I don't have those exact details in relation to what the Debelle protocols are, but my department is fully aware of those and uses them.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability care.

Leave granted.

The Hon. K.J. MAHER: It was first reported in August that an employee of the minister's department had been charged with sexually assaulting people in their care. We understand today in court a person is appearing who is charged with the sexual assault of two people who live under the care of the Department of Human Services. We further understand that the Department of Human Services did not attend court today to offer any support to the families of these new victims. My questions for the minister are:

1. Can the minister assure the chamber that all employees of the Department of Human Services are fully cooperating with this investigation?

2. Was the alleged offender rostered on a shift where they were the only person on duty, and how many other facilities or homes has the offender worked at?

3. Why were no DHS staff in court today to offer support to victims or their families?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:23): I can outline in relation to this particular case that the alleged incidents occurred on 7 August. On 9 August, disclosures were made to the Department of Human Services staff which were immediately reported to SAPOL. A critical incident was declared. I was notified on that day by telephone, even though it was on a weekend. The employee was contacted and was directed, as is standard practice, not to return to the workplace—and directed not to return. The arrest took place that evening by SAPOL.

On Monday 10 August, SAPOL notified the department of the arrest of the worker and the employee's screening was revoked. The employee appeared in court today but I understand is no longer an employee of the department. All of the residents of our services have been contacted, in line with the Debelle protocols. That involved an extensive communication to the immediate fellow residents, but also across the accommodation services, to ensure that everybody was aware of this situation.

A phone service has been established for family members and guardians who have any concerns. DHS is fully cooperating with SAPOL. The Quality and Safeguards Commission has also been notified and the advice that I have also received is that as this matter is before the courts I can't provide any further details.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary arising from the answer given, and I thank the minister for the details provided in the answer: given the minister has many details on hand, can the minister inform the chamber whether the alleged offender was rostered on a shift where they were the only person on duty?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): Can you clarify on what day you are talking about—what date?

The Hon. K.J. MAHER: The date the offences were alleged to have occurred.

The Hon. J.M.A. LENSINK: We are not supposed to be having a conversation across the chamber but I'm not sure if the member provided that date but that specific detail I would need to take on notice.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary arising from the original answer: given the minister has so many details on hand, can the minister please inform the chamber if the alleged offender has worked at other facilities or homes during the course of this year?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): My understanding is the individual has been a DHS employee employed within a unit that has worked across a range of sites. As I said, all of the relevant residents, families and the like have been notified very, very quickly. There has been an extensive communication campaign that took place across the service in light of these very serious allegations to ensure that everybody who was part of our services fully understood the situation, in accordance with the Debelle protocols.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary arising from the answer: I take it from the minister's answer that the alleged offender has worked at a number of other sites recently. Can the minister outline how many other sites the offender has worked at this calendar year?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): I don't have that particular detail on hand. I would need to take that on notice.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary arising from the original answer: the minister mentioned that there has been work done to inform other relevant

families. When the minister uses the word 'relevant', how far back does that go? How far back does that go to the alleged offender working with families? Is it the last month, the last three months, the last 12 months or further?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): I understand that it's towards the lengthy period of time nominated by the honourable member, that it is a significant period of time that those records were checked and that the department contacted all the people who may be relevant to this particular worker.

Members interjecting:

The PRESIDENT: No conversation across the—there is an opportunity for supplementaries from other members, but if that's not happening, I will call the third—

DISABILITY SERVICES

The Hon. C.M. SCRIVEN (14:28): Supplementary: could the minster clarify what she means by 'lengthy'? In what period of time have families been contacted where this alleged offender may have been working with them?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): I thought I had outlined that in my previous response to the honourable member, but the deputy leader perhaps didn't understand what I was saying and that is that the period of time that the leader had nominated towards the more lengthy period was the 12-month period, not weeks.

The PRESIDENT: This will be the last supplementary on this question. The Hon. Clare Scriven.

DISABILITY SERVICES

The Hon. C.M. SCRIVEN (14:29): Supplementary: can the minister confirm that her department has not gone beyond the last 12 months?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:29): That is not what I said.

The Hon. C.M. Scriven: Why can't you answer the question? It's an important question.

The PRESIDENT: Order! The minister is trying to answer the question.

The Hon. J.M.A. LENSINK: My department has advised me that they have gone back over an extensive period of time to contact any clients and families and indeed other staff members who may have had contact with this particular worker.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): My question is to the Minister for Human Services regarding disability care. Minister, given that you have informed the chamber today that the person charged with sexual assault of people in that person's care in the Department of Human Services, can you rule out that this person has not sexually assaulted or harmed other people?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): There are only two allegations of sexual assault that we are aware of in accommodation services: the one that I have outlined previously in response to questions that the Leader of the Opposition has asked me about previously and the one that we have been referring to today.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Supplementary arising from the answer: can the minister confirm that these two allegations are allegations of offences against different people and allegations of offences against people in different sites?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): My understanding in relation to these offences is that the ones that we are referring to today, where the worker has appeared in court, is one offender, if you like, and the other allegation related to another offender, which has been the subject of the public record in this place previously.

HEALTH SERVICES, ADELAIDE HILLS

The Hon. D.W. RIDGWAY (14:31): My question is to the Minister for Health and Wellbeing. Can the minister please update the council on the efforts to improve health services for Adelaide Hills residents?

Members interjecting:

The PRESIDENT: Order! I call the minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I thank the honourable member for his question. The Marshall Liberal government has been working tirelessly to deliver quality health services for South Australians closer to home. An example of the real difference this can make is the recent opening of an ant allergy clinic in Mount Barker at the Summit Health Centre.

The jack jumper ant (or the hopper ant, as it is also known) is common to the Adelaide Hills and surrounding areas. These ants are capable of delivering a painful sting and, unlike other ants but like bees and wasps, they inject venom with their sting. Allergy to hopper ants' venom is the second most common venom allergy in South Australia after bee stings. Unfortunately, some people become allergic to the venom and are at risk of potentially fatal anaphylaxis if they are stung by a jack jumper ant.

I am advised that the Royal Adelaide Hospital, which is part of the Central Adelaide Local Health Network, has previously been the centre of care for hopper ant toxicology, and that hospital is aware of at least 200 people who have suffered from an ant sting anaphylaxis.

It is very difficult for those who live in the Adelaide Hills and surrounding areas to avoid hopper ants and impossible to completely eliminate the risk of being stung. Allergic individuals must carry an EpiPen adrenaline auto injector in case of stings. The reaction to a sting is often severe and requires urgent hospital attention. Sometimes residents who are at risk of life-threatening anaphylaxis move house, at great expense and disruption.

In this regard, I would like to acknowledge the Speaker of the house, the member for Heysen, and the member for Kavel, who have both been very active in advocating for a local ant allergy clinic on behalf of their communities.

The Central Adelaide Local Health Network has until now been the centre of treatment through a highly effective desensitisation treatment, which was developed by the now retired clinical immunologist Professor Robert Heddle. Professor Heddle has a long interest in hopper ant allergy and has produced world-leading research in this area, published in international journals. In collaboration with other specialists based in Tasmania, he has developed treatment for hopper ant allergy, which has been proven to reduce the risk of anaphylaxis to ant stings to a negligible level.

Venom immunotherapy is a long-term commitment requiring weekly injections for the first two months and then ongoing clinical visits every four to 12 weeks for top-up injections for five years or longer. The opening of the designated ant allergy clinic at the Summit Health Centre in Mount Barker will allow this life-saving treatment closer to home and will provide an important health service to this community. It will make it easier for patients to attend appointments, with more than 50 patients now able to access treatment closer to home.

The initial eight-week build-up treatment phase will still need to be completed at the Royal Adelaide but patients can then have the maintenance course in the community rather than travelling to the city. Moving to community-based care will also free up treatment spaces at the Royal Adelaide Hospital for other work, including new patients on hopper ant therapy.

I would like to thank Central Adelaide Local Health Network immunologist, Dr Adriana Le, and her team, for their efforts to provide such an important service closer to where people live.

The PRESIDENT: Before calling the Hon. Mr Parnell, can I wish him a very happy birthday. I understand it is an anniversary of your 21st birthday. I call the Hon. Mr Parnell.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. M.C. PARNELL (14:35): Thank you, Mr President. I can't think of any way I would rather spend my 61st birthday than with 21 of my closest and dearest friends. Thank you. I do seek

leave to make a brief explanation before asking a question of the Treasurer about the Remuneration Tribunal's recent determination on accommodation allowance paid to country members of parliament.

Leave granted.

The Hon. M.C. PARNELL: On Monday, the Remuneration Tribunal handed down a number of reports and determinations in relation to parliamentary allowances, including determination No. 9 of 2020 which covers allowances paid to country members. One important feature of that determination is that it creates a distinction between commercial accommodation, second homes, and other accommodation arrangements such as staying with friends or family. Under the new arrangements, commercial accommodation costs will be reimbursed on a cost-recovery basis. The tribunal has defined commercial accommodation as follows:

> Commercial accommodation means short-term (not permanent) accommodation in a commercial establishment such as a hotel, motel or serviced apartment and must be a genuine arms-length commercial transaction.

I think it is fairly clear what that means, but the definition goes on to provide an exclusion. The determination states:

> Commercial accommodation does NOT include Airbnb or other 'sharing economy' type accommodation.

What I find curious about this definition is that it appears that the Remuneration Tribunal does not properly understand the nature of Airbnb, which encompasses multiple short-term accommodation options from the short-term renting of an entire house or apartment down to renting the spare room in someone else's home. In my experience, many Airbnb offerings are in fact exclusively reserved for commercial short-term rentals. Many of them are listed on multiple online platforms or they can be rented or leased directly from the owners or the agents. My questions to the Treasurer are:

1. Does the Treasurer support the exclusion of Airbnb from the definition of commercial accommodation?

2. Will the Treasurer consult with the staff of the Legislative Council, who will have to administer this new scheme, to determine its workability?

3. If it transpires that the Remuneration Tribunal has made incorrect assumptions about Airbnb and other online accommodation platforms, would he support a supplementary submission to the tribunal to further clarify what type of accommodation is appropriate to attract the country members' accommodation reimbursement?

The Hon. R.I. LUCAS (Treasurer) (14:38): The Remuneration Tribunal decision on Monday I think provides much greater clarity in relation to a number of issues as it relates to the accommodation allowance. I think to be fair to the independent tribunal—it is not controlled by the government, the opposition or indeed crossbenchers—they were quite explicit in their determination.

Whether the Hon. Mr Parnell, or indeed I, differ with their interpretation or their ruling in that respect or in any other, they for whatever reason have been quite explicit in terms of their ruling. I think it is patently clear what they were intending, and that is that Airbnb won't be allowed.

I would have to say that in my experience, which has been sharpened somewhat by events of recent months, in terms of various claims over the years made by Liberal, Labor and crossbench members of parliament, I am not aware of anybody who has claimed or has availed themselves of Airbnb for the country accommodation allowance. I cannot say definitively that that's the case, but I have been exposed, if I can use that word, to many examples of claims going back some many years—as I said, from Liberal, Labor and crossbench members—and I am unaware of any particular claims.

It may well be this is an interesting point that the Hon. Mr Parnell has raised, but possibly it goes nowhere because it hasn't been an issue and is unlikely to be an issue. My experience with claims has been that the overwhelming majority of members—Liberal, Labor and crossbench—are in the category of either owning or purchasing accommodation in the metropolitan area, and I think that the long experience has been that they have all claimed entitlement to the country

accommodation allowance. There was some question raised in media circles and elsewhere as to whether that was permissible or not, and the tribunal has clarified it.

In relation to the issue, as I said, I am happy to reflect on it, but it is a decision of an independent tribunal whether I agree with it or not. I don't know their reasoning, but it is their decision and I have no immediate concerns with it.

Secondly, in relation to the Legislative Council staff, or indeed the parliamentary staff in both houses, I suspect in the end it is not going to cause them any grief because I do not know that they will actually be confronted with the circumstances. Should the circumstances arise, it may well be that they may want to seek clarification from the tribunal.

There was a letter written by a member of parliament a number of years ago that went to a former chair of the tribunal, and that member did receive some correspondence. I shouldn't reflect on the answer, but there was correspondence that was returned. So there has been a precedent where a tribunal chair has responded to a letter from an individual member of parliament, so I guess it must be permissible. Should the circumstances arise where it needs to be clarified, then I am happy to reflect further upon it but, as I said, it is an independent tribunal. I don't know the logic behind this particular aspect of their decision. I suspect in the end it may well not be of great significance unless somebody seeks to claim it.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. E.S. BOURKE (14:42): A supplementary to the original answer: the Treasurer highlighted that he spent many hours looking through members' allowance documents. Can he advise what date it was when he started looking through those allowance documents?

The Hon. R.I. LUCAS (Treasurer) (14:42): No. Certainly, the ones that were tabled in the Legislative Council and the House of Assembly were publicly available. The discussions I have had over recent events have been discussions with individual members indicating the nature of the claims that they have made. I have become much better informed about the nature of the claims that have been made. I did have some passing knowledge because this issue gets raised in the media every 10 years or so as a matter of interest to members of the media, but I have become much more familiar with the nature of the claims that have been made.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. E.S. BOURKE (14:43): A supplementary: can the Treasurer confirm if he looked at the travel allowance documents before or after they were tabled in the other house?

The Hon. R.I. LUCAS (Treasurer) (14:43): Well, the ones that were tabled in the other house I was unable to look at before, but I did have discussions with individual members in relation to the nature of the claims. I didn't have copies of their claims, but there is nothing wrong if they had provided them to me if they were copies of their own particular claims. But I certainly had discussions with a number of members in relation to the nature of the claims that they had made.

MEMBERS, ACCOMMODATION ALLOWANCES

The Hon. E.S. BOURKE (14:44): A final supplementary: if you had seen the documents before they were tabled and had those discussions with members, what information or advice did you give to those members about what they should be doing with their travel allowance?

The PRESIDENT: Treasurer, you can choose to answer that.

The Hon. K.J. Maher: He's not scared; he's got nothing to hide.

The Hon. R.I. LUCAS (Treasurer) (14:44): Mr President, the nature of the discussions I have with my colleagues or indeed—

The Hon. K.J. Maher: Oh, he has got something to hide.

The PRESIDENT: The Leader of the Opposition will remain silent.

The Hon. R.I. LUCAS: —some members of the Labor Party or indeed some members of the crossbench will remain discussions I have between those.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:44): My question is to the Minister for Health and Wellbeing regarding hospitals. Is the Women's and Children's Hospital 'a bit overstaffed'? Does the minister regard concerned doctors at the Women's and Children's Hospital as 'agitating for more money'? What is the minister's response to his chief executive making these insulting comments about doctors?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): I'm tempted to immediately be distracted and ask the opposition to consider whether their behaviour in the Budget and Finance Committee is respectful of people who are employed to—

The PRESIDENT: But you won't.

The Hon. S.G. WADE: —serve the people of this state. My understanding is that my chief executive made comments earlier this week that reflected the fact that the Women's and Children's Hospital network has a relatively high level of staffing, in part at least due to its size. In other words, if you like, it suffers from not having access to economies of scale. This point—

The Hon. C.M. Scriven: So you think it is a bit overstaffed.

The Hon. S.G. WADE: Excuse me, Mr President, I would just like to answer the question.

The PRESIDENT: The Hon. Ms Scriven might like to listen to the answer and then maybe she might have another supplementary question. The minister has the call.

The Hon. S.G. WADE: Thank you, Mr President. I was trying to show Ms Scriven the respect—

The PRESIDENT: The Leader of the Opposition might like to listen too.

The Hon. S.G. WADE: —to give an answer to her question, but apparently she wasn't willing to give me that respect in asking her question. The point, as I said, that the honourable chief executive of my department was making—

Members interjecting:

The Hon. S.G. WADE: He certainly is very honourable. Far more honourable than the people opposite and he demonstrates that every day and they demonstrate how dishonourable they are every day.

The PRESIDENT: I remind the minister that—

Members interjecting:

The PRESIDENT: Order! I remind the minister that pointing is out of order.

The Hon. S.G. WADE: Thank you, Mr President. I will go back to the point I was making. Let me reiterate that. The point that I understood the chief executive to be making is that the Women's and Children's Health Network has a relatively high level of staffing due to its size. That point, honestly made, was recognised by one of the leading clinicians at that hospital, Dr Michael Yung, on ABC radio yesterday. He said:

> If he means that compared to a large state we have more clinicians than they do per patient, that is the consequence of the lack of economy of scale of the hospital. In other words, you have to have a certain standing number of staff to maintain our service no matter how many patients you have got.

Dr Yung goes on. I respect the fact that Dr Yung took Dr McGowan's words as honestly uttered, unlike the opposition.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:47): Supplementary: can the minister address the second part of my question, which was whether he, the minister, regards concerned doctors at the hospital as agitating for more money?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): I would be very surprised if there is hardly a clinician in the state who doesn't believe that their service could benefit from more money. I'm not going to criticise them for maximising the potential benefit to their patients.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:47): Further supplementary: why did the government add an additional $8 million as a savings target for the Women's and Children's Hospital last year?

The PRESIDENT: I'm not sure that that was actually in the original answer, but I'm going to allow the minister to answer it if he wishes.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): I'm looking forward to the supplementary questions being honoured.

The PRESIDENT: I'm going to call it the final supplementary.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:48): Given that my question was about hospitals, I'm not quite sure why the minister would think that.

The PRESIDENT: Well, that's pretty broad.

The Hon. C.M. SCRIVEN: Indeed, very broad. Thank you, Mr President. I appreciate your support there. Can the minister say, since he won't answer the question about a savings target, how many staff have been cut from the hospital since redundancies of staff began at the Women's and Children's Hospital under this government?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): I'm certainly happy to get an up-to-date figure, but the most recent figure that I have received in relation to WCHN staff is that 14 staff have been granted a voluntary separation package. I just remind the honourable members that the network has almost more than 2,700 staff, so 14 staff wanting to take up an offer of a package, I believe, is relatively small.

EMPLOYMENT FIGURES

The Hon. D.G.E. HOOD (14:49): My question is to the Treasurer. Treasurer, could you update the chamber on the latest information you have with respect to employment growth, please?

Members interjecting:

The PRESIDENT: I am not sure that the council heard that, so I am going to ask you to say it again, please.

The Hon. D.G.E. HOOD: Certainly. My question is to the Treasurer. Will the Treasurer update the chamber on the latest information with respect to employment growth?

The Hon. R.I. LUCAS (Treasurer) (14:49): I am pleased to update the chamber in relation to the most recent figures which were revealed yesterday by the ABS from their labour force Single Touch Payroll data. We have traditionally, in this chamber and elsewhere, relied upon the annual unemployment survey that the ABS conducts. But in more recent times, that is this year, the ABS has conducted a fortnightly update of weekly employee job and wages data, and they tend to be more updated figures than the monthly survey of both employment and unemployment produced by the bureau.

The most recent figures are for the fortnight ending 22 August, and they were published yesterday. I am pleased, and I am sure all members in this chamber would be delighted, to see that the ABS has reported that, since the low point of the COVID-19 pandemic impact on the economy, which was on 18 April, the bureau produces figures on a fortnightly basis which compares the most recent fortnight with the bottom of the trough in terms of COVID-19 impact.

In that period, South Australia's jobs growth since that low point on 18 April has been the second highest of all the states and territories in Australia. The national figure was 4.7 per cent jobs growth since the bottom of the trough but, for South Australia, it was 6.7 per cent, second only to Western Australia at 7.8 per cent. So it was certainly encouraging news and, as I said, I am sure

every member in this chamber would rejoice in the fact that jobs growth is rebounding, relatively to the other states, at a much stronger level than certainly the national figure and all other states and territories, with the exception of Western Australia.

Just as significantly I think is the employee wages information which shows wage growth in South Australia, and that covers not just the number of people who are employed but also gives some sort of measure of the number of hours that people have been employed. The national wages growth in the last fortnight had shown a 0.2 per cent increase but in South Australia the relative figure was 0.8 per cent—four times the wages growth rate of the national figure during that period.

Whilst economic figures will occasionally show ups and downs—and too often the downs are highlighted by those who seek to celebrate the pessimism and the negativity that some would like to see in relation to states' endeavours at economic recovery—I think it is important to share with members the good news when it's published, particularly when it's the most recent figures produced by the Bureau of Statistics.

RETIREMENT VILLAGES

The Hon. J.A. DARLEY (14:53): My question is to the Treasurer. During the proceedings of the joint committee of inquiry into the valuation and recording of retirement village units, the Valuer-General indicated that a body of work was needed to be completed before the recommendation could be implemented. Can the Treasurer advise whether the Valuer-General has been advised of the government's decision, and has an arrangement been made with the Valuer-General to implement the body of work that needs to be done prior to implementing the government's decision?

The Hon. R.I. LUCAS (Treasurer) (14:53): I acknowledge the honourable member's ongoing interest in this particular issue on matters that appertain to the work of the Office of the Valuer-General. My advice is that the answer to the honourable member's question is yes, the Valuer-General has been advised. I will certainly get more detail in terms of response to the honourable member. But the government in its recent decisions that were announced in relation to the massive reduction in water prices decision, as part of that complicated series of decisions we took, we took decisions to implement the recommendations of the joint committee.

My recollection is the advice was that it is indeed correct that there is a body of work that has to be done, not just by the Valuer-General but by other agencies of government as well, to implement the new procedures and that we announced that the implementation date for the new processes will be 1 July next year. All the work will need to have been concluded before then.

In relation to the work the Valuer-General would need to do, it would obviously need to have concluded well before then to enable decisions from SA Water and others to be taken subsequently. I am happy to seek more detailed advice from Treasury, who will gather whatever information they need to from the Valuer-General, and SA Water and provide a more detailed response to the member.

I might just note that the government has recently taken a decision to what we have euphemistically referred to as 'transfer the generals' from the old department of planning, transport and infrastructure to the responsibility of the Attorney-General, who is now the Minister for Planning. Given the ongoing interest the member has in the work of one of those generals, the Office of the Valuer-General, the Deputy Premier and Attorney-General will be the new minister with whom the member will need to liaise. But I will take the member's question on notice in terms of further detail and bring back a further reply.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. E.S. BOURKE (14:56): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding hospitals.

Leave granted.

The Hon. E.S. BOURKE: In August, a group of clinicians, staff and community members formed the Women's and Children's Hospital Alliance. This group seeks to voice, and I quote,

'enormous concerns about chronic and escalating understaffing and under-resourcing of the existing hospital, which threatens patient care and staff morale'. My questions to the minister are:

1. Does the minister recognise the need for additional resources over and above the existing sustainment works funding allocated to the current Women's and Children's Hospital site?

2. What did the minister promise to clinicians when he met them last Wednesday to discuss cardiac surgery at the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I would like to thank the member for a touch of honesty. She acknowledged that the under-resourcing of the Women's and Children's Hospital that the alliance refers to is chronic. In other words, the former Labor government gave us a hospital network that was debilitated—completely debilitated—

Members interjecting:

The PRESIDENT: Order on my left!

The Hon. S.G. WADE: —particularly because of the disaster of the Transforming Health experiment.

Members interjecting:

The PRESIDENT: Order! Minister, sit down, please. I am trying to hear the minister and I can't hear the minister, so I suspect that Her Majesty's Loyal Opposition can't hear the minister. The minister has the call and will be heard in silence.

The Hon. S.G. WADE: So what this government has done is, since the last Labor budget, it has invested—

Members interjecting:

The PRESIDENT: Do you want to hear the minister's response or not? The minister has the call.

An honourable member: Arrogant.

The PRESIDENT: No, that doesn't help either. I don't want interjections on either side.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: The Leader of the Opposition knows better than that. The minister has the call.

The Hon. S.G. WADE: The point I was making was, since the last Labor budget, the Marshall Liberal government has invested tens of millions of dollars in the Women's and Children's Hospital, and my expectation is that funding will continue to increase. But let me make it clear to the union and to the community people who are working with the union: their claim of a $100 million increase in the WCHN budget is clearly an ambit claim—

The Hon. I.K. Hunter: You're running the show down, Stephen. You're running it down.

The PRESIDENT: The Hon. Mr Hunter will be silent.

The Hon. S.G. WADE: —it is unsubstantiated and it is unrealistic. The government has indicated that, as we have done in the past, we will continue to invest in quality women's and children's services, but ambit claims by unions do not help the public discussion. I accept that every clinician and every hospital would like increased resources for their services and their patients, but clinicians need to work with the management and with the board to effectively use the funding available to them to strengthen and grow their services.

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

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. E.S. BOURKE (14:59): The minister stated in his original answer that he needs to work with the management and the board, but can he advise what he advised to the management and the board and the cardiac surgery when he was at the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): This is the problem that has been highlighted time and time again. When the members who ask questions are not involved in the issues such that they can draft them, we have this bizarre situation where the honourable member is suggesting that I met with the board of management of the Women's and Children's Hospital at WCHN. I presume she is referring to the meeting of last week. That wasn't with board of management; it was with clinicians. It wasn't at the hospital; it was in my office.

The PRESIDENT: Supplementary, the Hon. Ms Bonaros.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (15:00): Can the minister advise how many of those tens of millions of dollars were spent on consultancy fees as opposed to actual upgrades or services?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): The honourable member is raising the issue of consultancies. It has been raised in the public domain before. The answer I received was that the claims, I think, of $10 million on consultants was not in relation to recurrent services, it was in relation to the $50 million capital sustainment program. I am advised that there is certainly no basis for that assertion.

AFFORDABLE HOUSING

The Hon. N.J. CENTOFANTI (15:01): My question is to the Minister for Human Services regarding housing stimulus. Can the minister please update the council about the progress of the Marshall Liberal government's stimulus measures to support the South Australian economy through building affordable housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): I am delighted to thank the honourable member for her very important question and to provide her with a response—

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley is out of order.

The Hon. J.M.A. LENSINK: —on the great work that is taking place in South Australia, which has the twin aims of assisting people into affordable home ownership and also assisting the local economy in terms of stimulus funding to assist our building and construction industry.

Affordable housing, as I have mentioned before, is an area that I think has been neglected in a policy sense for some time in South Australia, with the assumption that because we have a relatively more affordable housing market we do not have people who are struggling to either get into affordable rental or purchase their own home. What we have found through AHURI research, which is in the public domain, is that there is a large number of South Australian households that are paying up to 50 per cent of their household income just to sustain either their rental property or in terms of their mortgages.

Affordable housing is something that this government has been very keen on. In the 2019-20 budget, we provided $21.4 million to assist with stimulus and also to kick off some building programs. I am very pleased that we have been able to release some of those to the market on the Affordable Homes website.

The aim with those hundred homes that are being built through this program is that they are located at close distance to the CBD, where a lot of people work. The properties that have been released at Findon are on sale between $345,000 and $400,000. Because they are new builds, they are also eligible for the First Home Owner Grant of $15,000 and the HomeBuilder Grant of $25,000.

In addition, my colleague the Treasurer has just released the expansion of the Starter Loan, which is available through HomeStart. There are some people who note that these prices can be quite high. If shared equity is part of the equation, which again is a product that is available through

HomeStart, a property, for instance, of the value of $355,000 may mean that someone only needs to provide $206,500 to be able to get into the property and clearly they can get that through a loan. So the purchasing power of people who are on lower and more modest incomes, particularly at the moment with interest rates being so low, is quite in reach.

Given that the Reserve Bank is predicting that interest rates will be low for some time, it is a fairly good time for people to buy, because they can have the certainty that interest rates are not going to be increasing for some time. So there is a lot of opportunities, particularly with these new homes through the HomeBuilder program. We have also released some through the 1,000 homes that we have started building, which went on to the market at Broadview in a very good location, which should appeal to a large number of people who may wish to purchase them.

AFFORDABLE HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (15:05): Supplementary arising from the answer: minister, will the building and sale program result in a net increase in the South Australian Housing Authority's cash balance?

The Hon. J.M.A. Lensink: Sorry, can you repeat that?

The Hon. K.J. MAHER: Will the building and sale program result in a net increase or decrease in the SA Housing Authority's cash balance?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): As I think I have explained before, we are using the Treasurer's generous grant, if you like—it was either in the last budget or the budget before—in which the Treasurer provided some $800 million to the South Australian Housing Authority as working capital. At the end of the program that net will reduce to zero.

In terms of the properties themselves, they are not actually costing the authority anything, so there is no subsidy, if you like, which is going into building them. The authority is merely using its cash to make sure that these properties are available on the market.

AFFORDABLE HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (15:06): Supplementary arising from the answer: does the minister agree that the bringing forward of money and the net loss in indexation to be applied to money that is brought forward currently results in a net loss to the SA Housing Authority?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): I am not sure what the honourable member thinks would be a good alternative—whether the cash just sat in the bank and wasn't actually doing anything. We're actually putting it to good use. We have identified that there is a specific gap in the market for prices in this price bracket, so we are using that cash as working capital.

As you would appreciate, there are a lot of ins and outs. There will be fluctuations in the market, so it's hard to predict exactly where the financial situation is at a particular point in time in the future, because clearly there are properties being sold, properties being developed, money going to being contracted for builds. So there are a lot of ins and outs, and I'm not sure that the honourable member's point is valid.

The PRESIDENT: Final supplementary, Leader of the Opposition.

AFFORDABLE HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (15:07): Supplementary arising from the original answer: how many of the 90 new affordable houses promised in the 2019-20 budget have been built to date?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): When I was out at Findon, which is not that long ago, I think there were about 20 or 30 in that particular parcel that were either complete or very close to complete, but I can double-check that number and get back to the chamber with a—

The Hon. K.J. Maher: And the total number?

The Hon. J.M.A. LENSINK: Out of the 90?

The Hon. K.J. Maher: Yes.

The Hon. J.M.A. LENSINK: Look, I would have to get those exact details, but there's certainly a lot of progress been made. When I was at the site at Findon, some of those homes were quite close to completion.

The Hon. K.J. Maher: Will you bring back an answer on the 90?

The Hon. J.M.A. LENSINK: Yes, I can certainly bring back an answer on the 90, but it will be as of the date at which the question was asked, so things will have progressed since then.

HOSPITALS, DISCHARGES

The Hon. C. BONAROS (15:08): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about hospital discharges for new mums.

Leave granted.

The Hon. C. BONAROS: I was deeply troubled recently on hearing the plight of a young homeless mum who was allegedly discharged from an Adelaide public hospital two days after giving birth without having a place to live. I really hope, genuinely, that this was a simple breakdown of communications—simple albeit completely unacceptable—as I think most people would find it inconceivable that any hospital in South Australia would discharge a young mum from hospital, but especially a homeless mum, without having a safe place for her and her newborn to live. My question to the minister is:

1. Are you aware of the incident that I am referring to, and have you sought further information about it?

2. If so, are the woman in question and her child safe and well?

3. What other advice have you received about the incident and the circumstances surrounding the incident, including knowledge of her homelessness at the time of the alleged discharge from hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): I thank the honourable member for the question and acknowledge the fact that she has raised this matter with me, and I am in the process of formally responding to that. It was a difficult case because it was raised in the media, shall we say, with a lack of details as to the case. My office and I made inquiries and we believe we may have identified the potential case, but it is only the potential case. This is the information that has been provided to me.

I am informed that this case may well be a vulnerable patient who received care at the Flinders Medical Centre. I am advised that the Southern Adelaide Local Health Network, social work and SALHN maternity outreach services were intensely involved in a particular case and organised supports, including emergency accommodation, paid transport, assessment interviews, baby clothes and other essentials for the consumer. SALHN engaged homeless organisations. SALHN maternity outreach services also visited the consumer at the organised accommodation post-discharge and again two days later, which is part of the appropriate and set protocols.

I have been reassured that SALHN followed the appropriate protocols in supporting and providing care to a vulnerable consumer, but as I said I'm not able to confirm whether this is the person that was referred to on radio.

HOSPITALS, DISCHARGES

The Hon. C. BONAROS (15:11): Supplementary question: given that there may have been more than one case identified, or this may not be the case, can the minister confirm whether there have been any other cases and whether those services that were provided by SALHN were provided prior to her actually being released? Were they actually put in place prior to her being released from hospital or did that follow discharge?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): In terms of the first issue (whether or not there may be another case), all I can say is that we were responding to a general comment in the media. I must admit, my office assumed it was a reference to a metropolitan case, so we have only contacted birthing hospitals in the metropolitan area. But in response to those queries, this is the only case that has been brought to our attention. I appreciate when the honourable member made contact with me she wasn't purporting to have more specific detail, so I appreciate that the honourable member may not be able to help me, but we have identified one case that may have been referred to. If there are any other cases, I will be more than happy to follow up.

I should state, too, SA Health has a protocol that people should not be discharged to homelessness. I cannot remember how recently, but in relatively recent times, local health networks were reminded of that policy, so I would hope that networks are operating by that principle. Certainly, all the information provided to me was that the services that I referred to in my answer were services prior to the discharge; in fact, when I am told that SALHN maternity outreach services visited the consumer two days after discharge, that implies that all the other services were before, but I will certainly seek clarification of the point the honourable member raises.

The PRESIDENT: Supplementary, the Hon. Ms Bonaros.

HOSPITALS, DISCHARGES

The Hon. C. BONAROS (15:13): Thank you, Mr President, and I am grateful for that response. Can the minister just clarify the first question in relation to whether there has been any follow-up with that particular woman that he has referred to and their child to make sure that they are safe and well?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I am certainly happy to seek clarification on that point too. I would assume from the information that has been given to me that the post-discharge follow-up was, if you like, the network handing over responsibility to the organised accommodation provider, but I will certainly seek clarity on that as well.

AMBULANCE SERVICES

The Hon. J.E. HANSON (15:14): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding ambulances.

Leave granted.

The Hon. J.E. HANSON: On 3 September, *The Advertiser* quoted SA Ambulance Service Chief Executive, David Place, in response to its industrial dispute with paramedics, as saying the following: 'the government is not averse to providing more resources, but they want industrial reform, and we are caught in the middle.' My questions to the minister are:

1. Why is the government withholding critical resources from the Ambulance Service as a negotiation tactic?

2. If the government is not withholding resources from our paramedics as an industrial ploy, then what is the reason they are doing it?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): To a certain extent, the honourable member may be asking a question of the Minister for Industrial Relations, who I am not. All I can say is that clearly the government is not averse to investing resources in the Ambulance Service. Since we have been elected, we have invested $1.8 billion more in health services, we have boosted the SAAS workforce and, shall we say, most pertinently, only in the last couple of months we have renewed the ambulance fleet with 46 new vehicles. We are investing resources in the Ambulance Service and we will continue to do so.

AMBULANCE SERVICES

The Hon. J.E. HANSON (15:16): Supplementary on that: has any member of the government, including the minister I am addressing, met with Mr Place since he made those comments to discuss them?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I am one minister; there are another 13. So how am I supposed to answer a question, 'Has any member of the

government met with the Mr Place?' For my part, I can say I have not physically met with Mr Place since Friday.

AMBULANCE SERVICES

The Hon. J.E. HANSON (15:16): Further supplementary: was the minister even aware that the chief executive, David Place, was speaking to *The Advertiser* about the government's industrial disputes when he made the comments?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I was certainly aware that the CEO of the Ambulance Service was intending that week to have a conversation with *The Advertiser*. I treat my management with respect. I let them speak their mind.

HOSPITAL SERVICES

The Hon. T.J. STEPHENS (15:17): My question is to the Minister for Health and Wellbeing. Will the minister update the chamber on hospital services during the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I thank the honourable member for his question. The COVID-19 pandemic has significantly affected the delivery of health services around the world. Even in jurisdictions such as South Australia, where to date we have avoided some of the horrendous consequences of COVID-19 as we have seen overseas and, for that matter, in other parts of Australia.

On Monday, I was pleased to see a positive effect of COVID-19 in terms of the increase in the number of South Australian women presenting to BreastScreen SA. In other areas we have seen a decrease in presentations, which means that South Australians are staying away from accessing the care they need. An example of where that is happening is in the area of strokes. Presentations for strokes have decreased earlier in the pandemic.

In this regard, I welcome the work done last week in National Stroke Week to raise the awareness of stroke, the third most common cause of death in Australia. With stroke being a leading cause of death and disability, it is essential we continue to work hard to ensure all South Australians are able to receive the very best in stroke care.

Here in South Australia I am delighted to see that we are establishing a Stroke Community of Practice, which brings together experts in the field to develop a statewide service. This work is being led by Professor Tim Kleinig, the highly respected head of stroke services at the Royal Adelaide Hospital and one of the pioneers of delivering improved stroke care to South Australians in regional South Australia.

The model of Community of Practice was further developed by the Commission on Excellence and Innovation in Health, which was established by this government. The Community of Practice model builds on the clinical networks which are directly under the umbrella of the commission. The statewide Stroke Community of Practice will bring together clinicians, consumers who have survived stroke, representatives from the Stroke Foundation and data experts. Importantly, its focus will be broader than acute hospital-based care, extending to prevention and out-of-hospital care, as well as chronic disease management.

This government is committed to all South Australians having access to high-quality medical care, and the new statewide Community of Practice will help deliver better services closer to home for South Australians. The delivery of Statewide Clinical Networks and its sister model, the Community of Practice, is the delivery of a commitment by the Marshall Liberal team in opposition. Unlike the former Labor government which abolished the clinical senate's centralised power in the department by abolishing local boards, we are committed to engagement with clinicians and clinical networks, and Community of Practice is fundamental to that.

I would like to thank all members of the Community of Practice for their work supporting people who suffer stroke and, in particular, I want to take this opportunity to congratulate Professor Kleinig as the recipient of the Stroke Foundation's President's Achievement Award for 2020, a well-deserved tribute to his work in this field over many years.

Matters of Interest

ILLICIT DRUG USE

The Hon. D.G.E. HOOD (15:21): I rise today to speak about the importance of preventing and minimising harm caused by illicit drug use in Australia, but not only illicit drugs. Whilst the short-term harms of drug abuse, such as road accidents, injuries, violence, poisoning and overdose, are well understood, some people may be unaware of the serious long-term impacts that illicit drugs and the misuse of pharmaceutical drugs, as well, can have on an individual's health.

The statistics are sobering and speak for themselves. Each year in Australia, more people die from drug overdoses, including from pharmaceuticals, than die on our roads. The cost to the community from the abuse of controlled substances exceeds $8.2 billion per annum. Sadly, all the deaths, hospitalisations and cost to the community are, of course, preventable. There is no safe level of drug use. Use of any drug, illicit or otherwise, always carries some risk albeit, in some cases, very small of course. It is important to understand this risk in relation to any type of drug and particularly on the user. There is no safe level of drug use, as I said.

The effects of taking drugs, including over-the-counter or prescribed medications, can be unpredictable and even dangerous for some individuals. Indeed, the effects can vary greatly from one person to another in some cases. The focus is often on the consumption of illicit drugs; however, it is well documented that prescription drug dependence, misuse and diversion are becoming increasing concerns both in Australia and internationally as well.

Tragically, associated overdose and accidental death continues to rise in Australia. The misuse of controlled medicines, which includes pain medication such as fentanyl, morphine and oxycodone, has become increasingly prevalent. It is truly alarming just how widespread drug use is in Australia.

The Australian Institute of Health and Wellbeing conducted a study in 2019, revealing that nine million Australians have used an illicit drug at least once in their life and 3.4 million have done so in the past year. The overwhelming majority of people who use drugs do not fit into any stereotype. We are talking about our neighbours, colleagues, friends and family. In fact, we are talking about 43 per cent of the country who have used an illicit drug at some point in their life.

In these testing times, with the impact that COVID is having on all of us, it is important for us to be aware that as the social restrictions of the coronavirus pandemic unfold the potential for harms associated with illicit drug use and pharmaceutical drugs may, in fact, increase. Some people may find themselves using these substances more in order to cope with the anxiety and stress associated with our changing environment. This is a traumatic time for our community as leadership and individual citizens struggle to cope with the reality of the virus and what it means for our lives.

If we look at how people have reacted to other traumatic large-scale events, those past experiences should serve as a warning to us that we need to be mindful about the coping strategies some individuals may use to self-manage the current adversity. The Australian Psychological Society provided a stress and wellbeing report in 2015, finding that 40 per cent of Australians reported using some form of drug as one way to cope with stress.

Many of the stressors reported by Australians pre COVID-19 are likely to increase as the pandemic unfolds. This is indeed concerning because we know that many Australians have either lost their jobs, had their hours reduced or taken pay cuts. There is real anxiety about the economic impacts of the pandemic. People are rightly worried about their health and the health of their loved ones.

This crisis is a challenge for every government right across the world. For many of us, the current level of stress is unprecedented. People who currently experience issues with medications and/or illicit drugs, or have in the past, might be more vulnerable to using and abusing drugs as a coping mechanism to deal with the increased stress that prevails.

This government understands the need to involve stakeholders and professionals who have been actively engaged in determining the best strategies to reduce the misuse of illicit and pharmaceutical drugs. It is important that we as a government and as a parliament use legislative

tools to encourage best practice, strategic planning and action to rehabilitate and support those at risk and to provide the information and education required to the wider community.

Evidence-based drug education has a role to play in preventing or delaying the use of illicit and other drugs by young people; however, education alone cannot be expected to overcome the influence of media, advertising and any other influences that may be in effect, such as peer or social pressures. Policies directed at delaying and reducing as well as outright preventing drug use remain a worthwhile health goal and one that this government will pursue.

Schools can play an important role, both inside and beyond the classroom, in preventing harms as a result of drug use. While providing drug education as part of the curriculum is important, there is more that schools can do. The culture of the school and the experience that young people have attending it can also be important protective factors against the harms from illicit drugs and the misuse of medicines in general. I will leave it there.

MEDIA FUNDING

The Hon. I.K. HUNTER (15:26): A free, objective and well-resourced media is an essential foundation for democratic societies. Journalists provide the transparency and public scrutiny of public actors, including trade unions, corporations, business and political organisations and parliaments. I rise today to emphasise the importance of their role in our society and the government's fundamental responsibility to adequately fund our public broadcasters.

In Australia, it has traditionally been the public media that has fiercely pursued issues that often the corporate media outlets are hesitant to cover. An example would be on 28 June of this year, when ABC journalist Patrick Martin published a story about the alleged rorting of the country members' allowance in South Australia. The forensic examination of publicly available records, freedom of information request documents and other information uncovered a number of significant issues that we are all now well aware of.

The story and subsequent reporting on the issue has now claimed three ministers, a Legislative Council president and a government whip. It has led to an ICAC investigation and potentially further parliamentary and public scrutiny. The story joins a list of significant investigative journalism our public broadcaster has brought to the homes of Australians. From the greyhound industry's culling of greyhounds, war crimes allegedly committed by SAS soldiers or the parliamentary misconduct of Mr Eddie Obeid, our public broadcaster has continued to provide fearless reporting on significant issues affecting our state and our nation.

Photographers, editors, reporters, film crew, administration staff, marketing and communication officers, social media specialists, graphic designers and other professionals dedicate their careers to public interest reporting and holding the powerful in society to account. They deserve their role in our democracy to be recognised and respected, but unfortunately they get just the opposite from Liberal governments around our nation.

Everyone here, I am sure, will remember Tony Abbott standing up and telling the nation on the eve of the 2013 election that there would be no cuts to the ABC or SBS. We all know how that went. At his first budget, Tony Abbott and his Liberal government slashed the ABC's budget by $254 million. Since then, the Liberals have cut the ABC budget by $783 million, including the Morrison government's most recent $84 million cuts in the last budget. As journalist David Hardaker put it in Crikey recently:

> The government will give nothing, despite the ABC pouring massive resources into covering the bushfires [and informing Australians during that crisis] and despite the hundreds of employees who find themselves out on the streets in a recession.

These funding cuts are also coupled with the axing of the two out of three cross-media control rules and the 75 per cent audience reach rule. Effectively, that means fewer journalists and less media diversity in our country.

Our public broadcaster and the Australian people do not deserve this. The federal government's slashing of funding to the ABC, deregulation and giving taxpayer-funded handouts to Rupert Murdoch's corporations, whilst attacking individual journalists calling for their sacking, is a disgrace. Perhaps the biggest disgrace was the extreme political attacks, led by our Prime Minister,

on Emma Alberici, a talented journalist who was forced out of the ABC at the prompting of the Prime Minister.

When the public broadcaster is underfunded, the pursuit of journalism turns into clickbait stories, opinion articles, self-proclaimed bloggers and fake news, rather than a well-informed, well-researched and long-form media, which in the age of misinformation that we are in now is so very important.

The funding cuts and deregulation and inappropriate use of taxpayer funds have very serious consequences indeed. In the last two years we have seen those consequences, with 500 jobs axed at Newscorp, Channel 10 cancelling Adelaide broadcasting, Channel 7 sacking staff, Channel 9 cutting regional news services and 1,100 jobs slashed from the ABC.

In 2018, the Senate Select Committee on the Future of Public Interest Journalism made eight recommendations to enable a future for the media. One of the committee's presenters university researcher Dr Denis Muller argues the importance of a well-funded media, stating:

> …if we value public interest journalism…I think we've reached the point where there is an unanswerable case for government financial intervention using a mechanism which guarantees independence of the media from government.

In a free and open democracy, every citizen must have access to an independent, free and fair media. I would like to thank members and organisers from the CPSU and the MEAA for their advocacy and support of journalists and the media.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (15:32): The world-renowned reputation of our iconic Women's and Children's Hospital is under threat and it all has to do with money and a lack of it. While this government pushes ahead with its election promise to build a new Women's and Children's Hospital at a cost the taxpayers of this state can probably ill afford during this COVID environment, it is allowing the current Women's and Children's Hospital to run into a state of ruin.

When 215 doctors who work at the hospital take the unprecedented action of signing a letter outlining their concerns about the state of the hospital, alarm bells should be ringing for all of us. These are some of the state's most gifted and highly skilled medicos who have dedicated their lives to saving the lives of countless women and children. They rarely, if ever, make a public stand, so when they do you would think it is in the best interests of government to listen. They are part of a strong alliance that has formed to voice the critical problems that they and their colleagues are facing on a daily basis working at the Women's and Children's Hospital.

Let's not sugar-coat things here: they have warned us that babies and children have died because of the lack of clinical services and equipment at the Women's and Children's Hospital. They tell us patient care is being compromised on a daily basis because they do not have the facilities, the infrastructure or the resources to ensure that does not happen. These doctors are duty bound to highlight those risks and they are warning us that more lives will be lost if conditions do not improve dramatically at the hospital.

COVID-19 has brought out the very best in this government, in terms of taking advice from our medicos. In this instance, we are seeing the polar opposite to that. We have doctors warning that the path of care the hospital is providing is at least two decades old. We are at least 20 years behind the times. We cannot afford to keep running our once famed Women's and Children's Hospital into the ground until a new hospital is built and opened in 2026 at the earliest.

The health minister's retort to the concerns of the doctors is predictable, if nothing more: the government has invested a whole lot of money into ensuring that there are more staff available and there are more resources available.

Again, I fear the minister is being told by the health bureaucrats what they think he needs to know, not what he must know. We know in terms of that clinician involvement, out of a total budget of $1.8 billion for the new hospital, to date the government has earmarked $600,000 in terms of backfilling clinician positions so that those very frontline doctors can have input to the new hospital, to make sure that those doctors who are on the frontline know exactly what is happening and, critically, are involved in that process.

Is the new Women's and Children's Hospital going to have a paediatric cardiac surgery unit? The current hospital does not, the only mainland state not to. Instead, critically sick babies and children are transported to Melbourne's Royal Children's Hospital to have surgery at a cost to taxpayers of about $6 million a year. Forcing young children with potentially fatal critical heart conditions to travel interstate for life-saving surgery is an absolute outrage.

We are not a Third World country. This is Adelaide, South Australia. It is also completely hypocritical behaviour from this government, which in opposition was damning in its criticism of the former Labor government for winding down and neglecting the old RAH while the new RAH was being built. Now in government, the Liberals are doing exactly the same thing with the current Women's and Children's Hospital while attempting to find a site to build a new hospital.

Of course, everyone is fully supportive of a new Women's and Children's Hospital, but at the moment that is at least six years away, and the focus, as these medicos are telling us, should not be on ensuring the demise of the current Women's and Children's Hospital. While the new Women's and Children's Hospital is at least six years away, there is an immediate concern about the chronic and escalating understaffing and under-resourcing of the existing hospital.

Given the long delay to occupation of the new hospital, serious problems will continue to threaten patient care and, consequently, staff morale. The fabric of the hospital is deteriorating and there has been inadequate funding for necessary new and replacement equipment. I have seen a confidential and very comprehensive spreadsheet of funding priorities for equipment replacement and/or upgrade which is pages long and confirms the views that are being espoused by these doctors.

There are major deficiencies in the provision of care for childhood cancer, cardiac surgery for babies and children, mental health and diabetes, and in the medical, surgical and intensive care support for women, and it is not good enough.

DONATELIFE WEEK

The Hon. N.J. CENTOFANTI (15:37): I rise today to speak about DonateLife Week. The death of a loved one is a challenging time for any family. Equally, the realisation that someone's life may be cut short due to illness or disease is also challenging. Sadly, this is a daily reality for many in our community, as more than 1,600 Australians live with the harrowing uncertainty of waiting for a life-saving organ or tissue transplant. For these Australians and their networks of family and friends, the fragility and uncertainty of life is tragically clear. Registering as an organ donor is one way we, as a community, can provide hope to those who are tragically ill now and in the future.

DonateLife Week is an annual event coordinated by the Organ and Tissue Authority and was recently held between Sunday 26 July and 2 August. This event is aimed at creating an awareness of the struggles faced by Australians on transplant waitlists and encourages Australians to register on the Australian Organ Donor Register. Registering to be an organ donor has the power to transform the lives of multiple Australians suffering from inherited conditions, illnesses or accidents.

DonateLife Week is not only about encouraging registration but opening the dialogue about organ and tissue donation in our community. This is a particularly important conversation for families because, in Australia, your family will always be asked to agree to organ donation. Registering and discussing your decision provides one's family with some certainty in a time of great uncertainty and tremendous grief.

Promoting organ donor registration is not only the responsibility of the Organ and Tissue Authority. I believe that, as representatives of South Australia, we must seek to better the conditions for members of our community whether they be sick or healthy. In particular, I believe we should investigate ways to recognise organ donors who have saved the lives of others in our state. As such, I am watching with keen interest the developments in the ACT with regard to recognising organ donors on death certificates. In principle and as an opt-in scheme, I believe this effectively recognises the selfless gift of life that organ and tissue donors make in our community.

South Australia leads the nation with 70 per cent of our population registered as donors. Whilst we can be proud of that, nationally only one in three people are registered, despite the majority of Australians believing it is important. We must continue to lead the way, and I encourage anyone

interested in becoming an organ donor to visit the website donatelife.gov.au. It is equally as important to check that you are registered.

Many people will have been touched by or know someone who has been touched by organ donation. I would like to share an excerpt written by a dear friend of mine, Nicholas Brown, who lost his wife, Leanne, just over a year ago. Leanne was a registered organ donor and had discussed her decision with her family. Nick reflects:

> When Leanne died last year, we were able to support her decision to donate her organs. The last image Winnie and I have is of Leanne being wheeled through an honour guard of ICU doctors, nurses and medical staff on her way to theatre for retrieval of her lungs, kidneys and liver. Moments earlier she had died surrounded by friends and family. This was the most humbling moment of my life and I remain indebted to the care and professionalism of the Canberra Hospital staff and DonateLife network.
>
> The opportunity to help Leanne add another chapter to her life after losing a long, and silent battle with bipolar disorder has been immensely restorative for our family and my grief. Winnie has just turned two and is now asking where her mum is and if she can see her. Being able to explain that her last act was to save the lives of four other Australians has helped me start what I expect will be a life-long and difficult story.
>
> The daughter of a recipient of one of Leanne's organs recently wrote to us advising her mother was able to watch her walk down the aisle because of Leanne's gift of life. This would not have been possible had Leanne not registered her decision many years earlier when she was well.

Because Nick and Leanne had opened the dialogue within their family, Nick was able to support Leanne's decision to be an organ donor. Whilst I cannot begin to understand the feelings and emotions Leanne's family experienced, I know they are grateful they had had these conversations. It has been comforting to know they made the right decision.

There is an old saying: 'Be grateful for every second of every day that you get to spend with the people you love. Life is so very precious.' The gift of life through organ and tissue donation is so very precious and must always be nurtured and protected.

RECYCLING

The Hon. J.A. DARLEY (15:41): I rise today to speak about the Local Government Association's Circular Procurement Pilot Project and the importance of increasing demand for recyclable materials in South Australia. Last year, I was pleased to learn that nine councils committed to buying back recycled materials through the Local Government Association's Circular Procurement Pilot Project.

These councils include Adelaide Hills Council, City of Burnside, City of Charles Sturt, Mount Barker District Council, Rural City of Murray Bridge, City of Norwood Payneham & St Peters, City of Onkaparinga, City of Port Adelaide Enfield and City of Prospect. Each council signed a memorandum of understanding, committing to prioritising the use of recycled content in their procurement processes, tracking this purchase content by weight and publicly reporting on the amount of tonnes they have purchased each financial year.

The main aim of this project is to increase local demand for recycled materials to support the development of a circular economy in South Australia and to reduce waste and recycling costs for councils. In the first year of the project, namely the 2019-20 financial year, the participating councils made over 450 purchases of recycled products, buying over 17,000 tonnes of recycled materials. Some recycled products purchased included posts, rails, benches and bollards. Recycled content was also used to reseal roads and to make asphalt pavement.

Although the memorandum of understanding did not set an exact target for councils to adopt, I understand most councils adopted their own rolling targets for buying recycled products, with the goal of essentially buying back recycled materials equivalent to half the weight of plastics collected in their council area. The pilot project is certainly a step in the right direction when it comes to supporting a circular economy. It sends an important message to local manufacturers that there will be demand in this area, and this will hopefully drive further innovation in our state.

There has never been a more crucial time to support local businesses, given the state of our economy due to the devastating impact of COVID-19. This is why it was particularly disappointing to me to recently learn that the South Australian family-owned business Advanced Plastic Recycling

missed out on an estimated $220,000 contract to a Victorian company to replace a boardwalk in the Tumby Bay district council.

When I visited the company last year, they indicated that they could take all the hard plastic waste available that they could get. I recognise that Tumby Bay district council is not a formal participant in the pilot project. However, I can understand the frustration caused over this decision, given the council's mayor, who is also the president of the Local Government Association, has openly spoken about the importance of prioritising the use of recycled content in procurement processes in order to support the development of new markets for recycled materials in South Australia.

There is an increased interest from our community in South Australia when it comes to plastic. The public wants to know that its recycled material is being put to good use and that local manufacturers are being supported, especially during these difficult and uncertain times. There is very little point in recycling if that recycled material is not going to be utilised. I am very supportive of the Local Government Association's pilot project, but I hope all councils, including those that are not formally participating in the project, can demonstrate a serious commitment by supporting local businesses.

DOYLE, MR J.

The Hon. J.E. HANSON (15:46): We are fortunate in our union movement, and indeed in the Labor Party, to be blessed with some larger than life characters. More than that, our state and our nation are blessed with these characters who make up the history of our nation and how we came to be what we are. Today, I rise to speak of the passing of one of these characters, that being Jim Doyle.

Jim Doyle passed away in August this year at the age of 102. Jim's character stands out very much in the career and life he chose to pursue. It reads very much like the early history of our nation. Jim left school early and started his working career as a shearer. He worked on sheep stations in two states, New South Wales and Queensland. Even as a young man, Jim fought for what he believed in and he was instrumental within the Queensland and the South Australian union movement in helping fight for the 40-hour working week in those states. It is hard to imagine now, but prior to the 40-hour working week it was very common for people like shop assistants to always be working a 12-hour or more day.

Unfortunately, for his troubles Jim was rewarded for his hard work in fighting for the 40-hour week by being banned by many station owners and he was unable to shear sheep on their stations. This forced Jim to seek work in New Guinea at the Bougainville copper mines. After a bit of time there, Jim finally moved back to South Australia, where he became a worker in the gas fields of South Australia in the Far North, in Moomba.

As was the tragedy of the times for many of his age, Jim also signed up to fight in World War II, where among other things he humbly said he drove a truck even though he did not have a truck driver's licence. After the end of the war, Jim found work as a union organiser for the Australian Workers Union in Whyalla and we were glad to have him. He organised workers in those founding industries of our nation: the railways, the steelworks and, indeed, local councils.

During his time with the union, Jim worked from all the way from north in Moomba to the Riverland, and even as far south as Kangaroo Island. In the ranks of the union that boasts William Guthrie Spence and Henry Lawson as its members, Jim was known to be a great union organiser and a great recruiter as well as orator. His skill to connect and talk to everybody was not matched and is legend even today amongst Australian Workers Union members.

Until his recent passing away, Jim was not just a longstanding member of the Australian Workers Union, he was our longest. He was a member for 87 years. Jim maintained his membership through changing careers, through changing states, depressions, recessions and wars. Even after Jim's retirement from the union in 1986, you could not keep Jim down. Jim produced his own newspaper, famously named 'The Plod', and maintained a consistent pace of dialogue and discussion with many, from the lunchrooms of workplaces to the offices of premiers.

For my part, I fondly remember Jim being a guest speaker, particularly at the 2018 Australian Workers Union delegates members' dinner, where at the age of 100 he addressed a large crowd of

over 500 people and spoke eloquently and passionately about his life and the values of working people—at 100.

I recall thinking, even then, how much value we must start placing in the living history that those like Jim provide our nation. It is not hard, even with Jim being at the age of 100, to imagine Jim there as a shearer, at a camp fire, listening and being influenced by others. As a young man Jim would have been around those minds that literally sat down and discussed not just the laws that we should have but the very idea that we might have a state and a nation.

Our nation was formed on and by many of the values that formed and shaped Jim's life. It is a common phrase to say, when someone has passed, that they 'broke the mould', and it may seem apt but I do not think Jim would like me to say it. Anyone who ever met Jim would know that he wanted to see his life as a mould for others—that workplaces should be fairer, that we should all be involved in discussing the issues that affect not just ourselves but also those less fortunate than ourselves.

Indeed, as Jim would often say, despite his lifetime of work and efforts for working people, the problems of working people in our nation are as evident today as they were when he first started his work. Jim is a legend within the Australian Workers Union; he should be a legend within South Australia. To many, he is. He will be greatly missed and his hard work and dedication to the working class lives on. Vale, Jim Doyle.

YAP, DR Y.

The Hon. J.S. LEE (15:51): Today, I rise with a heavy heart to convey my deepest condolences to the family of Dr Yen-Yung Yap. Dr Yap has sadly passed away unexpectedly at the young age of 43 years old, a great loss to his family and friends, the medical profession and the community he represented and cared for. Dr Yap was a high achiever and his mission has been to provide holistic health care for women and a comprehensive reproductive care plan for couples from fertility to family planning. He was a highly qualified obstetrician and gynaecologist.

Dr Yap has been known as a happy-go-lucky family man who was a kind and loving husband to Mei-Khing Loo and a wonderful father to his three beautiful young children, Joyce, Michelle and Edwin. I have known Dr Yap and his wife Mei-Khing through the Australian Chinese Medical Association and the Malaysia Club of South Australia.

It came as a total shock when, on 4 September, South Australia Police issued a missing person notice seeking help from the public to locate Yen-Yung Yap, who had last been seen on Thursday 3 September. This notice was circulated throughout social media and everyone was worried sick, all trying to search for Dr Yap.

The terrible news arrived on 5 September, when SAPOL published a subsequent notice that completely devastated everyone. It stated:

> Sadly, the body of missing man Yung Yap was found late this morning...There are no suspicious circumstances and police will now prepare a report for the State Coroner.

This heartbreaking incident happened just before Father's Day. His three young children were not given the opportunity to wish their dad a Happy Father's Day on Sunday 6 September. It was really hard for anyone to imagine the anguish, despair, sorrow and pain experienced by the family during this difficult time. There were many heartfelt tributes posted on Facebook from Dr Yap's colleagues and friends, which were deeply appreciated by the family.

I reached out to his wife, Mei-Khing, to offer my heartfelt condolences and support and asked if there was anything I could do for the family during this tragic time. Mei-Khing said it would be most comforting to the family if friends could share stories or tributes about her husband and keep his memories and legacy alive. It is therefore my honour today to pay tribute to Dr Yap and provide a summary of his achievements and contributions to South Australia.

Dr Yen-Yung Yap was the founder and director of Yap Specialist, a holistic clinic in the area of women's health. He was an exceptional scholar and high achiever and was granted a full scholarship to study Cambridge advanced levels and a full scholarship to study medicine at the University of Adelaide.

After obtaining his medical degree from the University of Adelaide in 2001, Dr Yap went on to do his postgraduate training at the Lyell McEwin health service, The Queen Elizabeth Hospital and the Women's and Children's Hospital. In 2011, he was awarded a prestigious Royal Australian and New Zealand College of Obstetricians and Gynaecologists fellowship, after which he became a fully qualified specialist recognised by the Medical Board of Australia in the field of women's health and childbirth.

In 2013, he obtained a master's degree in reproductive medicine from the University of New South Wales and became one of the few gynaecologists in Australia holding a dual college-based fellowship and university-based master's degree. Dr Yap was the foundation member and honorary secretary of the Australian Health Reform Association. He was committed to advocating for better processes and improvements to the Australian medical system.

Dr Yap was also passionate about advocating for the interests of the Chinese community in Australia. He volunteered as a member of the national Chinese-Australian leaders group, fighting for social justice and against racism. Today, the Chinese-Australian community mourns the loss of an outstanding medical professional who made valuable contributions to South Australia and Australia and displayed selfless devotion to his family, profession and community. It is very sad that someone of his calibre and talent has left this world too young, too soon. Vale, Dr Yen-Yung Yap. May his precious memories remain forever in the hearts and minds of his family and friends.

Parliamentary Committees

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: RECYCLING INDUSTRY

The Hon. D.G.E. HOOD (15:56): I move:

That the fourth report of the committee on the Inquiry into the Recycling Industry be noted.

On 13 May 2019, the Environment, Resources and Development Committee resolved to conduct an inquiry into the impact of China's national Sword policy on South Australia's waste management industry and whether it caused or at least contributed to a crisis in the state's waste management. China's national Sword policy affirmed that China will be restricting the importation of certain kinds of solid waste and limiting contamination of those materials to less than 0.5 per cent. This has impacted upon the waste management of several countries, including Australia.

Following the shift in policy, Indonesia and Malaysia indicated that they would be adopting similar policy positions. To better understand the implications of China's national Sword policy, the committee sought to engage with South Australia's waste management and resource recovery industry and its key stakeholders. The committee, therefore, considered a wide range of evidence from 54 submissions and 39 witnesses. It also visited waste management and resource recovery sites in the northern and north-western metropolitan areas, conducted regional visits to Whyalla and the South-East and convened public hearings in Adelaide, Mount Gambier, Millicent and Whyalla.

When the committee resolved to commence this inquiry, the federal government, along with governments from other jurisdictions, including of course our own in South Australia, were already responding to the challenges posed by China's new restrictions on the importation of waste. The Victorian parliament and the Australian Senate both launched parliamentary inquiries, with a further Senate inquiry commencing in October 2019. This hastened a National Waste Policy, published in 2018, and a National Waste Action Plan, released in 2019, to facilitate reaching the targets outlined in the National Waste Policy.

In 2019, a meeting of environment ministers from around the country committed to a ban on certain types of waste being exported. At a state level, the South Australian government commenced a review of South Australia's innovative container deposit scheme, introduced its Single-use and Other Plastics Products (Waste Avoidance) Bill 2019, published an Energy From Waste discussion paper and released its draft waste strategy for 2020-25 consultation.

The committee was encouraged by the fact that governments across all jurisdictions were dedicated to addressing the legislative and policy challenges that have been facing the industry for many years and that the federal government was taking the lead in coordinating a national approach through the meeting of environment ministers. As a result of this inquiry, the committee found that

there was a desire from stakeholders to decouple the state from external markets and to deliver self-sufficiency for future generations.

Witnesses and submissions broadly supported a waste management and resource recovery industry based on a circular economy model. This is a systemic approach to economic development designed to benefit businesses, society and the environment. In contrast to the 'take-make-waste' linear model, a circular economy is regenerative by design and aims to gradually decouple growth from the consumption of finite resources.

The committee found it was imperative that any such transition be supported by economic and legislative tools to encourage best practice, strategic planning and action that is underpinned by a better understanding of product and packaging flows. In the context of a circular economy model, it was important to consider generating energy from the primary treatment of waste and also to consider the best possible use for waste.

Finally, submitters and witnesses widely recommended that government policy focus on the creation of local markets for recyclable and recycled products. It is important to note that in late 2019 and early 2020, this inquiry's momentum was disrupted considerably as Australia experienced severe bushfires in every state including, of course, those here in South Australia. The damage of these bushfires was closely followed by the COVID-19 global pandemic and associated socio-economic restrictions that we are still experiencing, of course.

State and local government resources have, understandably, gone towards dealing with these unanticipated and quite traumatic events. This has meant that the committee's findings and recommendations for the industry, whilst important, must now be viewed from the perspective of post-bushfire and pandemic recovery situations. COVID-19 has also revealed the challenges associated with fragile global supply chains and business models, making some of the committee’s recommendations to support the domestic waste management and resource recovery industry even more pertinent.

The committee's findings, such as moving the South Australian economy towards a circular model for waste management, were well supported by stakeholders and are consistent with a post COVID-19 recovery plan for South Australia. However, success for the waste management and resource recovery industry is likely to be contingent upon a collaboratively developed statewide strategy and action plan that is embedded within nationally agreed objectives. The committee makes 16 recommendations in its report, which I believe will address many of the issues raised through the consultation process.

I wish to take this opportunity to thank all the stakeholders who gave their time to assist the committee with its inquiry. I wish also to thank members of the committee for their contributions to this report, including former Presiding Members, Mr Adrian Pederick MP and Mr Stephen Patterson MP, along with Mr Nick McBride MP, Mr Tony Piccolo MP, Mr Michael Brown MP, the Hon. John Dawkins MLC, the Hon. Tung Ngo MLC and the Hon. Mark Parnell MLC. Finally, I would like to thank the committee staff, Ms Joanne Fleer and Dr Merry Brown, for their assistance.

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

Bills

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:02): Obtained leave and introduced a bill for an act to amend the Residential Tenancies Act 1995. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:02): I move:

That this bill be now read a second time.

Having a roof over your head and a place to call home is one of the most basic of human rights. The Universal Declaration of Human Rights states:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services…

I note the gender specific language. If we were writing that declaration today, we would not do it the same way, but the principle is sound. Housing that is secure and safe enables people to live with dignity.

According to our own Australian Human Rights Commission, the right to housing is more than simply a right to shelter. Whether the housing provides an adequate standard of living depends on a number of factors such as legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; accessibility; habitability; location; and cultural adequacy. For some of us, these basic needs for adequate housing are being met, but for many others this is not the case.

According to the 2009 task force report to the Minister for Human Services, titled 'Towards a housing, homelessness support strategy', housing affordability is a growing problem in South Australia. House prices have increased faster than incomes over the past 20 years, and South Australia has the third worst affordability ratio in Australia.

The people most affected are lower income households who are priced out of the homeownership market and are increasingly turning to private rental markets to find a place to live. According to the task force report, in the last eight years, low income rental stress in South Australia has gone from 22 per cent to 39 per cent. We have gone from being a national leader in rental affordability to being around the national average.

According to the 2016 census, 28.5 per cent of South Australians rent and this figure is growing. Twenty-five years ago there was around one private rental for every social housing property; today, however, there are more than three private rentals for every social housing property. Private rental has grown nearly four times as fast as the population, reflecting higher population, higher house prices and less social housing.

In addition to the South Australian task force report there are a number of other reports that have looked at the experience of people who rent, both in the private rental sector and in social housing. What we know from these reports, and also from the lived experiences of South Australians who have told me their rental stories—in some cases their rental nightmares—is that there are a number of issues that need to be addressed. Addressing these commonly experienced issues would vastly improve the lives of people who rent in South Australia, and this is what the Greens plan to do, including in this bill.

Before outlining what this bill will achieve I would like to share some of the stories that South Australian renters have shared with me. The first is from Christine, who shared a long list of bad experiences and in one of the houses that she rented she recounted:

For the first 3 months, I had no oven for cooking as the ignition in the oven did not work. I called several times and wrote an email but did not receive any response. I had my first Xmas in that house with no oven and had to have all the oven cooked food cooked at my family's house.

Amongst other issues there was also a leaking roof, and Christine stated:

The roof was leaking in the back room for 3 years and the water was running down the roof and into the window frames and onto the floors. I had to put towels down and put garage mats on top of that to stop the water spreading all over the rumpus room felt outdoor carpets. On that same wall with the windows, there was a back door that was rickety and leaked water in fountains during the rain. The carpet became wet there too so the entire wall line is covered in garage mats and towels under it to stop the rain from going across floors. I told the Real Estate Agent but they never told the property owner and they eventually replaced the door after 4 years recently.

The roof became mouldy after the first year as the leaking roof made the ceiling mouldy in 3 places. This was also fixed after 3 years by the property owner recently. The owner did not know about the mould or the leaking roof.

Robert was another renter who tells us:

In one place I lived, the toilet needed replacing and the landlord took forever to act on this. We had to run down the street to the local pub just to use the bathroom!

In another place, mould spores were literally growing out of the ceiling. Again, the landlord refused to fix it. We didn't want to make a big deal out of it because we wanted our lease renewed.

In another place I lived, the airconditioner broke down. It was so poorly insulated that the house was like a sauna during summer. We had to keep pushing the real estate agent to fix it, it took 12 months before the problem was remedied. All the while, we were paying rent for a property that had been advertised as airconditioned.

Megan was another South Australian who gave us her story. She stated:

We have just this week moved from a rental we had been in for 3 years. They had asked us to sign on for another year but told us we had to pay our bond again. The landlord had not lodged our initial bond from 3 years earlier. We were given 7 days to come up with $2,500. I was told unless I paid the bond again I would have to vacate and also they would not fix any of the issues in the house. We had completely blocked plumbing in the bathroom sink, the oven did not work properly as the door wasn't attached correctly. A retaining wall had fallen out the back and the yard was sliding down the hill and the rear glass sliding door had completely broken and fell to the ground constantly. Even falling on one of my children at one stage. I was then given 28 days to leave.

I had to borrow money and move with my ex husband just to get a roof over our head. We are now awaiting the final outgoing inspection from the previous agent who we predict will be making it difficult when we hand the keys back. We have been informed that the previous landlord can be charged $7500 for not lodging our bond nor supplying us with a receipt . But I am now down thousands and getting more in debt because of moving costs and now extra bills.

Kai is another renter who has had to live with mould in their rental home. Kai states:

My partner and I lived in a unit with black mould growing through our bedroom wall for almost a year and a half. It became a serious issue during our second winter there, when it sprouted across the whole outer wall due to the landlord painting over wallpaper and the moisture getting trapped in between.

At the time the issue became severe, my partner and I were subtenants, and the main tenant was the only person in touch with the agent. The agent continuously told her to instruct us to 'crack the window open' and 'spray it with bleach', ignoring the fact that we had been cleaning the mould daily, running a dehumidifier, and avoiding using our heater to no avail.

Due to our low income we could not find a suitable place to move for many months, and eventually moved in temporarily with friends to get a reprieve from the health issues the mould was causing us. To this day I have a mould sensitivity and my partner's asthma was made worse by the experience.

We also lost practically all of our belongings, as our soft furnishings, wood furniture, plastics, and much of our clothing was growing mould and beyond saving. Between moving twice in a few months and replacing our belongings, I would estimate that this experience cost us at least $1,000 not to mention the cost to our health, wellbeing, and trust in the current private rental system

Julianne also shared her horror rental stories, which went for many pages. Just one part read:

The property had an issue with water leaking in the shower. Fungus (the size of a dinner plate) grew from the wall—it was underneath the table so it wasn't seen initially. The baby suffered breathing issues and was put on asthmatic medication.

Julianne also recounted:

…the sliding door didn't shut for months on end. Real Estate Agent refused to fix it, therefore the property was not secure. One inspection they let the pet rabbit out—took 3 days to find it. The bathroom door locked itself and the agent refused to come and open it—even though the youngest was having febrile seizures and her medication was in the bathroom.

Rebecca is another renter who also experienced issues with appliances not working and not being able to physically secure the property. She told us the following about one house:

…the oven did not work, the heating didn't work, there was a massive gap in the kitchen bench where cockroaches came in through the wall, and the doors/screendoors didn't lock properly. The landlord took 9 months to fix the oven (by that time it was summer), and none of the other issues got sorted. In addition, since the property wasn't properly secured, I spent that year in ongoing fear of someone breaking into the house. Added up, it all spelt stressful—on top of working 3 jobs just to cover the rent!

One idea that might be helpful is that before tenants are signed up, a rental property should have some kind of standard list/guarantee of maintenance and safety features certified by an independent property assessor (not a rental property agent since there's an obvious conflict of interest). It could include all utilities in safe working order, all doors/windows locks functioning properly, smoke alarms tested, all gutters/drains cleared, instructions provided for fixtures (oven/stove/dishwasher etc), exhaust fans working, zero mould issues et cetera.

A requirement for minimum standards is a great idea, and it is one of the proposals in this bill. Rebecca also raised the issue of rental insecurity, saying:

I've rented for 7 years in 6 different houses, usually in share house situations. Despite landlords saying that they want long-term tenants, after a year they change their mind, or they suddenly 'have friends that need a place to

stay' or they've decided to sell the house…and so the upheaval begins anew. It's exhausting. I/we have always paid the rent on time, maintained the property (including the gardens), forgone having pets, not had ridiculous neighbour-disturbing parties and passed all inspections—but why bother, if in 12 months I need to look for a new place?

She went on to say:

It would also be brilliant if there was the possibility of some long-term rental agreements/contracts. Even a 5-year rental terms would bring a sense of certainty, stability and connection to place. It is incredibly stressful and disruptive to have to move house every year or so, not to mention the time/energy it takes to work out a new bond/finding a new rental property in a very limited time/transferring or switching utilities/cleaning for the final inspection/moving costs & time/redirecting and updating post etc.

Finally, Sofia shared her brother's story with us. She said:

My brother who has autism and couldn't afford private rental so went into an apartment through community housing. This apartment did not have air conditioning and he did not cope well through the heat waves. So he went into a townhouse with air conditioning. He went to use the air conditioner for the first time to find that it was not working. I contacted the community house provider and was told it was not the landlords responsibility. I looked into his lease and he did in fact signed a lease with it stating that the landlord was not responsible for the maintenance of the air conditioner. I wasn't there at the signing and trusted his support worker would have been thorough. He is now in a townhouse with the idea that he would have an air conditioner and now can't afford to have it repaired himself with his disability pension. The unit of the air conditioner is also on the roof, which will need a scissor lift to access. I am incredibly annoyed as now my brother is stuck in this town house.

This shows how important it is for landlords to disclose all relevant information to prospective tenants before they sign the residential tenancy agreement.

I am pleased today to be introducing the Residential Tenancies (Miscellaneous) Amendment Bill that will seek to address some of the key issues that I have outlined as explained to me by tenants and remedy these issues in the long run. In particular, the bill will require landlords to disclose certain matters to a prospective tenant prior to entering into a residential tenancy agreement, such as whether there is any known asbestos in or on the premises or whether the premises are intended to be sold.

Where a landlord contravenes this new section by not disclosing that they intend to enter a contract to sell the home within two months of the tenancy agreement commencing, the bill provides that the tenant has the right to terminate the tenancy. Also, if the rental home has been rated under the Nationwide House Energy Rating Scheme, which has been a requirement for all new houses built since 2003, the landlord will be required to disclose the energy rating of the house.

The bill prohibits landlords and their agents from inducing someone to enter a residential rental agreement by misleading or deceptive conduct or omission of information. A real-life example of where this provision will be relevant is the situation where a tenant rented a property that had been used as a meth lab by a previous tenant and this was not disclosed to the tenant who became ill as a result of the chemical residue left in the walls of the property. Another example could be failure to disclose a persistent mould issue.

A different example, but a live one, is where a property is advertised as being in the catchment zone for a particular school but in fact is outside that zone. A similar offence is created for persons who engage in misleading or deceptive conduct in order to induce a landlord into entering a residential tenancy agreement. Both these offences under the bill carry a maximum penalty of $5,000.

The bill prevents rental bidding by requiring premises to be offered for rent at a fixed price and prohibits landlords or their agents from soliciting or inviting offers of a higher amount; however, the new provision does not prevent a prospective tenant from offering a higher amount.

A new section is created to ensure that rental homes meet minimum standards, including security, window coverings for privacy in certain rooms, a functioning toilet, hot and cold water connections, vermin-proof rubbish bins and cooking facilities. It enables the minister to prescribe additional items in the regulations.

To improve the confidence that renters have about how long they can remain in their rental home, the bill does a couple of things. It creates a new offence where a landlord who has recovered possession of the rental premises uses the premises for a purpose other than either the purpose

stated in the notice of termination or another purpose that is allowed as a ground of termination under the Residential Tenancies Act within six months after recovering possession; however, the landlord is allowed to grant a fresh tenancy to a tenant whose periodic lease was terminated under this new section within that six-month period.

Where a tenant has been wrongfully terminated they can apply to the tribunal, which may then make orders, including reinstatement of the tenant's rights under the tenancy agreement, compensation or anything else the tribunal considers appropriate.

The bill also prevents no-fault evictions for people on periodic leases by repealing section 83. Section 83 enables a landlord to terminate the tenancy without specifying any ground of termination. The government will be pleased to know that the feedback I had from the Real Estate Institute of South Australia, the Landlords' Association and property managers when I met them last year was that they had no concerns with this proposal. Finally, the bill requires the commissioner to create a register of landlords, rooming house proprietors and agents who have been found in breach of rental laws by the tribunal.

During the development of this bill last year, we consulted with Shelter SA, the South Australian Council of Social Service, the South Australian Tenants' Information and Advisory Service, consumer advocacy organisation CHOICE, renting advocacy organisation Better Renting and the Community Housing Council of South Australia. I would like to place on the record my thanks to all these organisations, each of whom have had input into the bill.

We also consulted and met with representatives from the Real Estate Institute of South Australia, the Landlords' Association and representatives of various property management businesses. I also thank these organisations and individuals for their input, which resulted in a number of changes to the draft bill to reflect their feedback.

I would also like to acknowledge the hard work of my chief of staff, Cate Mussared, who has put a lot of effort over the last 18 months into consulting with stakeholders and getting this bill right. I would also like to thank the staff at the Office of Parliamentary Counsel for their time and effort working with Cate and I through the various iterations of this bill over the last year.

The Greens are calling on the parliament to address the current imbalance in our rental laws by supporting this bill. Private rental properties are not just investment properties for the owner, they are homes for the tenant. South Australians who rent should be able to live in a home that is safe, private and comfortable without fear of being discriminated against if they request urgent repairs or fear of being evicted for no reason. We believe that this bill is a positive step towards providing better rights and protections for people who rent. I commend the bill to the chamber.

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

Motions

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT REGULATIONS

The Hon. M.C. PARNELL (16:20): I move:

That the General Miscellaneous No. 2 Regulations under the Planning, Development and Infrastructure Act 2016, made on 23 July 2020 and laid on the table of this council on 8 September 2020, be disallowed.

This is an identical motion to one that passed the Legislative Council in the last sitting week in July before the winter break. The motion is to disallow planning regulations and, in particular, the regulation that allows the raiding of the open space fund, otherwise known as the Planning and Development Fund, for the purpose of general administration.

The true purpose of the fund is to provide community facilities such as public parks, gardens, footpaths and cycle paths. It is not for general administration of the planning system. As I explained last time, the fund is primarily comprised of cash contributions from developers in lieu of providing physical land for public open space. The money goes into a pool and is allocated to appropriate projects that help build our common public spaces that benefit the whole community.

I pointed out last time that every stakeholder group has come out in opposition to this cynical move in these regulations. We had the Urban Development Institute of Australia, representing

property developers, come out against it. We had the Local Government Association, representing local councils, opposing these regulations, and then we had a huge range of community groups, representing a range of areas, residents and ratepayers. So we had what we call in the trade a 'bingo'—nobody in favour, everybody against.

Of course, as members know, a common tactic of the government, when one of the regulations is disallowed, is to immediately reintroduce it. So the regulations that this chamber disallowed on 22 July were re-gazetted the following day, less than 24 hours later. I think this is a contemptuous way to treat the parliament. It is a tactic that should be outlawed. We should have a system that prevents a government from reintroducing the same regulations within a certain period of time—say, six months—unless the disallowing house agrees.

There have been many attempts by opposition parties over the decades to bring about this law reform. However, their enthusiasm for this reform miraculously evaporates once they get into government. When we last disallowed these regulations, I said in parliament:

> I fully expect that tomorrow's *Government Gazette* will contain these regulations again, but my plea to the minister is: when the minister introduces these regulations again, leave out regulation 25. Leave out the one that changes how the open space fund can be spent.

That did not happen and identical regulations were introduced the following day. A week later, the planning minister resigned and was replaced by a new planning minister, Deputy Premier the Hon. Vickie Chapman. So this is a great opportunity for the government to reset its priorities and its relationships with all of the stakeholders who are against what the government is doing.

I understand the new minister has been defending the regulations, no doubt on the advice of her department; however, I want to give her a chance to reconsider. The response that she has been providing to community groups has not allayed any concerns so far. In relation to spending the fund on the administration of planning reforms, and not just on community works, the new minister said much the same as the previous minister. She said:

> Under the former government, funding for the reforms has always included a contribution from this fund.

I do not know whether that is right or wrong, but if it is the case then there is no need to change the regulations because the new government could just continue to do what the previous government did under the previous rules. The current government has not suggested the previous government broke the law, so their argument is very thin. Regardless, the community, the development industry and local councils all know what the fund is supposed to be used for, which is why we have opposed these regulations.

The last time we disallowed these regulations I took the rather unusual step of seeking the indulgence of the council to vote on the motion on the same day that it was introduced. I thank the council for that indulgence, which was supported, because the motion had such wide community support and we also wanted to get it sorted before the winter break. I think there was a genuine fear that the fund would be drained to satisfy the government's administrative budget problems in the planning department if we did not make our views known clearly and urgently.

I have decided not to proceed down that path today, even though I know we have the numbers because, as I said, we have a new minister and I want to give her the opportunity to fix this properly rather than us seeing identical regulations in the *Government Gazette* again tomorrow, which we would be again moving disallowance of in two weeks' time. So I will not be calling for a vote today, but when we come back in two weeks I will again invite the Legislative Council to support the position taken by all stakeholders to again disallow these regulations if the government has not moved in the meantime. I commend the motion to the council.

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

REMUNERATION TRIBUNAL DETERMINATION

The Hon. M.C. PARNELL (16:26): I move:

> That this council notes the determination of the Renumeration Tribunal concerning accommodation reimbursement and allowances for country members of parliament made on 7 September 2020.

In question time today I asked the Treasurer a question about the recent Remuneration Tribunal determination about the country members' accommodation allowance. This motion is also on that topic; however, it simply calls for the determination of the tribunal to be noted. The reason I put this on the agenda is because it has struck me that the process for setting allowances and entitlements for MPs is far from ideal.

I know it is convenient for members to hide behind the process, to shrug their shoulders and say, as the Treasurer does, that this is an independent body and it has made its decision, which is final. However, it struck me that if the tribunal did get it wrong then we do have a duty to go back to them and ask them to look at it again. To make it clear, I am not suggesting they got any of the numbers wrong in terms of what they say is an appropriate amount of reimbursement, but I do think they have some of the policy settings wrong.

On Monday, as we have said, the Remuneration Tribunal handed down a number of reports and determinations that relate to parliamentary allowances, including the one that is the subject of this motion, which is determination No. 9, which covers allowances paid to country members. There can be nobody listening to this or reading about it later who is not aware of the controversy surrounding this allowance and those who have claimed it.

The possible misuse of the allowance has resulted in tens of thousands of dollars being repaid to the Treasury and a number of high-profile MPs having to resign their positions. It is the subject of inquiries both by the Auditor-General and the Independent Commissioner Against Corruption. So it was certainly time for the Remuneration Tribunal to revisit these rules.

One important feature of the determination is that it does now create a distinction between commercial accommodation, people who are using what is referred to as a second home in Adelaide and also other accommodation arrangements, such as staying with family or friends. Under the new arrangements in the determination, commercial accommodation costs will be reimbursed on a cost-recovery basis. In question time earlier today, I referred to the definition of 'commercial accommodation' being:

> Commercial accommodation means short term (not permanent) accommodation in a commercial establishment such as a hotel, motel or serviced apartment and must be a genuine arms-length commercial transaction.

But then, as I pointed out earlier, the curious exclusion to the definition in the determination says:

> Commercial Accommodation does NOT include Airbnb or other 'sharing economy' type accommodation.

The observation that I made earlier was that it appears to me at least that the Remuneration Tribunal does not fully understand the nature of Airbnb or, perhaps, other online booking platforms. Airbnb encompasses multiple short-term accommodation options. At one end of the spectrum, you can rent or lease for a short-term an entire house or an entire apartment, and at the other end of the spectrum, you can rent for a short term a spare room in somebody's home.

I know that Airbnb is not a platform that is without controversy; however, in my experience, most, or at least many, Airbnb offerings are in fact exclusively reserved for arm's length commercial short-term rentals. Many of them are in fact listed on multiple online platforms, and some can even be rented directly from the owners or the agents.

I spoke earlier today with Derek Nolan, who is the head of public policy for Airbnb in Australia. He confirmed with me that it is indeed common for many hosts to offer their properties on multiple platforms, such as Airbnb, Stayz or booking.com, and that many hotels are also booked via these same platforms. He pointed out to me that it makes no sense to discriminate against Airbnb or Airbnb hosts, and he told me that Airbnb will certainly be writing to the Remuneration Tribunal about this.

I will not repeat all the questions I asked of the Treasurer today, but my feeling is that further work is needed by the tribunal and that that work may result in further amendment of the determination. That might be wishful thinking on my part, but I certainly believe that a case can be made.

A concern that I do have is that if this determination is allowed to stand it might become a default position for other bodies determining whether or not to allow staff to use Airbnb for work trips. If they see that the South Australian Remuneration Tribunal believes that it is not a genuine

commercial or arm's length transaction, then it is possible that other organisations, other parts of government, for example, will ban Airbnb for their staff as well. When I say ban, I mean that refusing to reimburse the costs of accommodation is effectively a ban, because nobody is going to pay for work accommodation themselves if they are not going to be reimbursed, when they can stay in the equivalent place next door where they will be reimbursed.

I do accept the Treasurer's assessment that probably nobody claiming the country members' allowance has ever claimed for Airbnb. However, this determination ensures that they never will in future. I also accept the Treasurer's assessment that most country members will continue to maintain a second home in Adelaide rather than access commercial rental. This will still be the preferred option, I expect, for most members. However, it will now be reimbursed at a lower rate than before—I think it is about $50 a night less. Nevertheless, I think there is a principle and a precedent at stake, and unless challenged it could become accepted public sector management practice that Airbnb is somehow not commercial.

It is purely a matter of speculation on our part as to why the tribunal went down this path. My best guess, without speaking to anyone there, is that they imagine that what could happen is that a person could list on a platform like Airbnb their back room, or part of their home, that that would be taken up by a friend who happened to be a country member of parliament, and effectively we would have a dodgy non-commercial arrangement dressed as a commercial arrangement. That is my best guess as to why the tribunal went down that path. They thought it could facilitate dodgy Airbnb listings to effectively provide free accommodation to members of parliament, who could then continue to collect the country members' allowance.

It may be that that is a genuine concern that needs to be addressed, but my position would be that blackballing a particular platform in its entirety is not the way to achieve that objective. Because I have put this on the agenda as noting of the determination, I invite other members to use the opportunity of this motion on the *Notice Paper* to raise any other concerns they have. I certainly have some other concerns. As I say, they are not so much about the amounts they have set, but I do think that the tribunal fudged the double dipping issue.

I do not think they addressed the fact that all members of parliament were compensated for losing travel allowance. That was not taken into account, because that allowance can simply be pocketed and whether it is country members, ministers or others, members are able to claim additional allowances for the travelling that they do do. I think that is double dipping. It is clear to all of us: the travel allowance was cashed out, but I think morally it still should be allocated to work expenses.

I note that the tribunal quizzed me when I was there about submissions I had made five years earlier, and with the rigour of a Perry Mason cross-examination they did extract from me an acceptance that some of the things I had asked them to do they could not do under the legislation, because the legislation was stitched up in such a way that they had very little discretion. Yet, they did have discretion over the country members' allowance and how to set that, and they studiously avoided the double dipping issue.

I accept that the tribunal cannot undo what the parliament decided, yet I think they could have decided that members should first exhaust their travel allowance as cashed out five years ago and now incorporated into the common allowance—that members should spend that first before claiming any other accommodation or travel allowances.

I think it is a shame that they did not do that, but that is as much as I want to put on the record for now. I invite other members, if they wish, to make any reflections on the determination and whether it fairly deals with the matters it is concerned with. I do not intend to bring the motion to a vote anytime soon, but I would be more than happy to discuss with members or for members simply to stand up on a private members' Wednesday and add their contribution to this motion.

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

Bills

PUBLIC SECTOR (ANNUAL PUBLIC MEETING) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:37): Obtained leave and introduced a bill for an act to amend the Public Sector Act 2009. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:37): I move:

That this bill be now read a second time.

The proposal in this bill is quite simple—that is, that every South Australian public sector agency must, once in each year, hold an annual public meeting to which members of the public will be invited and at which they can ask questions. Currently, a few agencies do this, but all agencies are required to prepare annual reports which are tabled in parliament. The Public Sector Regulations 2010, regulation 7, sets out the specific requirements for public sector agency reports. This bill takes those reports and adds an extra level of accountability via a public meeting.

Annual reports of public sector agencies vary in their quality and level of detail, yet all have the stated objective of giving parliament and the public important information about the agency's activities and performance. The requirements for these reports are set out in Premier and Cabinet Circular PC013.

Annual public meetings will provide a further mechanism to ensure public accountability and transparency. The concept of annual public meetings, or APMs, is identical to the longstanding practice of private sector companies and non-government organisations, which hold annual general meetings to present annual work performance outcomes to shareholders or members.

Every South Australian is a shareholder and member of the framework of government in South Australia, so why should we not have that same right? I know that there are accountability mechanisms through parliament; however, these are no substitute for public agencies dealing directly with those who are affected by their decisions.

This idea is not new in the public sector. In February 2018, the Australian Broadcasting Corporation (the ABC) held its first APM and included presentations from the ABC chairman, the managing director and the chief financial officer. The ABC's annual public meeting was initiated by the ABC to increase transparency and accountability in the same way that public companies do at their annual general meetings. More than 400 people attended live events in Sydney, Rockhampton and Launceston, while around the country others watched on a live stream.

In December 2016, the Northern Sydney Local Health District held its first annual public meeting at the Kolling auditorium at the Royal North Shore Hospital in Sydney. The meeting offered to guests a chance to meet and chat with the board members and the executive and hear about the activities of the local health district, including highlights from the past financial year and audited financial statements. Guests also had the opportunity to ask questions of the board chair and the chief executive.

Another example: as part of the outreach activities in the Canadian public sector, Crown corporations are encouraged to hold APMs to share information and solicit feedback from the public. This was first proposed in the 2005 review of the governance framework for Canada's Crown corporations. APMs are promoted as a positive opportunity to encourage public participation. The purpose of an APM is stated as: to provide information on the agency's activities, to solicit feedback from the public and to provide the opportunity for members of the public to ask questions.

How should an annual public meeting of a public entity be conducted? The approach, I think, should and will vary according to the agency's business; however, there are some key common features that would be expected in an APM. These include, firstly, being open to all members of the South Australian public; in other words, that they should not be just exclusive invitation-only events. I would contrast what I have in this bill with, for example, what the Environmental Protection Authority conducts every year. They are legally obliged to conduct an annual round table; however, their

governing act does not provide that they have to invite the public, so it tends to be an invitation-only event.

Secondly, the APM should present the agency's annual report to the public. Thirdly, the APM should demonstrate transparency, accountability and accessibility in the eyes of the public. It should provide the public with a means to gain a solid understanding of the agency's operations and an opportunity to ask questions and/or make observations. The meeting should enable interactions with key members of senior management; for example, the CEO or members of the governing board with the general public.

I will now outline the mechanism that is used in the bill. Under the Public Sector Act 2009, public sector agencies in South Australia are legally obliged to report annually on their operations and performance. The act states:

> The public sector agency must ensure that the report is accurate, comprehensive, deals with all significant issues affecting the agency and written and presented in a manner that aids ready comprehension.

Some government agencies are also subject to separate legislation that may specify additional or different reporting requirements, but, even so, the reporting requirements outlined in the Public Sector Act 2009 still apply. The specific requirements of agencies in relation to their annual reports, as I said, are set out in regulation 7 of the Public Sector Regulations. These annual reports are seen as a key mechanism to ensure public accountability and transparency and that is what is noted in Premier and Cabinet Circular 13, which relates to annual reporting requirements.

Ideally, the requirement for these public sector agencies to hold an APM would be added to the requirements of the Premier and Cabinet Circular 13; however, that is not a vehicle that is available to me, so I have put in a bill before parliament. There is nothing to prevent later insertion into that Premier and Cabinet Circular, regardless of the outcome of this bill. Under my bill, the requirements for an annual public meeting would apply to all agencies and independent authorities that are required to provide an annual report to the South Australian parliament.

I know that reports to parliament are all tabled. We can note them. We have the opportunity here to talk about them, but we do not have the opportunity to ask any questions of those public servants. Members of the other place might have an opportunity, for example, in estimates hearings. We might have an opportunity if there happens to be a standing committee or a select committee that is looking at the agency, but generally we do not have that opportunity. If it is difficult for members of parliament, how much more difficult is it for members of the public?

This bill requires that there be a meeting every year. It requires that the CEO or equivalent attend that meeting. We do not want these public meetings held with junior officials who cannot answer questions and are not able to take responsibility for anything the agency does. We need high-level people there. I think this will be a very welcome addition to the accountability and transparency regime for public authorities in South Australia. I commend the bill to the chamber.

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

ROAD TRAFFIC (DRUG SCREENING) AMENDMENT BILL

Introduction and First Reading

The Hon. C. BONAROS (16:46): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

Second Reading

The Hon. C. BONAROS (16:47): I move:

> That this bill be now read a second time.

I rise to introduce this private member's bill that amends the Road Traffic Act 1961. At the outset, I would like to acknowledge the assistance of the member for Elizabeth, Mr Lee Odenwalder, who had a similar bill in the House of Assembly and has worked with me and SAPOL to develop this very important piece of legislation.

I note from the Law Society of South Australia submission that there may be a government transport bill under development which could very well contain similar provisions. I would invite the government to have discussions with SA-Best if that is the case, specifically in relation to the provisions of this bill and any likely amendments that may follow.

The bill itself amends the Road Traffic Act 1961 and has two very simple but real, related objectives. Firstly, it attempts to improve road safety for all road users in South Australia by reducing the incidence of drug driving. Giving frontline police officers the power to impose immediate licence disqualification or suspension for drug driving is designed to act as a strong deterrent, while also getting drug-affected drivers off our roads.

Secondly, the section as amended (primarily due to the repeal of schedule 1 clause 8(2)(b)), no longer prevents the results of a drug test from being used as grounds to search or obtain a warrant. Under this amendment, evidence obtained from a legally conducted drug test and then a search relying on that test as the grounds required to conduct a search is not prevented from being admitted in court.

This bill does not increase or change the penalties for any of the existing offences under the Road Traffic Act, the Motor Vehicles Act, other driving offences, or offences under the Controlled Substances Act.

South Australia recorded its worst road fatality rate for almost a decade last year, when 114 people died. This year’s road toll is virtually repeating where we were at this time last year with 36 deaths. As you all know, and as I have noted many times in this place, South Australia is the ice capital of Australia.

It should come as no surprise to us that illicit drugs are now more common than alcohol among South Australian drivers and riders involved in motor vehicle crashes. What is very concerning is that, unlike alcohol-related fatalities, the number of motorists killed in road crashes who have tested positive to drugs is not decreasing. Each year since 2014 the number of drivers or riders killed who tested positive to drugs has overtaken the number of drivers or riders killed with an illegal blood alcohol concentration level.

The frequency of drug-driving related fatalities is rising in South Australia. About 24 per cent, or about one in four, of those killed in road crashes over the past two years returned positive drug tests according to Cindy Healey, Inspector of Traffic Support Branch, SAPOL. That is a totally unacceptable statistic—one in four deaths on South Australian roads were driving under the influence of drugs.

Drug driver detection rates are also rising, with positive results being returned in 16,859 of the 150,073 drug tests conducted from 1 January 2017 to 31 December 2019. This means that about 11 per cent of tests for drug drivers were positive. That, to me, is a breathtaking statistic because, as Inspector Healey noted, these drivers are not just a hazard to themselves, their passengers and other road users but also pedestrians who may be elderly or young and not seen by someone who is not, as she said, 'on their game'.

These increases are occurring despite legislative changes passed in late 2017 that increased the penalties for drug driving, especially for those drug driving with children in cars. Those changes were needed but they are clearly not working. Data provided by SAPOL shows that of the total 6,064 positive roadside-conducted tests sent to Forensic Science SA for more accurate analysis in 2019, only 163 went on to be found negative. That is less than 2 per cent of those tests were false positives.

These statistics show that the claims made by the Law Society of South Australia, with respect, to the previous minister for transport that there is a high rate of false positives recorded by the roadside-conducted drug and alcohol tests are patently wrong. If and when a false positive is evident by Forensic Science SA then obviously the matter does not proceed any further.

I acknowledge that this is a minor disruption to a tiny 2.7 per cent of those testing positive at the roadside who later test negative at Forensic Science SA. Personally, I can easily live with 6,064 drug-affected drivers automatically being kept off our roads once their roadside test proves

positive, and 163 having their licences reinstated if the Forensic Science SA oral test shows that their results were in fact negative.

The period between the roadside-conducted saliva test and the forensic oral test or blood test results is usually about two to 10 days. It is possible this period will lessen over time, once COVID testing results—which are currently being expedited—are reduced. Remember, too, that the 6,064 drivers who tested positive to drug driving in 2019 were only those tested specifically for drug driving and that not every car pulled over into a random breath test station or for a driving infringement was tested for drugs.

SAPOL has told me, at briefings I have had with them, that the cost of the tests and resourcing of SAPOL and Forensic Science SA have meant that drug testing is more targeted and not conducted on every driver tested in a roadside breath testing station. There is clearly a cost impediment there in relation to this issue.

Roadside drug testing is more resource intensive and time-consuming than roadside breath testing for alcohol. Alcohol tests provide an immediate result indicating BAC levels. SAPOL administers about 500,000 roadside alcohol tests but only 47,000 roadside drug tests each year, making the high level of drug driving positive tests all the more remarkable.

Sadly, increased drug use by drivers is a trend across Australia and the world, while the rate of drink-driving has fallen. The message about drink-driving and the excellent MAC campaigns of years gone by appear to have had an influence on our drink-driving behaviours, but the messages about drug driving clearly have not. It is not ringing through. If we as a community are truly genuine in our intent to reduce road fatalities and serious injury, I believe all drivers should be tested for both alcohol and drugs to act as strong prevention and a deterrent.

I would also like to see mandatory drug counselling and treatment for those caught drug driving because many are likely to be habitual users or addicts who are likely to continue their drug driving behaviour without proactive intervention. That said, the bill does not go as far as simultaneously testing for alcohol and drugs or mandating drug counselling or treatment, but if the current drug driving trend continues I can see why the need for this would arise in the future.

Unlike blood alcohol concentration testing, drug screening tests cannot determine levels of impairment or safe limits, and that is one of the issues that we have had a battle with in this space. While SA-Best rejects the ideological argument that there may be safe limits to certain drugs, I will qualify these comments shortly in relation to the use of cannabis. In contrast to alcohol, for most drugs there is no reliable relationship between the concentration of the drug and the level of impairment or crash risk.

Analysis of drug-related traffic injuries undertaken by Dr Matthew Baldock, the Deputy Director of the Centre for Automotive Safety Research at the University of Adelaide, and published in the journal *Traffic Injury Prevention* this year, suggested that the increasing incidence of drug driving, particularly for methamphetamine, evident in roadside drug testing and crash statistics appeared to reflect general drug trends observed in the wider community.

Dr Baldock discovered that blood tests from drivers and motorcyclists who were admitted to hospital in South Australia with injuries, including those who died in hospital, proved conclusively that drug driving has dramatically increased. By contrast, alcohol-related serious injuries nearly halved in the period of Dr Baldock's analysis but the rate at which methamphetamine was detected doubled during the same period. Dr Baldock, like SAPOL, noted that illicit drugs are now being detected at a much greater rate than alcohol in drivers and motorcyclists who are killed or injured on Australian roads.

He found that drug drivers are likely to be male and aged 30 to 39 years. Younger drivers are more likely to test positive to cannabis, while older drivers are more likely to test positive to methamphetamine. He concluded that most drug drivers do not think they will get caught. Although it is a somewhat imprecise science to try to determine the length of time drugs stay in our system and can be detected by police drug-driving tests, we do know the tests identify drivers who have drugs in their system at the time of driving.

What is indisputable and also known is that drug driving with methamphetamine (speed, ice or crystal meth) or MDMA (ecstasy) present in saliva or blood has been shown to increase the risk of road crashes and therefore road deaths and injuries. Many drivers, especially those affected by drug use, remain unaware or unconcerned about the effects that these types of drugs have on their ability to drive, including impaired coordination, muscle weakness, impaired reaction time, poor vision, an inability to judge distance and speed and distortions of time, place and space.

There is the same level of evidence in relation to THC, or cannabis, but as I said I will qualify my comments in relation to that because there are some concerns around that in this debate. Many drivers, especially those affected by drug use, remain unaware of or unconcerned about the effects that these types of drugs have on their driving ability, as I said, in relation to a range of issues, including vision and ability to judge distance, speed and so forth.

Indeed, drug use can alter a driver's perception of their impaired capacity to drive and can provide a sense of overconfidence and increase the likelihood of them engaging in high-risk driving practices such as speeding, overtaking when unsafe or driving dangerously to avoid police. How else could you even attempt to explain a parent's decision to drive their children to school while affected by drugs, as a recent SAPOL drug testing blitz on 17 August 2020 found?

SAPOL reported that, during this blitz, six South Australian parents were caught driving on drugs while taking their children to and from school. More than 1,000 tests were conducted on one particular day as SAPOL targeted drink and drug driving in the vicinity of schools. Of the 136 drug screening tests conducted, six parents allegedly returned a positive result for methamphetamine or cannabis, three of whom had their children in the car at the time of detection.

From April 2018, South Australia has had a new offence applicable to drug or drink driving with a child under the age of 16 present in the vehicle, which carries with it heavy penalties and an obligation for the driver to show that they do not have a drug dependency before being reissued a driver's licence. The intended deterrent of these new laws, while well-intentioned, is clearly not getting through to some people with tragic consequences.

People who are not risk-taking teenagers but parents of children—older people who you might think would know better—are ignoring the warnings and the danger that they present to themselves and to the public. These shocking statistics and the real-life stories of those killed by drug drivers represent a dramatic and unacceptable increase and prevalence of a drug driving problem that this bill seeks to address.

Who can forget the tragic case of Stacey Brooke Panozzo, 35, who had her three children in her car when she slammed into a tree at Kuitpo, south of Adelaide, in November 2017. Her seven-year-old son, Jackson Levi Rayner, was killed instantly, while his two-year-old sister suffered facial fractures, a fractured femur and lung and liver injuries. Panozzo was also injured and another son, Jackson's twin brother, was in a state of shock when emergency services arrived at the scene.

Blood and hair samples taken after the crash revealed the driver had several drugs in her system, including methylamphetamine, amphetamine, diazepam, nordazepam, ketamine, fentanyl, lamotrigine, oxycodone and cannabis. She was bailed after being charged over the fatal accident that claimed the life of her son but was taken into custody after failing several drug tests, driving while under the influence of ice and driving disqualified following the accident. It beggars belief that, after causing the accident that killed her son, this person continued to drug drive while disqualified.

Then there is the case of Kylie Anne Hie, a 38-year-old South Australian mum who killed her four-year-old daughter when she crashed her van into the back of a truck on the South Eastern Freeway while driving high on ice and then was dealing the deadly drug while she waited to be sentenced for that crash.

It is time for South Australia to have a zero tolerance approach to drug driving because no-one wants to share the road with someone whose judgement is impaired to any degree and whose drug driving puts you and your family and loved ones at any greater risk than we already face on the roads. If a person chooses to use drugs that is their decision, but they must know they cannot drive. It is as simple as that and if they do risk driving then they risk being removed immediately from our roads.

The bill is designed to get these drugged drivers off the road immediately through an immediate disqualification or suspension—it is that simple. At present, there are two offences under the Road Traffic Act that relate to drug driving. These are driving with a prescribed drug in oral fluid or blood, and that is in section 47BA, and driving under the influence of alcohol or drugs, commonly known as a DUI, in section 47 of the act.

It is an offence for a person to drive or attempt to put a motor vehicle in motion whilst a prescribed drug is present in his or her oral fluid or blood. The following are a prescribed drug for the purposes of this offence: THC cannabis; methylamphetamine, including meth, ice and speed; and MDMA, which is ecstasy. Drug saliva tests can only detect the presence of these three drugs.

I say this genuinely and sincerely: I do acknowledge that there is a wider debate to be had in relation to cannabis which can show up on a test days after it has been used and certainly days after any levels of impairment may be present. It has been included in this bill in line with other legislation. But again, I acknowledge that there are some valid reasons why we need to have further debate and consideration of this, given the likely reading that may be detected days after somebody has smoked cannabis.

Where a roadside test is positive, police have the power to conduct either a further saliva test or a blood test which is sent to Forensic Science SA. Presently, before any criminal charges can be laid, the presence of drugs must be confirmed by laboratory testing, and this is one of the reasons why I think these laws have not been brought in to this jurisdiction until now. There is a delay between the roadside drug test and the subsequent laboratory test and charges being laid, during which time the driver is often able to continue to drive. If the drug driver elects to be prosecuted, then they often retain their licence for this period also.

As all traffic defence lawyers would confess, adjournments are easily obtained, never more so than during COVID-19 restrictions. So the period between detection and an eventual court conviction could be as long as nine to 12 months, during which time that person has retained their licence and continues to drive on our roads and may very well be continuing to take illicit drugs and continuing to put the lives of innocent people at risk.

The bill seeks to give the police the power to disqualify or suspend a person's driver's licence at the very first opportunity, following a positive roadside saliva test for drugs. As I have already noted, this bill does not increase the penalties of fines applicable to any roadside traffic offences other than the immediate disqualification or suspension. Certainly, in the discussions that I have had with SAPOL, the causal link that they would like to see is for consequences to be closer to the actual offending taking place. So that is the link that we are trying to shorten via this bill.

The second limb to the legislation, related to the first, is to ensure that where SAPOL conducts a roadside drug screening test, oral fluid analysis or blood test, they are not prevented from using the drug test as grounds to search or obtain a warrant for search. Under this amendment, evidence obtained from a legally conducted search could be admitted in court, subject to complying with other legal requirements of searches being adhered to and at the court's discretion in relation to an offence against this act, the Motor Vehicles Act, a driving related offence and an offence against the Controlled Substances Act.

This amendment has been sought by SAPOL and previous governments for some years. In developing this bill, I have consulted with SAPOL, the Police Association of South Australia and a range of traffic lawyers. I have also relied upon the Law Society of South Australia's submission to the government's draft transport portfolio bill, dated 15 June 2020.

I know the Law Society does not support either the immediate suspension or disqualification, or the extended search power provisions, but I do not accept the reasoning provided. As I said, the objectives of this bill are simple and, I believe, well overdue. The increasing incidence of drug driving, and the deaths, injuries and carnage this causes to South Australians, simply cannot be allowed to continue unaddressed. We need to be courageous and brave in legislating deterrents and penalties that will keep our roads safer for all South Australians. With those words, I commend the bill to the chamber and ask honourable members to give it its due consideration.

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

Parliamentary Committees

JOINT COMMITTEE ON THE STATUTES AMENDMENT (ANIMAL WELFARE REFORMS) BILL

The Hon. T.A. FRANKS (17:09): By leave, I move my motion in an amended form:

1. That the number of members who shall form a quorum of council members necessary to be present at all sittings of the Joint Committee on the Statutes Amendment (Animal Welfare Reforms) Bill be one member;
2. That it be an instruction to the Joint Committee on the Statutes Amendment (Animal Welfare Reforms) Bill that during the period of any declaration of a major emergency made under section 23 of the Emergency Services Act 2004 or any declaration of a public health emergency made under section 87 of the South Australian Public Health Act 2011 members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member; and
3. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence to the instruction.

This is quite a simple motion to allow more flexibility for this particular joint committee to operate under the COVID pandemic, both through the various online technologies that we have and also lowering the requirement for quorum to half of the members of the committee.

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

Motions

PARLIAMENT WORKPLACE CULTURE REVIEW

The Hon. T.A. FRANKS (17:12): I move:

That this council—

1. Notes that on 19 February 2020 this council resolved that the President invite the SA Equal Opportunity Commissioner to make recommendations for reforms to facilitate the handling of harassment in this parliamentary workplace;
2. Acknowledges the resultant offer from the Equal Opportunity Commissioner in her correspondence of 13 March 2020 that was tabled on 24 March 2020 and outlined a proposal for a four-month review process of the workplace culture of the South Australian parliament;
3. Notes that the date in the proposal offer for a review to have been undertaken and reported back to the parliament was 31 August 2020, so this project has not only not yet been initiated but its original completion date has now passed; and
4. Requests the President urgently progress this SA parliament workplace cultural review project under the auspices of the Equal Opportunity Commissioner, with a view that it report back no later than the first sitting week of 2021.

Again, I will keep this short. In February, it was drawn to the attention of this particular chamber that we had a problem with the dealing of harassment in this workplace. This council resolved that the President write to the Equal Opportunity Commissioner. The Equal Opportunity Commissioner duly responded to our request with a document that was tabled in March this year, offering a four-month South Australian parliament cultural review project overview to commence in early April and to conclude at the end of July. It would define, identify, gather information, analyse information and produce a report to ensure that in this workplace we have appropriate measures to address harassment and cultural problems.

The review would have reported back over a week ago now, had we actually acted on it. This motion reminds us that this is still on the table. I have also taken the liberty of writing to both presiding members today and have met briefly with both presiding members today. I note that I will bring this motion to a vote on the next Wednesday of sitting. I hope it will not be necessary. I hope that the parliament will have acted by then.

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

Parliamentary Committees

COVID-19 RESPONSE COMMITTEE

The Hon. T.A. FRANKS (17:15): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON HEALTH SERVICES IN SOUTH AUSTRALIA

The Hon. C. BONAROS (17:15): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO SA PATHOLOGY AND SA MEDICAL IMAGING

The Hon. E.S. BOURKE (17:16): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON POVERTY IN SOUTH AUSTRALIA

The Hon. T.A. FRANKS (17:16): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

The Hon. J.E. HANSON (17:16): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON REDEVELOPMENT OF ADELAIDE OVAL

The Hon. I.K. HUNTER (17:17): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON FINDINGS OF THE MURRAY-DARLING BASIN ROYAL COMMISSION AND PRODUCTIVITY COMMISSION AS THEY RELATE TO THE DECISIONS OF THE SOUTH AUSTRALIAN GOVERNMENT

The Hon. I.K. HUNTER (17:17): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST

The Hon. C.M. SCRIVEN (17:18): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

SELECT COMMITTEE ON THE EFFECTIVENESS OF THE CURRENT SYSTEM OF PARLIAMENTARY COMMITTEES

The Hon. C. BONAROS (17:18): I move:

That the time for bringing up the committee's report be extended until Wednesday 2 December 2020.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: INFORMATION GUIDE

The Hon. N.J. CENTOFANTI (17:19): I move:

That the report of the committee on its Information Guide be noted.

The Legislative Review Committee has considered its functions under section 12 of the Parliamentary Committees Act 1991 and has resolved to adopt an Information Guide to set out how the committee carries out its functions, including, for the benefit of members of parliament, those involved with the making of instruments referred to the committee and the general public.

Part 1 of the Information Guide sets out some preliminary matters, including the committee's functions and the general purpose of the Information Guide. Section 1.7 of the Information Guide provides a broad overview of the work of the committee by answering such questions as what members of the committee do, why the committee matters and how the work of the committee aids parliament.

The committee matters particularly because of its work in providing parliamentary oversight of 400 or more instruments each year delegated by the parliament to the executive branch of government. The committee also matters because of its work inquiring into and considering acts or bills referred to it by a house of parliament from time to time and its work inquiring into and considering eligible petitions of 10,000 or more signatures.

The committee aids this house by regularly reporting about its scrutiny of subordinate legislation and other matters to the house so that the house may act, if it so chooses, on the matters brought to its attention. Part 2 of the Information Guide provides information about committee meetings, including the procedure that generally applies to persons attending before the committee to give evidence on a matter of interest to the committee.

Part 3 of the Information Guide provides information about how the committee inquires into and considers instruments tabled in the parliament and referred to the committee. As with other similar scrutiny committees in Australia the committee has adopted scrutiny principles to guide its inquiry into and consideration of instruments referred to it.

The scrutiny principles set out in section 3.2 of the Information Guide closely match the scrutiny principles adopted for the Senate Standing Committee for the Scrutiny of Delegated Legislation. That committee's approach was itself informed by the former Senate Standing Committee on Regulations and Ordinances' inquiry into the parliamentary scrutiny of delegated legislation, which drew on expert advice and international best practice. The Senate committee's inquiry report was tabled in the Senate on 3 June 2019 and the revised scrutiny principles, which are set out in Senate standing order 23, came into effect on 4 December 2019.

The committee scrutiny principles put executive agencies and others on notice of the kinds of matters that are likely to draw the attention of the committee. The scrutiny principles of the committee include whether an instrument referred to the committee is in accordance with its enabling act; makes rights, liberties, obligations or interests unduly dependent on insufficiently defined administrative powers; has defective or unclear drafting; trespasses unduly on personal rights and liberties; or contains matters more appropriate for parliamentary enactment.

The committee takes a nonpartisan, technical approach to its inquiry into and consideration of instruments referred to it, which is one of the reasons why the committee has strong support from all sides of politics to perform its role.

The Legislative Review Committee's inquiry into and consideration of instruments has generally relied on the executive or others responsible for an instrument providing to the committee a report accompanying any instrument referred to the committee. In the absence of such reports, the committee would be left to undertake its own inquiry into and consideration of instruments before the expiry of 14 sitting days after an instrument is tabled in the parliament.

While there is scope for the committee's representative in the house to give notice of a motion to disallow an instrument in order for the committee to continue its inquiry into and consideration of an instrument beyond 14 sitting days, the committee generally seeks to conclude its work within the 14 sitting days.

To clarify the committee's position on the content of reports to the committee, part 4 of the Information Guide sets out the information that would assist the committee to properly inquire into and consider instruments referred to it. The committee has spent considerable time weighing up the information that the committee would like to see in these reports.

Of principal concern to the committee is that it receives information that enables the committee to properly fulfil its obligations to the parliament. If the committee receives inadequate reports, it may unnecessarily take up the committee's time and potentially impact on the work of the parliament in the form of more notices of motion to disallow instruments in the parliament.

Section 4.1 of the Information Guide sets out the general information that would assist the committee, including the purpose of the instrument, the legislative context within which the instrument was made and its financial impact. Section 4.2 asks for a brief explanation of the effect of each provision of an instrument referred to the committee. However, in order to reduce the potential administrative burden on the executive or others writing reports to the committee, the committee has allowed for an explanation that groups together provisions that have the same or similar effect.

Section 4.3 of the Information Guide asks for the reasons for the early commencement of an instrument if a minister certifies an early commencement under section 10AA(2) of the Subordinate Legislation Act 1978. The obligation in the Information Guide is no more than the statutory obligation in section 10A(1a) of that act for each minister to cause a report, setting out the reasons for the issue of an early commencement certificate to be given to the committee as soon as practicable after the making of an instrument referred to the committee.

Section 4.4 of the Information Guide asks for information about consultation to be included in the report to the committee. Information about consultation gives the committee an opportunity to hear the views of stakeholder groups or individuals likely to be affected by an instrument and through their views better understand the effect of the instrument referred to the committee.

The inclusion of information about consultation in reports to the committee is not new. On 3 June 1998, the Hon. Angus Redford MLC tabled a report on the committee's examination of regulations in the Legislative Council. On consultation, the Hon. Angus Redford MLC stated the following:

> Particular attention is paid by the Committee to the processes of consultation undertaken by agencies in the formation of regulations. The Committee considers that it is not adequate for the authors of the report to merely advise that consultation has taken place. It requires further information including the way the consultation was carried out, the results of the consultation, the issues raised and a brief explanation of any changes to the legislation because of the consultation. It is an aim of the Committee to ensure that, where practicable, parties affected by proposed regulations are consulted and given an opportunity to voice their concerns. The Committee should be aware of those concerns and any objections at the time when it first considers the regulations.

In reviewing the information the committee seeks about consultation in reports to the committee for the purposes of the Information Guide, the committee has made some minor changes to the information about consultation announced by the Hon. Angus Redford MLC in 1998. First, the committee has recognised that there are certain circumstances in which information about consultation is not needed. That is where the purpose of an instrument is to only increase fees in accordance with a particular year's state budget indexation rate or where an instrument amends another instrument with no substantive effect.

Second, the committee would like to see any concerns that individuals or stakeholders may raise about an instrument to be set out in a table to make it easier for the committee to review these concerns at a meeting of the committee. For the committee to properly balance any concerns raised about an instrument, the committee also asks that the report identify the extent of support for an instrument and the reasons given for supporting an instrument.

Section 4.5 of the Information Guide asks for information about fees or charges to be included in the report to the committee. Again, the inclusion of information about fees in the reports

to the committee is not new. In the same report to parliament, the Hon. Angus Redford MLC stated the following about fees:

> The Committee checks regulations to ascertain the amount of the fee increase. Where increases are above CPI, it expects the Report to advise on why such an increase is necessary. It is not acceptable for agencies to advise the increases have been made without indicating the amount of that increase. In circumstances where new fees are being introduced to replace existing fees, it is confusing for the committee to determine which fees apply where. In these instances, it is appropriate for the Report to be quite explicit in indicating the differences between previous fees and those proposed.

Similar to the committee's approach to reviewing information about consultation for the purposes of the Information Guide, the committee has made some minor changes to the information about fees announced by the Hon. Angus Redford MLC in 1998.

First, if an instrument only increases fees or charges in accordance with the particular state budget indexation rate, the committee would generally deem such increases as appropriate and the committee would only need a statement in the report to say that all fees and charges in the instrument have been increased by the state budget indexation rate for the particular year. Second, if certain fees or charges have increased by more than a particular year's state budget indexation rate, the committee would appreciate explicit reporting of such fee or charge increases in the table set out in section 4.5 of the report.

Part 5 of the Information Guide sets out the general processes that the committee adopts for inquiries, referred to the committee under section 16(1) of the Parliamentary Committees Act 1991, including publishing a notice of each inquiry in a major South Australian newspaper.

Part 6 of the Information Guide addresses eligible petitions referred to the committee under section 16B of the Parliamentary Committees Act 1991 and notes that the committee's processes for eligible petitions may depend on the matter or matters raised by the petition. However, as a starting point, the committee would expect that its processes would align closely with its processes in relation to an inquiry referred to the committee under section 16(1) of the Parliamentary Committees Act 1991.

Part 7 of the Information Guide advises that the committee's Information Guide was authorised by resolution of the committee on 30 June 2020. I commend the Legislative Review Committee's Information Guide to the council.

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

Motions

POLICE SECURITY RESPONSE SECTION

The Hon. T.A. FRANKS (17:31): I move:

> That this council notes the significant concerns of many South Australians regarding the arrangements of the new SAPOL Security Response Section (SRS) and calls for a public community consultation process on this matter.

I rise today to call for a community consultation on the SRS. 'What is the SRS?', you may wonder. Those of you who were on the streets of Rundle Mall in early July this year would have seen them launched with a somewhat paramilitary-looking Special Response Section, a new police unit, walking down Rundle Mall looking every bit like they were out of the set of a dystopian film rather than the streets of downtown Adelaide.

I draw members' attention to Sir Robert Peel's nine principles of policing. Indeed, they may or may not actually have been developed by Sir Robert Peel, but they certainly were the principles formulated in 1829 by the first two commissioners of London's metropolitan police department.

Principle 1 is obvious: 'The basic mission for which the police exist is to prevent crime and disorder'.

However, Principle 2, 'The ability of the police to perform their duties is dependent upon public approval of police actions', is most relevant to this particular debate.

Principle 3: 'Police must secure the willing cooperation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public'.

Principle 4: 'The degree of cooperation of the public that can be secured diminishes proportionately to the necessity of the use of physical force'.

And on to Principle 7: 'Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence'.

And finally, skipping to Principle 9: 'The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it'.

These are front of mind when I raise this motion today because back during the state budget, on 18 June 2019, the then Minister for Police, Emergency Services and Correctional Services, the Hon. Corey Wingard MP, made a statement with the somewhat incendiary headline 'Rapid response locked and loaded'. This was the first announcement we had of this specialist SA Police rapid response section, which it was touted 'will help build a safer future for South Australians by training and equipping its officers with cutting-edge technology, following a Marshall Liberal Government commitment of more than $9 million in the 2019-20 State Budget.' It goes on to say:

> The South Australia Police Security Response will deploy highly-visible, specially trained officers across the Adelaide metropolitan area targeting at-risk crowded places and responding to violent incidents, such as a terrorist attack, in support of first responders.
>
> The specialist section has enhanced tactical skills and operational equipment including longarm-weapons such as semi-automatic rifles.
>
> To provide an enhanced operational capability, members will receive advanced training in some tactics traditionally only provided to Special Tasks and Rescue Group (STAR) operatives.
>
> The section will also consist of bomb appraisal officers who will undertake a rapid initial assessment of suspect IEDs and tactical flight officers to enhance situational awareness for responders on the ground in open area events and crowded places.

It further states:

> The new officers will form a second-tier response, able to support both first responders and STAR Operations to better manage violent incidents.

The then police minister said that this new section will help build a safer, more secure state for all South Australians. It describes it as a 'rapid response capability' and goes on to note the Marshall election promise, which was:

> We promised to South Australians we would build them a safer state and this funding is delivering on this pledge.
>
> The new section does not replace either STAR Operations members or first responders.

It also notes that part of that funding was a particular fixated threat mental health service, and certainly that is not the topic of this particular motion.

Some nine months on from that announcement in June 2019, we are back at the beginning of the incarnation of this SRS. Police minister Corey Wingard and the CEO of Australia's market leading security and crisis management services went on talkback radio and stated that these militarised police would be 'low profile', 'only deployed on the basis of intelligence', and that 'we would not see teams of them up and down Rundle Mall'—a literal quote from those two gentlemen on talkback radio back in 2019.

But what did we see this year? Literally, SRS officers being launched with a walk up and down Rundle Mall, for every bit of it looking like that dystopian film right here in Adelaide. It was not a once-off. That was not a media stunt. Indeed, we were told to get used to it, the police minister telling us to go up and say hello to them and that they would be very friendly, and to expect them at the Christmas Pageant, in Rundle Mall, at the football and at the Central Market. Wherever South Australians would be out and about the SRS would be there.

That official public announcement of the SRS, where these officers do indeed look like they are heading into military combat, has seen them out at train stations, at bus interchanges, at shopping centres and in suburban shopping malls. That announcement and those pictures of the SRS walking

up and down Rundle Mall were met with a social media backlash that saw hundreds of responses to those SAPOL social media posts saying that the SRS were intimidating, terrifying, frightening and traumatic.

Certainly it was unexpected, and certainly it was completely contrary to the talkback radio promise at the first announcement of this budget allocation that they would not be walking up and down Rundle Mall and that they would indeed be a rapid response, but certainly not out on the streets of downtown Adelaide day in and day out. What was the response of SAPOL to this social media backlash? It was to pull the social media posts and to put up a video the next day reassuring people that they did not understand.

The government and SAPOL have not properly communicated with the public about the development and deployment of this heavily armed unit that is the SRS. Indeed, in terms of their operations, according to media reports, the SRS has been deployed in one case to perform a welfare check—which ended up in somewhat of a siege—and they also arrested a man for choosing the wrong laneway to walk down one night in Adelaide, first claiming he had a knife (he did not) and arresting him for no apparent reason, certainly not on the basis of any intelligence that we could ascertain.

We have been told that the SRS is a section reserved for major events as the threat of terrorism is always present. That leads me to wonder if both the then minister and the police commissioner have forgotten to refer to the Australia-New Zealand Counter-Terrorism Committee's strategy for protecting crowded places, which clearly outlines that 'community engagement through information sharing and collaboration…is an intrinsic part' of this policing. The committee maintains that the success of counterterrorism plans 'rests on the strong partnership between governments and the private sector'.

Given the strong reaction from the public on the announcement of the SRS, it would seem that we were not engaged, we were not informed and, if this is SAPOL's new method of policing, we need to rethink where we are going. The original SRS social media post received such extraordinary levels of backlash that it was soon deleted. The original media announcements, with those heavily armed units patrolling up and down Rundle Mall, actually saw a community outpouring online through the use of a petition, a petition that within a weekend had 3½ thousand signatures, a petition started by a man who is not normally involved in politics but was so horrified by what he saw happening in his home town that he felt the need to start that petition online.

Some of the quotes on that petition have included: 'SA Police is now deploying officers armed with assault rifles. We don't want American gun culture here.' The petition's creator, Ripley Newbold, has stated that he was just so horrified: 'I couldn't quite understand why we would need something like that. I felt the justification SAPOL had given for their existence was really flimsy at best.' That petition now has over 12,000 signatures on it—12,000 voices that have not yet been heard in this debate, 12,000 voices that deserve to be heard.

I refer members back to those principles of policing. In a democracy like ours in South Australia, we have policing by consent and we have policing that has to engage the community, and it does in fact normally engage the community. The PACE forums are much boasted about in terms of engaging the community, and we see regular police and community meetings on all manner of issues.

Back in 2010, when the police changed their uniforms, there was a six-week consultation process. Indeed, there were changes between what the police officers themselves wanted as a uniform and what we ended up with. Six weeks of consultation on a new uniform: zero days of consultation on a paramilitary unit that came as a shock and surprise to South Australians when it was launched down Rundle Mall. If you can consult on changing the colour of your uniform, surely you can consult on whether or not the community feels safer as a result of the SRS.

I would urge the new police minister to take this on board. I would urge SAPOL to rethink this strategy. I would urge them to listen to the words of the Victorian police commissioner. Every other state and territory now has a similar unit, but no other Australian state or territory has a unit that is out patrolling on the streets. The Victorian police commissioner is on record saying, 'Of course we wouldn't have this unit on the streets. They are a response unit.'

The weaponry and the paramilitary force is kept for when it is needed, not shown at the football or the Christmas Pageant to scare the kiddies and not shown in a way that creates fear and intimidation in our community, particularly for those unexpectedly coming across it at the Modbury interchange or the Colonnades shopping centre, where there is no need for this show of force. There was certainly no community consultation nor consent to be policed this way.

With those words, I commend the motion to this council. I will write to the new police minister seeking a briefing on the SRS for all members of parliament. I urge SAPOL to undertake community consultation, to listen to the backlash they received when they announced the SRS and not simply delete the posts but amend their attitudes and approach.

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

Bills

SOUTHERN STATE SUPERANNUATION (CHOICE OF FUND) AMENDMENT BILL

Second Reading

The Hon. C. BONAROS (17:45): I move:

That this bill be now read a second time.

I move that way with a great deal of delight. This bill amends the Southern State Superannuation Act 2009 to allow freedom of fund choice for public sector employees. It is a rehash of a bill I previously introduced, which was subsequently prorogued last year, with the exception of one further amendment that provides for a limited public offer, something that I will explain shortly.

It was always going to be the case that, if this proposal gained support, a government bill would need to be drafted to change the current legislative regime. SA-Best will always give credit where credit is due. Thankfully, the Treasurer saw some merit in this proposal and agreed to consult on it further and he has been doing just that. He has kept me abreast of those developments throughout the consultation process and I am confident that common sense will finally prevail.

The bill has the backing of the Public Service and the backing of Super SA. In short, it is a win-win. It is a no-brainer. It simply does not make sense to force workers to save money in super and then deny them any control over how it is managed.

The current scheme fails to accommodate for individuals' choices when it comes to their super. It fails to take into account in their financial planning any ethical or socially responsible choices they may wish to make regarding where they would like their funds invested—for instance, environmental concerns. It fails to take into account the needs of those individuals with self-managed super. It fails to take into account the transient nature of some Public Service employees or the fact that people move between jobs and indeed jurisdictions. It simply does not make sense to force workers to save money in super and then tell them, 'You have no control over how those funds will be managed.'

We know this can be done better. The federal government has said it ought to be done better. Indeed, at around the time I introduced this bill last year the then finance minister said that South Australians were being dudded when it comes to super choice, and I for one could not agree more. We are now the last jurisdiction not to allow choice of super for public servants.

Obviously, a lot of work has been done behind the scenes about the likely number of people who will exit the scheme and the shortfalls this will result in and that is why it is absolutely critical that the new scheme also allows for limited public offer to ensure the financial viability and competitiveness of Super SA. I certainly hope that is part of any bill the government is seeking to introduce in this place. We absolutely support that position. It is a must going forward and it is the only difference, as I said, between this bill and its previous iteration.

By all accounts, everything is pointing to a favourable outcome for all concerned. I hope the Treasurer does not let me down. We expect to see a bill soon and I thank the Treasurer for his ongoing commitment. Coming from me that is a big statement and I ask the Treasurer not to make me regret my words of praise. We can do this, Treasurer. I know we can. You have the backing of

the Public Service. The sooner we get it done, the better off all our public servants will be in terms of managing their own super. With those words, I commend the bill to the chamber.

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

Parliamentary Procedure

VISITORS

The PRESIDENT: I acknowledge in the gallery a former member of this house, and dare I say it the other place, the Hon. Robert Brokenshire.

Bills

COVID-19 EMERGENCY RESPONSE (EXPIRY AND RENT) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:52): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, on behalf of the Marshall Liberal Government, I am pleased to introduce the COVID-19 Emergency Response (Expiry and Rent) Amendment Bill 2020.

As the COVID-19 public health emergency unfolded, it quickly became clear that many everyday practices needed to be adapted so we could continue doing business while maintaining physical distancing and reduced movement.

Measures to reduce the spread of COVID-19, such as conducting more of our business online, are fundamental to our ongoing response and keeping the community safe. We must also manage the effects on our economy and, wherever reasonable, we should remove the barriers to commercial activities and processes citizens need to engage in and help South Australians who have suffered loss of income at this time.

The Declaration of Major Emergency, in place since 22 March this year, provides the authorising context for the important physical distancing and public health measures issued by the State Coordinator through Directions.

I must thank all South Australians for their ongoing co-operation with these Directions which have helped keep South Australia safe and strong.

Given the course of COVID-19 in Australia so far, including the recent resurgence interstate, we need to be prepared and able to continue managing the health, social and economic risks and impacts of the pandemic in South Australia for some time.

Mr President, a crucial part of this preparedness is the extension of the CO VID-19 Emergency Response Act 2020.

The COVID Act amends other South Australian legislation to temporarily adjust some legislative requirements that are difficult to satisfy during a pandemic.

The Act came into effect in April this year and will expire in October, noting that section 7 relating to commercial leasing provisions expires on 30 September 2020.

This Bill proposes to extend the operation of the Act to 28 days after the day on which all relevant declarations relating to the outbreak of COVID-19 within South Australia have ceased or 31 March 2021, whichever is the earlier. This 28 day transition period will allow Ministers and agencies to make necessary arrangements.

Extending the COVID Act is crucial to continuing our business while maintaining physical distancing. It contains provisions that are necessary for the ongoing management of the risk of COVID-19 in South Australia. Those provisions that are no longer necessary for the purposes of the COVID-19 pandemic have already been expired by me under section 6(1) of the COVID Act.

Mr President, I will now deal with each of the provisions of the Act that are to be extended:

Section 7 is the head power for the COVID-19 Emergency Response (Commercial Leases No 2) Regulations 2020 that contain principles for providing rent relief to tenants suffering financial hardship and encourage landlords

and tenants to negotiate agreements relating to rent relief. The regulations are South Australia's response to the Mandatory Code of Conduct—SME Commercial Leasing Principles During COVID-19 published by National Cabinet on 7 April 2020. The operation of section 7 is to be extended to 28 March 2021 to align with the Commonwealth JobKeeper scheme, which has been extended over two periods, from 28 September to 3 January 2021 and 4 January 2021 to 28 March 2021.

Members of Parliament have been provided with a copy of the draft COVID-19 Emergency Response (Commercial Leases No 2) (Prescribed Period) Variation Regulations 2020 which will be made upon this Bill passing through Parliament. It is intended that the variation regulations will commence on 1 October 2020 and expire on 3 January 2021, which aligns with the next period of JobKeeper.

The variation regulations will continue the protections for affected lessees and will enable lessees who are suffering financial hardship as a result of the COVID-19 pandemic on 1 October to renegotiate certain agreements made under the previous regulations or negotiate new agreements or seek court determinations as necessary.

Moving now to other provisions in the COVID Act that will be extended:

- Sections 8 and 9 that deal with residential tenancies, residential parks and rooming house agreements will be extended. These provisions, inter alia, provide a temporary moratorium on eviction for non-payment of rent applied across tenancies impacted by severe rental distress due to the COVID-19 pandemic.
- Clause 5 of the Bill also amends these provisions to provide that there can be no rental increase if the tenant is suffering financial hardship as a result of the COVID-19 pandemic. There was previously a general prohibition on any rental increase.

The following other provisions will also be extended:

- Section 10 which contains protections for residents of supported residential facilities;
- Section 10A which allows certain community visitors to visit by audio-visual or other electronic means;
- Section 14 which allows the Governor, by regulation, to extend any time limit or term of appointment by up to 6 months;
- Section 16 which allows the Governor, by regulation, to suspend or modify requirements relating to the preparation, signing, witnessing and other treatment of documents;
- Section 17 which allows meetings to take place by audio-visual or other means;
- Section 18, 19 and 21 which provide for service of documents, regulations and transitional provisions;
- Section 22 which deals with Crown immunity from civil or criminal liability; and
- Schedule 1 which contains special provisions relating to the detention of certain protected persons during the COVID-19 pandemic.

Schedule 2 of the COVID Act, which modifies the operation of a number of Acts, will also be extended.

The Aboriginal Lands Parliamentary Standing Committee Act 2003 and the Parliamentary Committees Act 1991 is amended to allow Standing Committees to meet via audio-visual or audio means.

The Bail Act 1985 is amended to reverse the presumption of bail for certain offences related to the COVID-19 pandemic.

The Criminal Law Consolidation Act 1935 is amended to expand the offences against prescribed emergency workers to include people working in pharmacies and providing pharmacy services.

The Development Act 1993 and the Planning, Development and Infrastructure Act 2016 are amended by reducing to 15 business days the time for councils to respond to applications for Crown development and in the case of the Development Act 1993, Crown development and public infrastructure. The Act also amends the Development Act to increase the threshold from $4 million to $10 million for referral of Crown development and public infrastructure to public consultation.

The Emergency Management Act 2004 is amended to clarify the scope of directions given under s 25 and provides that expiations can be issued for failing to comply with these directions. The power to remove children to ensure compliance with any direction is clarified and compliance with a direction is required despite any obligation to maintain secrecy or other restriction on disclosure.

The Emergency Management Act 2004 is also amended to allow for directions in relation to the transmission or distribution of electricity when an electricity supply emergency has been declared. It also clarifies the directions that can be given to market participants.

The Environment Protection Act 1993 is amended to allow container deposit refunds to be refunded electronically.

The Health Practitioner Regulation National Law (South Australia) Act 2010 is amended to allow pharmacists to attend by the internet or other electronic communication in certain circumstances.

The Governor is empowered to make regulations to modify the National Electricity Law to protect the reliability and security of the South Australian power system.

The Public Works Committee processes under the Parliamentary Committees Act 1991 are modified.

The Public Finance and Audit Act 2016 is amended to increase from 3 per cent to 10 per cent the maximum amount that may be appropriated under the Consolidated Account.

The South Australian Public Health Act 2011 is amended to clarify how an order made by the Chief Public Health Officer is to be given effect, to provide how orders requiring detention are made and enforced and to allow the Chief Public Health Officer to authorise the disclosure of personal information.

By extending the operation of the COVID Act, the regulations that have been made under it will also be extended.

There is also a new provision to be inserted into the COVID Act to amend section 3 to provide that a relevant declaration includes a direction under Part 4 Division 3 of the Emergency Management Act 2004 as well as a direction under section 87 of the South Australian Public Health Act 2011. This ensures that the provisions of the COVID Act transition seamlessly from an emergency under the Emergency Management Act to a public health emergency, should that be needed.

Mr President, the Marshall Liberal Government's emergency response to date has kept South Australia safe and strong. I commend the Bill to Members and I seek leave to insert a copy of the Explanation of Clauses.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. The measure will commence on assent.

Part 2—Amendment of *COVID-19 Emergency Response Act 2020*

3—Amendment of section 3—Interpretation

This clause includes public health emergency declarations in the definition of 'relevant declaration' for the purposes of section 6.

4—Amendment of section 6—Expiry of Act

This clause extends the expiry provision in the Act to provide for expiry of most of the provisions of the Act either 28 days after the cessation of all relevant declarations relating to COVID-19 or on 28 March 2021, whichever occurs first. The expiry of section 7 is separately extended to a fixed date of 28 March 2021.

5—Amendment of section 8—Provisions applying to residential tenancies

This clause amends section 8 so that the provision barring rent increases for residential tenancies will only apply if the tenant is suffering financial hardship as a result of the COVID-19 pandemic.

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

SENTENCING (SERIOUS REPEAT OFFENDERS) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:54): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, this Bill seeks to address a number of issues with the serious repeat offender provisions in Part 3, Division 4 of the Sentencing Act 2017 (the Act).

The Act became operational on 30 April 2018 but some of the issues with the serious repeat offender provisions were already present when they formed part of the repealed Criminal Law (Sentencing) Act 1988. The serious repeat offender provisions contained in Part 3, Division 4 of the Act are designed to ensure that offenders who have committed a certain number of serious offences, and continue to offend, are punished more severely for their subsequent offending.

There is a list of serious offences that, upon conviction, count towards the threshold for becoming a 'serious repeat offender' and being sentenced as such.

In order to count towards the threshold, offences (other than serious firearm offences) must have a maximum penalty of imprisonment of at least 5 years and, in the case of the first two categories, a term of imprisonment must have actually been (or, in the case of offences before the Court when the provisions are considered, will be) imposed. There are four categories of offending which if met, mean that a person will automatically be taken to be a serious repeat offender. These are: (a) when a person has committed on at least 3 separate occasions a category A serious offence to which the Division applies;

Offenders in the other three categories were only serious repeat offenders if a court declared them to be. In other words, the court retained a discretion in relation to these other three categories.

With the enactment of the new Sentencing Act 2017 (which commenced operation on 30 April 2018), the court's discretion was removed and all four of the categories operated automatically.

The removal of the court's discretion created an overlap and inconsistency between two categories, (a) and (d), making category (a) now redundant.

Confronted with this anomaly, some judges opted to construe this in the defendants favour, not applying category (d), and therefore requiring the offender to have committed 3, rather than 2, offences before sentencing them as a serious repeat offender.

The changes in 2017 also created an overlap between categories (a) and (b), in that all of the 'category A serious offences' in (a) are also 'serious offences' in (b). This means that the distinction between 3 'category A offences' and 3 'serious offences' is essentially meaningless.

Mr President, the Bill makes amendments to remove these overlaps and inconsistencies.

The current provisions are also difficult for the courts, prosecutors and defence counsel to apply in practice due to the imprecise way in which the offences are described.

Where offences were committed under interstate legislation, the task of obtaining more detail as to the circumstances surrounding an offence is even more difficult. Prosecutors must work out from a bare description in a criminal history report the section of the interstate law that was contravened and whether the same conduct at the relevant time would have amounted to an offence contrary to South Australian law for which a penalty of at least 5 years imprisonment was applicable. It may be necessary to seek more information from interstate authorities.

Researching an offender's criminal history in this way is labour intensive, has resource implications for prosecuting authorities and the courts and can lead to delays in sentencing.

In addition, there is some doubt as to whether suspended and community based custodial sentences are to be counted for the purposes of these provisions.

Mr President, the Bill addresses all of these issues.

Given the extent of the changes required, sections 52 and 53 of the Act have been re-written in a simplified form.

Under the Bill, the inconsistency between categories (a) and (d) and the overlap between categories (a) and (b) are removed. Section 53(1) provides that a person will automatically become a serious repeat offender if they (whether as an adult or as a youth) have been convicted of at least 3 serious offences committed on separate occasions, or at least 2 serious sexual offences (defined in section 52 to be offences where the victim was under the age of 14 at the time of the offence).

Mr President, pursuant to the transitional provisions in Schedule 1, the amendments will apply to a sentence imposed after their commencement regardless of whether the offence was committed before or after that commencement, or whether the defendant is being sentenced at first instance or on appeal. The amended provisions do not affect any sentence already imposed.

Corresponding amendments are made to section 55(1) of the Act, which establishes the threshold for a court to make a declaration of a youth as a recidivist young offender. The court retains a discretion as to whether to sentence a youth as such.

Mr President, this is a relatively small Bill, but it is an important one that will ensure the serious repeat offender provisions are more readily understood and applied. They mandate a robust sentencing response to those who repeatedly flout the law by ensuring they can be more harshly punished for all offending once the threshold of serious offences has been reached and that any non-parole period is at least 80 per cent of the head sentence.

I thank the Opposition for their support of this important piece of legislation through the House.

Mr President, I commend the Bill to Members and I seek leave to insert the Explanation of Clauses in Hansard without my reading it.

EXPLANATION OF CLAUSES

Part 1—Preliminary 1—Short title 2—Commencement 3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Sentencing Act 2017

4—Substitution of sections 52 and 53

This clause substitutes a simplified version of section 53 (and necessary associated definitions in new section 52).

5—Amendment of section 55—Declaration that youth is recidivist young offender

This clause makes matching amendments to section 55(1).

Schedule 1—Transitional provisions etc

1—Application of amendments

The transitional provision clarifies that the amendments apply to sentencing occurring after commencement (but not to any sentencing that has already occurred).

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

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

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:55): 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.

The Statutes Amendment (Attorney-General's Portfolio) Bill 2020 makes miscellaneous amendments to various Acts committed to the Attorney-General. It addresses a number of minor or technical issues that have been identified in legislation.

To begin, the Bill first amends the Bail Act 1985 and Youth Court Act 1993.

Mr President, Parts 2 and 9 of the Bill amend the Bail Act 1985 and the Youth Court Act 1993 to address an omission in relation to the Statutes Amendment (Bail Authorities) Bill 2020 ('the Bail Authorities Bill').

As members will be aware, the Bail Authorities Bill, which recently passed Parliament, amended the Bail Act and other various Acts so as to provide that each of the Supreme Court, District Court and Magistrates Court are bail authorities pursuant to the Bail Act, and to allow each of those courts to make Court Rules specifically in relation to bail applications.

Following the passage of the Bill, the Youth Court raised concerns regarding the possible exclusion of the Youth Court as a bail authority as a result of the amendments made by the Bail Authorities Bill.

This is because, unlike the amendments made by Bail Authorities Bill, the existing Bail Act implicitly recognises the Youth Court as a bail authority. While this issue was not identified prior to the passage of the Bail Authorities Bill, despite previous consultation with the Chief Justice, Chief Judge and Chief Magistrate, it has now been rectified.

It is appropriate that the Youth Court continue to be included as a bail authority for the purposes Bail Act. For the avoidance of doubt, the Bill therefore amends the Bail Act and Youth Court Act, in the same terms as the Bail Authorities Bill, to expressly prescribe the Youth Court as a bail authority pursuant to the Bail Act, and to allow the Youth Court to make Court Rules in relation to bail applications.

Part 3 of the Bill makes various amendments to the Criminal Law Consolidation Act 1935 ('CLCA') to address a range of issues which have arisen in recent months.

Firstly, the Bill amends the prescribed emergency worker provisions in the CLCA to address certain inconsistencies arising from the operation of each of the offences in ss 20AA and 20AB in comparison to other relevant offences which may be committed against the person as provided for in Division 7A of the CLCA.

Relevantly, the Bill inserts a definition of 'reckless' conduct for the purposes of s 20AA and substitutes the definition of 'harm' in s 20AB, so that each of these terms have the same meaning as they appear in Division 7A. In addition, a further amendment is made to s 20AA to clarify that harm caused to a prescribed emergency worker, as a result of coming into contact with human biological material, must be established as a separate element of the offence.

Secondly, an amendment is made to s 269X to allow for a defendant to be remanded to a prison, pending a determination by the court of the defendant's mental competency, where considered clinically appropriate. These amendments respond to concerns which have been raised by the courts, namely, that remand to a prison is currently not permitted under the CLCA, even where it would not be clinically inappropriate in the circumstances. In this way, the Bill will provide the Courts with greater flexibility to determine appropriate custodial arrangements for defendants whose mental competency is being investigated.

The Bill distinguishes between two categories of defendants. That is:

- Defendants who are still in the process of having their mental competency to commit an offence or their mental fitness to stand trial investigated; and
- Defendants who have already been assessed as being liable to supervision (by either reason of mental incompetency or unfitness to plead), but for whom the precise terms of any orders are yet to be finalised.

In the case of the first category, the amendments allow for the defendant to be remanded to a prison, unless:

The defendant is an involuntary inpatient at a treatment centre subject to an inpatient treatment order—in which case, the defendant must continue to be confined at the treatment centre for the duration of the order (and any subsequent orders that may be made); or

- The designated officer is satisfied that the defendant is not being detained in an appropriate form of custody—in which case, the designated officer may determine an appropriate form of custody.

In the case of the second category of defendants, (i.e. those defendants who have already been deemed liable to detention), the amendments allow for the defendant to be committed to an appropriate form of custody, as may be determined by the Minister, until some subsequent date when the defendant is brought again before the Court.

This amendment has been carefully drafted with the assistance of the Chief Psychiatrist and the Courts to ensure it reflects best practice for defendants.

Thirdly, a further amendment is made to s 86A of the CLCA to replace outdated references to the 'Children's Protection and Young Offenders Act 1979' with the 'Young Offenders Act 1993', and the 'Children's Court' with the 'Youth Court', to reflect current arrangements. This reflects legislative changes which have passed under previous Governments.

Part 4 of the Bill amends the Oaths Act 1936 to allow for the Attorney-General, rather than the Governor, to appoint certain persons as Commissioner for taking affidavits in the Supreme Court. An expected use of this power is to authorise certain employees of Forensic Science SA ('FSSA') to take affidavits in-house.

FSSA staff are regularly required to provide expert evidence in criminal cases. The Criminal Procedure Act 1921 currently requires all witness statements in serious criminal matters to be filed as affidavits during the committal process. These affidavits must be sworn before an authorised person, such as a lawyer or Justice of the Peace.

Mr President, the FSSA currently provides over 1500 witness statements each year. This creates practical difficulties for the FSSA in arranging for authorised persons to witness the hundreds of statements their staff are required to make.

Sub-section 28(1)(e) of the Oaths Act currently requires the appointment of authorised persons (including FSSA staff) as Commissioners for taking affidavits to be made by the Governor in Executive Council. This is a time consuming process. The Bill proposes to simplify this process by allowing the Attorney-General to directly appoint authorised persons via gazettal notice.

Part 5 of the Bill amends the definition of 'occupational liability' in the Professional Standards Act 2004 to remove the exclusion of equitable damages from the operation of the limited liability afforded by professional standards schemes.

Currently, the Professional Standards Act limits the definition of 'occupational liability' to only include civil liability arising in 'tort, contract or statute'. As a result, claims for equitable compensation—for example, breach of fiduciary duty or unconscionability—fall outside the scope of the capped liability offered to occupational associations with professional standards schemes in place.

The concern is that this may encourage tactics of making equitable claims so as to evade the intended operation of the Act. These tactics increase the uncertainty of litigation as well as the costs of insurance premiums which are ultimately likely to end up being borne by the consumer, contrary to the intention of the Act.

Consistent with the position of all other Australian jurisdictions, the Bill amends the definition of occupational liability so that the capped liability afforded by professional standards schemes is taken to apply to civil liability arising in 'tort, contract or otherwise.'

Mr President, Part 6 of the Bill amends the South Australian Civil and Administrative Tribunal Act 2013 ('the SACAT Act') to provide that either a District Court Judge or a Supreme Court Judge may be appointed as the President of SACAT. Currently, the SACAT Act provides that only a Supreme Court Judge may be appointed as the President of SACAT.

These amendments arise as a consequence of the recent establishment of the new Court of Appeal. The concern is that, having divided the work of the Supreme Court into the Court of Appeal and General Division, there will be an increased cost impact should an additional Supreme Court Judge need to be absorbed into either of these divisions in the event of a SACAT President (who holds a dual commission as a Supreme Court Judge under the SACAT Act) resigning their position as SACAT President or not seeking reappointment to that position at the end of their statutory five year term.

It is noted that, aside from the valuation appeals and other minor former Supreme Court jurisdictions, the majority of the more senior jurisdictions conferred on SACAT are jurisdictions which have been transferred from the District Court's Administrative and Disciplinary Division. Also, the President of the South Australian Employment Tribunal ('SAET') is a District Court Judge. Consistent with the SAET President, the amendments ensure that any District Court Judge appointed as the President of SACAT will have the same rank, title, status and precedence as a judge of the Supreme Court.

For the avoidance of any doubt, these changes will only apply after the existing SACAT President, the Honourable Justice Judy Hughes has left office as SACAT President and a new SACAT President is to be appointed.

Part 7 of the Bill amends the Summary Offences Act 1953 to provide for exclusions from the operation of the offence in section 21OC of that Act, which has yet to commence.

Section 21OC introduces a new offence for a person that supplies liquor or possesses or transports liquor with intention to supply it, to a person in a prescribed area.

Prescribed area for the purposes of section 21OC means:

- an area comprised of a public place or public places specified in a notice under section 131 of the Liquor Licensing Act 1997; or
- Trust Land within the meaning of the Aboriginal Lands Trust Act 2013; or
- 'the lands' within the meaning of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981; or
- 'the lands' within the meaning of the Maralinga Tjarutja Land Rights Act 1984.

The section 21OC offence was introduced as part of a package of reforms within the Summary Offences (Liquor Offences) Amendment Act 2018 to target and reduce the incidents of the unlawful sale of liquor and supply of liquor to vulnerable, predominantly Aboriginal communities, where the possession and consumption of liquor is generally prohibited, colloquially known as 'grog running'. Members may recall this Bill was first introduced by the former Government, and subsequently reintroduced and passed by this Government in 2018.

This package of reforms was introduced because of the recognised need to address alcohol-related harm occurring in some vulnerable remote Aboriginal communities. New measures were needed to protect these communities from alcohol-related harm, including harms such as serious violence, disorder, antisocial behaviour, family and domestic violence and resultant health problems.

Currently Anangu Pitjantjatjara Yankunytjatjara and Aboriginal Lands Trust have exercised their statutory power to introduce regulations and by-laws prohibiting the consumption and possession of liquor within areas of their own communities in accordance with those regulations and by-laws. These regulations and by-laws seek to address the issue of alcohol abuse in these communities and identified harms by limiting liquor possession and consumption.

The proposed provision disapplies the offence created by section 21OC for persons in prescribed areas (or parts of prescribed areas) where the consumption and/or possession of liquor is not unlawful.

Under this Bill, the application of the offence in section 21OC will therefore be consistent with the laws applying in prescribed areas in relation to the consumption and/or possession of liquor. The Bill will ensure that the section 21OC offence is consistent with the Aboriginal communities' own self determined position in relation to regulating the possession and use of liquor. It is intended that under this Bill, section 21OC will work together with and complement existing and any future regulations and by-laws introduced by Aboriginal communities in prescribed areas, to aid in the effectiveness of their laws regulating the possession and consumption of liquor.

The exclusions were formerly proposed to be included in the regulations. However, following further consideration and consultation with interested parties including representatives of the communities affected by the new offence, it was determined to include them in the Summary Offences Act 1953. This will make it clear that it is Parliament's intention that section 21OC will work together with the affected communities' laws within prescribed areas to stem the flow of liquor into vulnerable communities.

Lastly, Mr President, Part 8 of the Bill amends section 48 of the Young Offenders Act 1993 to provide that the offence of escape from custody does not apply to a youth who is detained subject to a youth treatment order under the Controlled Substances Act 1984.

As members will be aware, the Controlled Substances (Youth Treatment Orders) Amendment Act 2019 provides the Youth Court with the option to order treatment for children and young people experiencing drug dependency.

Consistent with the principles of best care which underpin the Youth Treatment Order Scheme, the amendments in this Bill ensure that a youth who escapes from custody, while subject to detention under a youth treatment order, will not be liable to any criminal sanctions.

Mr President, this concludes the matters that are the subject of this Portfolio Bill. While this Bill covers many different areas, it deals with important issues to ensure our justice system works efficiently and effectively for our community.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 5—Bail authorities

This clause provides that the Youth Court is a bail authority.

Part 3—Amendment of Criminal Law Consolidation Act 1935

5—Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc

This clause clarifies that causing human biological material to come into contact with a prescribed emergency worker may cause harm to the worker, but will not be taken to have caused harm to the worker.

This clause also inserts a definition of 'recklessly' into section 20AA.

6—Amendment of section 20AB—Further offence involving use of human biological material

This section substitutes the definition of 'harm' in section 20AB.

7—Amendment of section 86A—Using motor vehicle without consent

This clause replaces outdated references to the *Children's Protection and Young Offenders Act 1979* and the 'Children's Court' with the updated references.

8—Amendment of section 269X—Power of court to deal with defendant before proceedings completed

This clause amends section 269X(1) to provide that, if an investigation into, inter alia, a defendant's mental competence is to occur, the court may order that the defendant be detained as though the defendant were remanded in custody awaiting trial or sentence, until such time as the relevant investigation is concluded.

However, if the defendant is, at the time of such an order, an involuntary inpatient at a treatment centre in accordance with the *Mental Health Act 1993*, the defendant is to remain in that treatment centre during the course of the investigation. If the relevant investigation is not concluded at the time the defendant is released from the treatment centre, the defendant is to be detained as if remanded in custody awaiting trial or sentence.

This clause also provides that where the designated officer is, at any time, satisfied that a defendant who is detained in these circumstances is not being detained in an appropriate form of custody, the designated officer may determine an appropriate form of custody.

This clause further amends section 269X(2) to provide that, where a defendant is liable to a supervision order under Part 8A of the *Criminal Law Consolidation Act 1935*, but unresolved questions remain as to how the defendant should be dealt with, the court may commit the defendant to an appropriate form of custody determined by the Minister.

9—Transitional provision

This clause provides that if a defendant is in a form of custody pursuant to an order made before the commencement of clause 8 of this measure, the custody of the defendant may, after such commencement, be determined in accordance with section 289X as amended by this measure.

Part 4—Amendment of *Oaths Act 1936*

10—Amendment of section 28—Commissioners for taking affidavits

This clause amends section 28(1)(e) such that the Attorney-General, by notice published in the Gazette, rather than the Governor, may appoint persons other than those already listed in section 28(1) to be Commissioners for taking affidavits in the Supreme Court.

Part 5—Amendment of Professional Standards Act 2004

11—Amendment of section 4—Interpretation

This clause broadens the definition of 'occupational liability' such that it is not limited to liability arising from tort, contract or statute, but can include liability arising in equity.

12—Amendment of section 5—Application of Act

This clause broadens the application of the Act, such that it is not limited to liability arising from tort, contract or statute, but can include liability arising in equity.

Part 6—Amendment of South Australian Civil and Administrative Tribunal Act 2013

13—Amendment of section 10—Appointment of President

This clause amends section 10 to provide that the President of the South Australian Civil and Administrative Tribunal may be a judge of the Supreme Court or the District Court.

Part 7—Amendment of Summary Offences Act 1953

14—Amendment of section 21OC—Supply etc of liquor in certain areas

This clause provides three exceptions to the offence set out in section 21OC(1) of the *Summary Offences Act 1953* (inserted by the *Summary Offences (Liquor Offences) Amendment Act 2018* which is yet to commence) relating to the legality of the consumption or possession of liquor by the third person under another Act or law.

Part 8—Amendment of Young Offenders Act 1993

15—Amendment of section 48—Escape from custody

This clause substitutes section 48(6) to add that section 48 does not apply to a youth subject to a detention order under Part 7A of the *Controlled Substances Act 1984*.

Part 9—Amendment of *Youth Court Act 1993*

16—Amendment of section 32—Rules of Court

The Youth Court will be a bail authority by force of this measure under Part 2. This clause allows Rules of the Court to be made regulating the making of bail applications.

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

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The House of Assembly informed the Legislative Council that it had appointed Mr Cowdrey to the committee in place of the Hon. J.B. Teague (resigned).

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The House of Assembly informed the Legislative Council that it had appointed Mr Ellis to the committee in place of Ms Luethen (resigned).

NATURAL RESOURCES COMMITTEE

The House of Assembly informed the Legislative Council that it had appointed Ms Luethen to the committee in place of the Hon. J.B. Teague (resigned).

Bills

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

Final Stages

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

CONTROLLED SUBSTANCES (CONFIDENTIALITY AND OTHER MATTERS) AMENDMENT BILL

Final Stages

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

At 17:57 the council adjourned until Thursday 10 September 2020 at 14:15.