LEGISLATIVE COUNCIL

Tuesday, 22 September 2020

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:15 and read prayers.

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

Bills

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

Assent

His Excellency the Governor assented to the bill.

CONTROLLED SUBSTANCES (CONFIDENTIALITY AND OTHER MATTERS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Administration of the Joint Parliamentary Service—Report, 2019-20
Letter from the Independent Commissioner Against Corruption concerning an Erratum to the Commissioner's Annual Report 2019-20, together with the relevant amended page
Statistical Record of the Legislature, 1836-2019

By the Treasurer (Hon. R.I. Lucas)—

Regulations under Acts—
- Criminal Law Consolidation Act 1935—Criminal Organisations—Premises in Para Hills
- Fair Trading Act 1987—Gift Cards
- Motor Vehicles Act 1959—Audio Visual Recordings
- Superannuation Act 1988—Prescribed Authorities
- Surveillance Devices Act 2016—Prescribed Circumstances

Rules of Court—
- Magistrates Court Act 1991—Amendment No. 85

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

Notice under Acts—
- Marine Parks (Authorised Management Plan Amendments)

Marine Park Management Plan Amendments under the Marine Parks Act 2007—
- Encounter Marine Park
- Neptune Islands Group (Ron and Valerie Taylor) Marine Park
- Nuyts Archipelago Marine Park
- Upper Gulf St Vincent Marine Park
- Upper South East Marine Park
- Western Kangaroo Island Marine Park

Regulation under Acts—
Cost of Living Concessions Act 1986—General

Ministerial Statement

ONLINE PREDATORY BEHAVIOUR

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): I table a copy of a ministerial statement relating to online predatory behaviour made today in another place by my colleague the Hon. Rachel Sanderson MP, Minister for Child Protection.

Parliamentary Procedure

ANSWERS TABLED

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

Members

MEMBERS, ACCOMMODATION ALLOWANCES, PRESIDENT'S STATEMENT

The PRESIDENT (14:23): On the previous sitting day, the Leader of the Opposition asked me a question concerning the request for information from the Independent Commissioner Against Corruption relating to country members' accommodation allowance. I indicated that it was my intention to make a statement in the next sitting week.

Accordingly, I advise that having sought clarification from the commissioner, I received a letter in which she aimed to simplify the process by refining the categories of information sought. I can advise that the categories of information now sought by the commissioner are as follows:

1. Evidence of advice provided from time to time over the last 10 years to members about:
   (a) when a claim for the allowance can be made; and
   (b) in what circumstances a claim for the allowance can be made.
2. Evidence of the processes in place since 1 January 2017 by which claims for the allowance are received, processed, determined and actioned.
3. Evidence about how claims made by the Hon. T.J. Stephens for the allowance since 1 January 2017 were:
   (a) prepared, certified and lodged, including copies of any claim forms submitted by or on behalf of Mr Stephens; and
   (b) received, processed, determined and paid.
4. Copies of any claim forms for the allowance submitted by or on behalf of Mr Stephens.
5. Records of any recreation or annual leave taken by Mr Stephens from 1 January 2017 to 30 July 2020.
6. Records of any claims made by Mr Stephens for the payment of any allowance for, or relating to, travel to and from Adelaide for the purpose of attending to his parliamentary or other official duties from 1 January 2017 to 30 July 2020.
7. Any copies, including any back-up copies, of the electronic calendar (including calendars maintained using the Microsoft Outlook format) used by Mr Stephens to manage his day-to-day business for the date range 1 January 2017 to 30 July 2020.
8. Any email or other communication made by or to Mr Stephens or persons employed by or to assist him which relate to either:
   (a) claims made by Mr Stephens for the allowance since 1 January 2017; or

(b) allegations (including those made in reports published or broadcast by the Australian Broadcasting Corporation) that claims for the allowance had been made improperly by members of parliament, including allegations that Mr Stephens made claims for the allowance when he was not entitled to.

9. Copies of parliamentary sitting calendars showing any sittings between 1 January 2017 and 30 July 2020.

10. Records of when Mr Stephens attended parliamentary committee proceedings between 1 January 2017 and 30 July 2020.

The commissioner advises that she intends to obtain the information from persons employed in the Legislative Council who have knowledge of the matters, or who possess, or have custody and control over, these documents.

The commissioner also advises that she has issued a summons requiring a person employed on the staff of the Hon. Mr Stephens to attend before her and give evidence about his knowledge of or involvement in the making of claims for the payment of the allowance and any other related matters, broadly covering the topics referred to in categories 1 to 3.

Further, the commissioner seeks to ascertain whether the council considers a claim of parliamentary privilege should be made over any of the identified categories of information. The Hon. Mr Stephens has advised that he has no objection to the information sought being provided; nor does he seek to exercise any claim of privilege.

In considering the matter, I have given particular attention to standing orders 31 and 444. Standing order 31 states:

> The custody of all Documents and Papers belonging to the Council shall be in the Clerk who shall not permit any to be removed from the offices or produced in evidence without the express leave or order of the President or Council.

Standing order 444 states:

> No Member, Clerk or Officer of the Council, or *Hansard* reporter employed to take Minutes of Evidence before the Council or any Committee thereof, may give evidence elsewhere in respect of any proceedings of the Council or its Committee, or of any examination had at the Bar or before any Committee, without the special permission of the Council.

As some of the categories of information or evidence sought pertain to the administrative processes and functions of the council and belong to the council, the custody of which rests with the Clerk, this information may be provided by leave or order of the President or council.

However, members will be aware of the numerous questions asked and statements made in this chamber relating to claims for the allowance as well as the debate on a motion and subsequent resolution of the council of 2 July 2020, and it is possible, even probable, that some of the information sought pertaining to categories 7 to 10 may contain elements relating to those proceedings or incidental to those and other proceedings of the council or its committees.

As such, I am of the view that the council should give attention to standing order 444 before any member, clerk or officer of the council gives evidence to the investigation.

Question Time

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding hospitals.

Leave granted.

The Hon. K.J. MAHER: In July 2018, in response to reports that the proposed new Women's and Children's Hospital might cost $1.8 billion, the Minister for Health and Wellbeing at the time told ABC Radio:

> Personally I think that cost estimate needs to be tested…There've been a number of recent Australian hospital builds including children's hospitals that have been delivered well below that cost per bed and I think it needs to be tested…on the face of it, it's a very costly project.

Over the weekend, it has been revealed that the Women's and Children's Hospital task force estimated the cost of the new hospital at $1.895 billion. They put the due date for the final business case by March 2020, and suggested cost savings might be made from sharing services with the adjacent Royal Adelaide Hospital. Yesterday, on the wireless, the minister suggested pathology, pharmacy and back-of-house services might be shared to save costs on a new build. My questions to the minister are:

1. Why has the government refused to provide clinicians with information from the task force, including the costings and services that were recommended?

2. Why is the final business case for the hospital six months overdue, and what is the current deadline for the aforementioned final business case?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I thank the honourable member for his question. It is indeed the case that in mid-2018 I suggested that cost estimates made at that time needed to be tested. I also believe that is true of the cost estimate in the April 2019 briefing that the honourable member refers to.

It is, on its own face, a preliminary estimate of the cost of the Marshall Liberal government's new Women's and Children's Hospital. The development of a detailed business case that is currently underway is fleshing out the project and testing the costings. The briefing, on its own face, indicates that the costing was prepared based on an initial building concept developed for the purpose of testing that it will fit on the expansion site to the west of the Royal Adelaide Hospital. In other words, it was prepared in the context of the particular site location.

I am delighted that not only did this government get elected with a mandate to have an integrated Women's and Children's Hospital in the Royal Adelaide Hospital precinct, but that the early work, work that was started within 100 days of this government getting elected, confirmed that it was feasible—in fact preferable—to have the integrated hospital right next door to the new Women's and Children's Hospital.

Let's be clear: the Women's and Children's Hospital is a top priority for this government. We had a—

Members interjecting:

The PRESIDENT: Order! I want to hear the minister.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: It is—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Honourable Leader of the Opposition, you asked the question; listen to the answer. The minister has the call.

The Hon. S.G. WADE: It is double the case because it was one of the key, distinctive health policy differences between the former Labor government and this government. Let's remember that it was seven years ago—

The Hon. I.K. Hunter interjecting:

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

The Hon. S.G. WADE: —that the former Labor government announced a new Women's and Children's Hospital. It is only three years ago since they abandoned that commitment. At the last election the people of South Australia had a choice: did they want—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Did they want a tired—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —incompetent Labor government separating an institution much loved by the community of South Australia, separating it so that we had only the women's bit at the North Adelaide site and the children's hospital condemned to be unrenovated on the North Adelaide site indefinitely? We did not regard that as acceptable, in spite of the fact that Labor promised the project seven years ago—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. S.G. WADE: —and failed to do anything—

The PRESIDENT: Order!

The Hon. S.G. WADE: —to deliver it in four years, and in slightly over two years we are well on the way to delivering on that project.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: We have a consultation—

Members interjecting:

The PRESIDENT: Minister, sit down. A question has been asked, the minister is giving a significant answer which I'm sure he is getting close to wrapping up, but I would like—

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley! I would like to hear him and I'm sure the opposition should like to hear him, but they can't do that if they keep yelling, and I won't abide yelling. The minister, to wrap up his answer, please.

The Hon. S.G. WADE: Thank you, Mr President, and I will certainly do that. The people of South Australia had a clear choice at the last election: a government that was committed to an integrated hospital on the North Adelaide site—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —or an opposition that was committed to dismantling a much-loved South Australian institution.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Supplementary question arising from the answer given: is there any estimate whatsoever of when construction will start on this proposed new Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): I'm going to make it very clear to the people of South Australia and particularly—

Members interjecting:

The PRESIDENT: Order! Sorry, minister, sit down, please. The minister had barely started his response to that supplementary and we had the opposition benches yapping away at him, and I won't have that. Let's hear what he has to say.

The Hon. S.G. WADE: It does indicate that they don't really care about the issue because they don't want to hear the answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: The Labor opposition seems to be agitated about the fact—

Members interjecting:

The PRESIDENT: Order! The minister will answer the question, but let him do so.

The Hon. S.G. WADE: The Labor opposition is clearly—

The Hon. J.E. Hanson: When is it starting?

The PRESIDENT: The Hon. Mr Hanson, be silent.

The Hon. S.G. WADE: The Labor opposition is clearly—

Members interjecting:

The PRESIDENT: Order! You are not allowing the minister to hardly open his mouth. Let the minister conclude his response to this and we will get on with question time.

The Hon. S.G. WADE: The Labor Party is clearly agitated about this because they are embarrassed about how they botched the new Royal Adelaide Hospital.

Members interjecting:

The PRESIDENT: Order! The honourable Minister for Human Services is not being helpful.

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

The PRESIDENT: The Minister for Health and Wellbeing.

The Hon. S.G. WADE: The Labor Party is clearly embarrassed—agitated and embarrassed—because of their own record. They managed to launch the Royal Adelaide Hospital construction process and they ended up having a $660 million cost blowout, a 17-month delay—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: —many design flaws, and an appalling—

The Hon. I.K. Hunter: You haven't got a date, have you?

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: —lack of consultation with stakeholders.

The Hon. E.S. Bourke: I wouldn't be talking about delays.

The PRESIDENT: The Hon. Ms Bourke!

The Hon. S.G. WADE: We are, I can assure you, learning a lot from the former Labor government on how not to build a hospital, and that is exactly—

The Hon. E.S. Bourke: Because you're not going to build one. You just won't build one instead.

The PRESIDENT: And you are going to conclude your answer, minister, when you get the chance.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: We are at the stage of engaging our clinicians. We are not going to repeat the mistakes of the former Labor government and lock the clinicians out of the building of the hospital. That process started in the middle of August this year with a design team that was appointed in—

Members interjecting:

The PRESIDENT: Order, the Hon. Ms Scriven!

The Hon. S.G. WADE: —March 2020. We will design a hospital in consultation with the clinicians and we will deliver a quality integrated hospital at the North Terrace site.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): Supplementary question: will the minister concede that without even an estimated date for the start of construction this hospital may not ever get built?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): You would hope, you would hope. We are going to be excited to be opening a new Women's and Children's Hospital on the co-located site and your party will be forever condemned for condemning the children's hospital and the women's hospital to be a destroyed institution.

Members interjecting:

The PRESIDENT: Order! A supplementary; the Hon. Mr Pangallo will be heard in silence.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. F. PANGALLO (14:39): Can the minister confirm that an architectural firm has already been engaged to oversee the model and design work, and it has in fact started on the designs of the new Women's and Children's Hospital? Where are they based, and how much are they getting paid?

Members interjecting:

The PRESIDENT: Order! I call the minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): I thank the honourable member for his question.

Members interjecting:

The PRESIDENT: I think the Hon. Mr Pangallo would like to hear the answer, as most of us would. The minister.

The Hon. E.S. Bourke: I think the brief was: find a different plan to Labor's.

The PRESIDENT: Order! The Hon. Ms Bourke is out of order.

The Hon. S.G. WADE: What the honourable member's question highlights, and the opposition's response to it indicates, is that they weren't listening to my previous answers. I have already referred to this team. This is the design team for the new Women's and Children's Hospital that was appointed in March 2020. It includes architects, engineers and cost consultants. Their work is crucial because it forms the basis of the capital and operating cost estimates which will feed into the final business case.

In terms of the composition of that design team, I am told that the design team was appointed in March. The design team consists of A+, which apparently is a corporate name for a group which consists of Woods Bagot, Bates Smart, Jacobs and BDP—they will be leading the architectural design. WSP in conjunction with Irwinconsult, BCA and Lucid will lead the engineering design, and Rider Levett Bucknall will develop the cost modelling for the new Women's and Children's Hospital.

We are, in a methodical, workmanlike way, delivering on our commitment to have an iconic, integrated Women's and Children's Hospital on the North Terrace site. We are definitely well on the way to burying the Labor Party and their failure to stand by a much-loved South Australian institution. They wanted a children's hospital condemned to decay on the North Adelaide site and a women's hospital where you had mothers and babies separated by suburbs.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter! The Hon. Mr Pangallo, do you—

The Hon. F. PANGALLO: I do have another supplementary.

The PRESIDENT: Make this the last one.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. F. PANGALLO (14:41): Can the minister tell the chamber how much money is being committed to funding the 93 consultation groups that have been formed to assist in the development of the new hospital, and how many frontline clinicians are included in the 93 consultation groups?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): I thank the honourable member for his question because it gives me another opportunity to highlight the difference between the former Labor government's approach and the current Liberal government's approach. Not only did the former Labor government lock clinicians out—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —completely disengage them from the design process, I am advised that they did not fund—

Members interjecting:

The PRESIDENT: Order! There is too much noise. I want to hear the minister.

The Hon. S.G. WADE: They did not fund clinician engagement. In contrast—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition is out of order.

The Hon. S.G. WADE: —this government has a commitment to the project where engagement with clinicians is integral. There are 93 PUGs, which I understand means project user groups, which are engaging clinicians from right across the facility. The honourable member I think referred to resourcing of it.

My recollection is that we are putting in $600,000 to enable, if you like, medical officers to be given time off to engage in the process. I am told that approach is without precedent. Again, the current Liberal government's approach, engaging clinicians and supporting them to be properly engaged, stands in very stark contrast from the appalling heritage of Labor.

The Hon. C.M. Scriven: A supplementary.

The PRESIDENT: No, I am not going to take any more supplementaries on that one. I am going to move to your next question. I call the deputy leader for the second question.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:44): My question is to the Minister for Health and Wellbeing regarding services at hospitals. Can the minister guarantee the full range of services currently provided at the Women's and Children's Hospital will be available at the new hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:44): The current consultation through the PUGs is part of developing the full detailed business case.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: This will link to planning work right across the system and in particular work within CALHN, within the central area, about where best to place women's and children's services in that central area. The consultation going on, the planning going on will determine what range of services are provided in the integrated new Women's and Children's Hospital, what will be provided in the Royal Adelaide Hospital itself—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: The Hon. Ms Scriven can ask a supplementary in a moment—let's listen to the minister.

The Hon. S.G. WADE: —and other sites.

The PRESIDENT: Now, the Hon. Ms Scriven, a supplementary.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:45): Will any pathology, pharmacy or other staff jobs at the Women's and Children's Hospital be at risk due to shared services between the RAH and the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): The briefing I referred to earlier identified that there were opportunities to reduce the costs, as I understood it, particularly of the build through the opportunity for Shared Services; in other words, if you have an SA Pathology facility in the Royal Adelaide Hospital site there may well be pathology that could be delivered from the SA Pathology laboratory and the current RAH site into the Women's and Children's Hospital.

Of course, the most significant development since this briefing was written, in relation to pathology, is this government's commitment to provide a new laboratory for SA Pathology, a major capital investment in continuing to build on the exemplary world-class pathology services provided by SA Pathology during the pandemic, and delivering world-class services for whatever may come.

The work that has been done in relation to the SA Pathology business case, for its development, and the work that has been done in relation to the new Women's and Children's Hospital business case will interface, and we will make sure we get the best value for money for taxpayers in terms of the build and the operation and we will also make sure we continue to deliver world-class health services.

The PRESIDENT: Supplementary, the Hon. Ms Scriven.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:47): How many pathologists, pharmacists and so-called back-of-house staff currently work at the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): I fail to see how that is supplementary, but I am happy to take it on notice.

Members interjecting:

The PRESIDENT: Order! Further supplementary, the Hon. Ms Scriven.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:47): Could the minister advise, given that the A+ group for planning and consultation was appointed in March, why did consultation with clinicians on the new hospital only start last month?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): Because they planned it properly.

CHILD PROTECTION

The Hon. E.S. BOURKE (14:47): My question is to the Minister for Human Services regarding screenings. Can the minister confirm whether Matthew James McIntyre, who sexually assaulted a 13-year-old girl, had a screening check from her agency at the time of his arrest or conviction? Is the minister concerned by comments from her acting chief executive that there may be over 100,000 people in South Australia who should have a screening but do not?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): I thank the honourable member for her question. I can advise the house that my department has followed up to check on this matter, but due to advice from my department I am unable to comment further on those details.

The PRESIDENT: The Hon. Ms Bourke, supplementary.

CHILD PROTECTION

The Hon. E.S. BOURKE (14:48): Considering there has been a conviction and Mr McIntyre has been sentenced, can you advise the chamber why you are unable to comment on this any further?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): It's the advice of my department.

The PRESIDENT: It is hard to get supplementaries out of these, but I will give you one more.

CHILD PROTECTION

The Hon. E.S. BOURKE (14:48): A supplementary arising from the original answer: can the minister advise what her department has advised her, and why she cannot provide feedback to this chamber?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): The honourable members opposite know very well in relation to legal matters that it is inappropriate for these issues to be discussed in detail.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I have nothing to add.

CHILD PROTECTION

The Hon. E.S. BOURKE (14:49): Further supplementary regarding advice.

The PRESIDENT: One more and that's all.

The Hon. E.S. BOURKE: Thank you.

The PRESIDENT: I will listen carefully.

The Hon. E.S. BOURKE: Considering that this is such a significant issue, has the minister provided any advice to the Minister for Child Protection on this issue?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): The Minister for Child Protection and myself have had a range of discussions in relation to this case. As members would be aware, she has been quite distressed about this particular incident and she and I and our respective departments and staff have all been working on a range of matters in relation to anything that we need to follow up.

SINGLE TOUCH PAYROLL

The Hon. D.G.E. HOOD (14:50): My question is to the Treasurer. Can the Treasurer outline the detail of the latest single-touch payroll figures released by the ABS and what they indicate about the pace of economic recovery in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:50): I am very pleased to be able to share with honourable members the details of information released by the ABS today on the single-touch payroll. As I have briefly outlined before, the single-touch payroll, which was introduced as a new innovation by the ABS earlier this year, gives much more relevant and contemporaneous labour force data. These particular figures, for example, relate to the latest fortnight ending 5 September 2020, whereas the monthly unemployment figures, as useful as they might be, are produced or prepared on a lag basis and would have referred to the early part of August in relation to what they were actually purporting to measure.

What the single-touch payroll data shows is that the total number of employee jobs in South Australia rose by 0.2 per cent and nationally the equivalent figure fell by 0.4 per cent. More importantly, the total value of employee wages paid in South Australia rose 2.3 per cent, whereas nationally it rose 0.9 per cent. What it's showing is the important measure of the total number of hours being worked by employees in South Australia compared to other states and territories and, even

more importantly, the total salaries or wages being received by employees in South Australia compared to other states and territories. South Australia is performing very strongly indeed.

For example, the growth in jobs in South Australia in the latest measure was the equal strongest in Australia of all the states and territories; that is, South Australia's jobs-growth performance in the most recent fortnight was equal strongest with Tasmania. In one of the other measures, South Australia's growth in salaries was the second highest of all the states, second to Western Australia.

The government has acknowledged and will continue to acknowledge that, as we slowly ease restrictions, there is much, much more that still needs to be done. There are a number of industry sectors, in particular those that relate to or are reliant on international tourism and hospitality, for example, the international education sector and related sectors, and those retail outlets in the central business district that rely on the percentage of workers working from their offices in the CBD, as opposed to those who might still be working from home. Clearly, they are being significantly impacted by the ongoing impacts of COVID-19. No-one is underestimating the ongoing difficulties being confronted by workers and businesses in terms of managing the COVID-19 pandemic.

I think what these figures and some other recent indicators show is that the specific approach being adopted by Premier Marshall and the government in South Australia is appropriate and is demonstrating success, thus far, in terms of growth in jobs and wages being enjoyed by South Australian workers in South Australia. That is the combination of payroll tax relief and other tax relief that's being provided in South Australia and the stimulus activity that is being provided that was targeted, in particular to areas which ensure both the protection and the growth of jobs in South Australia.

There has been a very difficult argument. Whilst we acknowledge the pain that some sole traders have suffered in South Australia, the government is using taxpayers' money. Let's remember that the government is not spending government money, we are spending taxpayers' money. We have made the difficult decision to target assistance such as the $10,000 grant assistance to those small businesses that actually employ South Australians, again, because it will give the maximum impact in terms of both jobs growth and salaries growth in South Australia.

In a climate where the taxpayers have unlimited money and the government has unlimited money, all of those grants could have been made available to everybody in the state. The reality is there has been targeted stimulus activity. The government is mindful that much more needs to be done. The Premier has announced in the last week or so significant initiatives in the tourism sector because of the impact of COVID-19.

Over the coming weeks, as we lead into the November budget, there will be a series of further stimulus announcements designed to protect jobs and to help grow jobs as restrictions are eased in South Australia. Of course, on budget day itself, there will be further significant announcements made by the government, consistent with the approach we have adopted.

The targeted assistance is not just short term for the first three months or so but an acknowledgement that our assistance and support is going to be required for a year, or maybe two years, as we transition from where we were in the troughs of COVID-19 earlier this year through to the jobs of the future in defence and shipbuilding, submarines, space and cyber that are just over the horizon. There is a transition that needs to be managed and this government will continue that transition and stimulus program.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. F. PANGALLO (14:56): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing questions about the Women's and Children's Hospital's upgraded Special Care Baby Unit, referred to more commonly as SCBU.

Leave granted.

The Hon. F. PANGALLO: Last month, the minister opened the upgraded SCBU, saying at the time that the facility would provide 'a healing and supportive environment to some of our most vulnerable newborn babies and their families' The SCBU is a step down from the paediatric ICU, the

logic being the redevelopment of SCBU will free up more humidicrib beds in the ICU for more critical babies.

Almost four weeks later, and at a cost of about $3,000 to $5,000 a day to run, SCBU still hasn't been used because, we are told, there are no suitable staff to run it. This is occurring at a hospital the SA Health CEO, Dr McGowan, has claimed, much to the annoyance of hardworking doctors, nurses and other staff who work there, is overstaffed. My questions to the minister are:

1. What are the delays preventing the Special Care Baby Unit opening a month after its official launch?

2. Has the redevelopment on SCBU reduced the number of general maternity beds at the Women's and Children's Hospital?

The PRESIDENT: Before the minister answers, the Hon. Mr Pangallo, there was a fair bit of commentary in that explanation, but I will ask the minister to respond.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I thank the honourable member for his question. The Special Care Baby Unit is part of the Marshall Liberal government's $50 million investment in the Women's and Children's Hospital on the current site to ensure that it continues to provide South Australian women and children world-class care as we plan for the new hospital.

The honourable member seems to be implying that there might be a reduction in capacity. The Special Care Baby Unit is an upgrade. It's a new unit replacing a unit that is currently operating. I am advised that the unit maintains the same bed capacity but does provide expanded space. It helps improve patient privacy and infection control while making the families feel more at home.

This reminds me of an engagement I had with the Women's and Children's Hospital in the planning phase for this particular unit. I am pretty sure that this is the unit where the Women's and Children's Hospital used virtual reality devices to give staff and consumers the opportunity to get a better feel for the proposed design in the design phase.

It was very useful, and what it particularly highlighted was that for both staff and families, the space around the crib was extremely important. When you go into the new SCBU, that is exactly what strikes you. It is a very spacious, very light, very airy facility.

The Hon. I.K. Hunter: Because no-one's in there. That's because you have no patients. It's like *Yes Minister*—a perfectly run hospital with no patients.

The PRESIDENT: Order! The minister is getting—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I would just like to be clear that there is a SCBU that is operating.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition is out of order.

The Hon. S.G. WADE: People are continuing to receive care there, but the new facility will open in the not too distant future. The honourable member—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter is out of order.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. I.K. Hunter: Yes, sir. I am out of order.

The PRESIDENT: You are out of order. Let's listen to the minister. The minister is about to wrap up his answer, I think.

The Hon. S.G. WADE: Yes, I certainly will, Mr President.

The Hon. R.P. Wortley interjecting:

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

The Hon. S.G. WADE: To directly respond to the honourable member's point, the honourable member suggests that the delay in the opening of SCBU2 and the closing of SCBU1 is related to staff shortages. I am advised that the delay relates to consultation with the ANMF, as per the consultation requirements contained within the 2020 enterprise agreement.

Members interjecting:

The PRESIDENT: The Hon. Mr Pangallo has a supplementary question, and I would like to hear it.

Members interjecting:

The PRESIDENT: I would like to hear the Hon. Mr Pangallo's supplementary question. Order!

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. F. PANGALLO (15:01): Can the minister tell us the maximum number of maternity beds in the Women's and Children's Hospital pre and post the upgraded SCBU, and are new mums being released earlier than planned due to a decrease in the number of general maternity beds?

The Hon. K.J. Maher: I bet he can't.

The PRESIDENT: The minister has the call.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02): I can only reiterate what I said in the original answer. I am told the same bed capacity will be at the facility.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Pangallo, a final supplementary.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. F. PANGALLO (15:02): Minister, you haven't told us why it's not being used.

Members interjecting:

The PRESIDENT: Order! The honourable minister has the call.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02): I refer the honourable member to my previous answer.

Members interjecting:

The PRESIDENT: The Hon. Justin Hanson has the call, and his colleagues might like to let him ask his question in silence.

The Hon. K.J. Maher: We used Ridgie.

The PRESIDENT: Order!

MENTAL HEALTH SERVICES

The Hon. J.E. HANSON (15:02): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding mental health.

Leave granted.

The Hon. J.E. HANSON: Last week, the government announced its Urgent Mental Health Care Centre was being outsourced to a private partnership between Neami and RI International, the latter based in Arizona with no Australian presence. It has been said that the SA Health bid included greater clinical presence and would open the centre up for four hours more per day.

Last week, the Premier said the centre was being fast-tracked, but the original tender documents show that the centre was meant to be open by July, making it three months overdue. My questions to the minister are:

1. For what reasons was a private, internationally based company awarded the contract if our public system was offering additional services for the same price point?

2. What is the current time line for the centre opening, and was the Premier wrong when he said the centre was being fast-tracked, given the tender specified an opening date of three months ago?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): The honourable member's question is fallacious. The honourable member claims that the contract was awarded to a private international company. This is not true. First of all, it was awarded to an Australian non-government mental health provider. Its partner, RI International, is a not-for-profit international. So the Labor Party might decide they want to smear anybody that's not directly government funded—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —and staffed by public servants but we are in proud partnership with the non-government sector, particularly in mental health services, and we won't have them maligned.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: The honourable member also refers to time frames. I would make the point that the Urgent Mental Health Care Centre that is being established here is one of eight adult community mental health centres to boost mental health support for adults, which are being delivered in partnership with the commonwealth. Of those eight, this is the first; this is the one that is at the front of delivering services.

We certainly would have liked to have been delivering it earlier, but I can assure you that we are delivering better health services for South Australians with mental health needs. For example, the Mental Health Co-Responders program, which has mental health clinicians going out with paramedics to respond to people who might otherwise need to go to an emergency department for their care, has been an extremely welcome service and is working well. We will continue to build our mental health services, and we won't have our partners maligned by the Labor Party.

MENTAL HEALTH SERVICES

The Hon. J.E. HANSON (15:06): A supplementary on that: what is the budget allocation in the upcoming budget for mental healthcare centres, which are clearly the priority of the minister, as mentioned in his original answer?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I am getting the glare from the Treasurer. He has always said to me, 'Please don't announce the budget before it comes.' I'm not going to start now.

ADULT BURNS SERVICE

The Hon. T.J. STEPHENS (15:06): My question is to the Minister for Health and Wellbeing. Will the minister update the council on acute care in South Australian hospitals?

Members interjecting:

The PRESIDENT: Order! I call the minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I thank the honourable member for his question. South Australians can be proud of our high-quality services: our health services in our hospitals, our primary health care and our preventative health. One example of these services is the Adult Burns Service located at the Royal Adelaide Hospital.

The burns service is the dedicated tertiary burn centre for South Australia, but not just South Australia, for a number of neighbouring jurisdictions. Its catchment area is the largest of any Australian burns unit, covering 2.4 million square kilometres. It includes South Australia, Northern Territory, south-west Queensland, western New South Wales and north-west Victoria. It is a busy and highly-regarded service.

For almost 20 years, Professor Dr John Greenwood has led the service and his contribution to it has been crucial. With his retirement coming up next month, I take this opportunity to pay tribute to Professor Greenwood's career and public service and to thank him on behalf of the people of South Australia. Since his appointment to be the head of the burns unit in 2001, Professor Greenwood has cared for hundreds of acute burns victims each year, including victims of the Bali bombings and victims of the bushfires that ravished our state last summer.

Professor Greenwood has been an innovator in his field, developing new techniques and products, including a technique to treat burns without the use of skin grafts. His composite, cultured skin technology was developed at the Royal Adelaide Hospital Skin Engineering Laboratory, and his research has contributed to the development and implementation of a cutting-edge technique known as Biodegradable Temporising Matrix, which is a skin dermal replacement and temporises the wound first. It was also developed here in Adelaide.

Professor Greenwood's world-class research and innovation is helping burn victims to recover much faster and with better prospects for future life. In 2003, Professor Greenwood was made a Member of the Order of Australia as part of a special honours list for providing medical assistance to victims of the 2002 Bali bombings.

In 2013, Professor Greenwood was awarded Doctor of Health Sciences for a thesis documenting the establishment of the Adult Burns Service in South Australia, and in 2016 he was named South Australian of the Year. Professor Greenwood's leadership, skill and dedication has also helped establish South Australia's burns centre as a leading burns service. He leaves a legacy that all South Australians should be both proud of and grateful for.

The burns service is currently the only burns centre verified by the American Burn Association outside of continental North America. This status confirms that the burns unit is meeting the highest standards for the care of burns patients. The American Burn Association verification process entails a rigorous review process designed to examine all burn centre resources to ensure the provision of optimal care from the time of injury, through rehabilitation to reintegration back into the community.

To achieve verification, a burns centre must meet standards for organisational structure, injury prevention and education, qualifications and training of personnel, facilities and resources. Undergoing this robust review process and achieving verification indicates to patients, families, carers and health professionals that an institution provides quality care.

Initially verified by the American Burn Association in 2009, the burns unit was re-verified in 2012, 2016 and 2018. I congratulate Professor Greenwood on the invaluable contribution he has made to so many people's lives—patients, families, colleagues and students—as well as to the success of the service itself. His personal commitment to his patients and the service is exemplary. I would like to thank him for his active role in planning to ensure a sustainable service in the future following his retirement, and I wish him all the best in that retirement.

CANNABIDIOL

The Hon. T.A. FRANKS (15:11): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Health and Wellbeing on the topic of consumer access to CBD, or cannabidiol.

Leave granted.

The Hon. T.A. FRANKS: CBD is a non-intoxicating component of the hemp plant. Evidence suggests it has beneficial effects in treating conditions such as epilepsy, anxiety, pain and insomnia while carrying few, if any, risks of major side effects or addictions.

In early September, the TGA announced that it may allow over-the-counter access to CBD products in Australian pharmacies from mid-2021. However, analysis from the Lambert Initiative, which is a not-for-profit research centre at the University of Sydney, has rung alarm bells. It shows that the maximum doses permitted under the TGA proposal—that is, 60 milligrams—are nowhere near high enough to provide therapeutic benefit to most patients. Indeed, they say the benefits begin somewhere between 300 and 1,500 milligrams per day.

The Lambert Initiative has also identified that Australia lags behind other countries on consumer access to CBD products. My question to the minister is: what will the minister do to ensure that the enabling of CBD to be provided at pharmacies is not a mirage in a desert but indeed is at an appropriate dosage for patients not to have to resort to the black market?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I thank the honourable member for her question. The Marshall Liberal government is committed to ensuring that South Australian consumers have access to a range of treatments and services to promote the best possible health outcomes, and in that regard we continue to explore strategies to improve access for patients who may benefit from medicinal cannabis. This includes our commitment to the ongoing development of the national framework, signposting to clinical resources and education for doctors, and our adoption in 2018 of the TGA's online application process.

The department continues to work with clinicians to develop the optimal approach to patient access. As the honourable member indicates in her question, there have been a number of recent developments at the national level. In March, the Senate's Community Affairs References Committee published a report on the findings of its inquiry into the current barriers to patient access to medicinal cannabis in Australia. The report makes 20 recommendations, including education for prescribers, regulation considerations and the potential for down-scheduling of cannabidiol, or CBD as it is commonly known, further to a TGA safety review.

In April, the TGA published a safety review of CBD which found that CBD presents a good safety and tolerability profile at the low dosage of under 60 milligrams a day. On 9 September, the TGA announced its interim decision to facilitate greater access to CBD by down-scheduling it from Schedule 4 to Schedule 3 of the Poisons Standard, subject to a number of criteria being satisfied.

The proposed down-scheduling to Schedule 3 applies only to oral products such as mixtures, sprays and tablets with a recommended daily dose of 60 milligrams or less for adults aged 18 years and over. Schedule 3 medicines are restricted for sale by registered health practitioners and are available over the counter in pharmacies with pharmacist advice. I want to stress that the decision is an interim decision and is subject to further consultation up to mid-October, after which the TGA will announce their decision.

I am a politician, not a clinician. I accept the honourable member's reports that there are clinicians who have different views. That's not surprising, and that is why we have consultation. I urge the honourable member to make anyone who has issues with the interim decision aware of the opportunity to provide input.

If the final decision is to down-schedule CBD to Schedule 3, products could potentially be available over the counter from 1 June 2021. As South Australia adopts the national scheduling of medicines in the Poisons Standard, this change to the scheduling of CBD—if it goes ahead—will apply in South Australia. CBD in higher dose preparations and for the treatment of children remains in Schedule 4 as a prescription-only medicine.

HOSPITAL STAFF NUMBERS

The Hon. I. PNEVMATIKOS (15:16): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding hospitals.

Leave granted.

The Hon. I. PNEVMATIKOS: Health chief executive Dr McGowan was publicly recorded as saying that he was 'disinclined' to meet with clinicians to discuss concerns about understaffing. He also stated that the hospital was likely 'overstaffed'. My questions to the minister are:

1. Does the minister expect his chief executive to meet with hospital clinicians, and without hospital management attending, if that is what clinicians want?

2. Does the minister agree with his chief executive that the hospital is currently 'overstaffed'?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I will answer the second question first. That exact question was asked in the last sitting period, and I refer the honourable member to my response to that question when it was asked then. The Labor Party's bullying of Mr McGowan—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —reflects their fundamental either lack of understanding or lack of acceptance of the democratic mandate of this government, which was supported by the parliament of this state—

Members interjecting:

The PRESIDENT: Order! I would like to hear the answer.

The Hon. S.G. WADE: —in delivering fundamental reform of the governance of Health. Under the former Labor government we had a government that, in the middle of the 2000s, decided to centralise health care—

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. S.G. WADE: —in Hindmarsh Square. They thought you could have a health system in a state as geographically diverse as South Australia, with a staff of over 40,000, being properly and effectively managed by bureaucrats in the city centre. That is not the view of this government, and that is why we had fundamental reform of governance towards local health networks.

In 2019, the Marshall Liberal government introduced that broad-based governance in fulfilment of our election commitment. Each of the 10 local health networks had boards and management to run them. The role of the chief executive of the department, in a devolved structure, is to allocate funding across the system. It is up to the boards to prioritise services and allocate resources in light of what the clinicians and the community are saying they need.

It would be a complete undermining of the fundamental reform that the people of South Australia voted for, that this government was committed to delivering, for that chief executive to go and micromanage what the boards are doing. Centralised management did not work.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: No other state or territory maintains that approach and we are going to continue to deliver decentralised management.

DOMESTIC AND FAMILY VIOLENCE

The Hon. J.S. LEE (15:19): My question is to the Minister for Human Services regarding measures to address domestic and family violence. Can the minister please provide an update to the council about how the Marshall Liberal government is delivering extra funding to support South Australians experiencing or at risk of domestic and family violence during the COVID pandemic?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:20): I thank the honourable member for her question and for her ongoing interest in this area. I think I outlined previously that the women's safety ministers met earlier this year—being all the ministers from jurisdictions—with the commonwealth to determine a package going forward. The total quantum was $150 million

nationally, and it's being delivered in a range of tranches to enable services to be able to respond to the pandemic.

Indeed, during the height of restrictions in South Australia we noted that there was not the same level of contact with specialist services but now that restrictions have been lifted the services are telling us that the complexity of people who are making calls to their services has increased, as has the level of violence. In relation to the original tranche of funding we were able to establish new services for perpetrators via the 24-hour line Men's Referral Service in partnership with local services Kornar Winmill Yunti and Community Transitions through OARS. The advice I have received is that there have been 122 contacts in total to these services since implementation.

There is some funding for brokerage for those women who are experiencing domestic and family violence which allows a great deal of flexibility in the response, and there has been an allocation of $1 million. A total of 340 brokerage packages have been distributed to South Australia to date, I am advised. Given that those packages can also be used to provide priority perpetrator services to allow individual support packages to provide wraparound services, this allows the possibility of removing men from the home into temporary crisis accommodation which is something that we have been trialling. A lot of other jurisdictions are very interested in what the outcomes will be going forward.

We have also had communications to focus both on potential victims to let them know that services were available and how they could contact them, as well as a particular campaign that has been focused on perpetrators to let them know about these particular services that are available and that their behaviour is inappropriate and constitutes domestic violence. What we do know from a lot of our work with the community is that there are times when both victims and perpetrators do not recognise what is taking place. Through COVID we have also increased the use of technology and there has been funding which has enabled WebChat functions and that has been very well used.

There is an additional $2.4 million being delivered through this financial year particularly targeting priority communities that have increased vulnerabilities which includes people of Aboriginal backgrounds, people living in regional or remote South Australia, people identifying as LGBTIQA+, culturally and linguistically diverse people, and women with disabilities. Some funding is being made available for financial planning and counselling programs to assist women who have lost work through COVID-19, and fast-tracking of additional safety hubs.

I have spoken before about the safety hubs in South Australia. We are working towards establishing one at Gawler, Mount Barker and Port Augusta, and additional safety hubs at Whyalla and Limestone Coast. Those services are particularly useful for people in the community who need to connect with services, often for the first time, and we look forward to continuing to assist people through this challenging time.

HOUSING TRUST

The Hon. F. PANGALLO (15:24): My question is to the Minister for Human Services. Were you and your department advised by email in October 2018 of serious probity allegations surrounding the multitrade agreement for the maintenance of the property portfolio of the South Australian Housing Trust? The agreement relates to the one that was made in September 2012, which is worth nearly $1 billion.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:25): It's my understanding that the honourable member may have availed himself of the CE of the SA Housing Authority to raise these issues. The advice that I have received from the CE is that all of these matters we're investigating, I think most of them took place before we came to government and there were no adverse findings found, so therefore the matter has been closed.

MENTAL HEALTH SERVICES

The Hon. R.P. WORTLEY (15:26): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding mental health.

Leave granted.

The Hon. R.P. WORTLEY: Last Thursday, the Mental Health Commissioner, David Kelly, raised serious concerns about our COVID-19 mental health response, including a lack of support for international students, people with culturally and linguistically diverse backgrounds and all South Australians. SA Health Chief Executive, Dr McGowan, told ABC radio on Friday that in response to the commission's report he asked the Chief Psychiatrist to meet with mental health services and consider various solutions, including buying private beds and moving more patients into rehabilitation services. My questions to the minister are:

1. When was the minister first made aware of the commissioner's concerns?

2. What actions did the minister take to respond to those concerns?

3. Will the minister guarantee there will be no repercussions for the three Mental Health Commissioners continuing to publicly voice their concerns?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:27): In terms of the comment about international students, my understanding is that the honourable member is misrepresenting the concerns raised by Mr Kelly. My understanding is it was in relation to the stress that international students experience in terms of income supports. That matter is more a matter, as I understand it, for the minister for industry and trade in his role as supporting international education.

The South Australian Marshall Liberal government has had mental health as a very strong priority in its COVID response. I would say it has been impressively broad in its approach. Of course, the pandemic presents particular challenges for people with acute mental health issues. So that's why, under the leadership of the Chief Psychiatrist, there was a virtual mental health support network established. This includes support lines, call-back services and an online chat service as well as individual and group counselling. The support line is staffed by paid counsellors who receive calls and provide—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —a call-back service for people in distress because of COVID-19. The government also took a very broad approach, realising that all South Australians will experience stress in relation to COVID-19 and that it was important to support their general wellbeing. So under the very able leadership of Minister Speirs in another place, the government also had an Open Your World strategy.

In terms of Mr Kelly's comments, I understand that he was raising particular concerns about mental health services for older South Australians, and in that regard the challenge of providing mental health services to older South Australians is with us, with or without a pandemic. It is significantly exacerbated by a pandemic because of the visible limitations put in place, and of course—

The Hon. C.M. Scriven: When was the minister first made aware of the commissioner's concerns? That was the question.

The PRESIDENT: Order!

The Hon. S.G. WADE: —the stress of the pandemic itself. I met with the Mental Health Commissioners probably about six weeks ago. A range of issues were raised in relation to the pandemic, including the matters the honourable member refers to. We as a government have strengthened the Mental Health Commission. We have established three Mental Health Commissioners to provide even greater depth in terms of the Mental Health Commission. We always respect the role of the Mental Health Commission as an independent voice, particularly for expressing the perspectives of people with lived experience of mental illness, and of course I take the observations of the Mental Health Commissioners seriously.

The PRESIDENT: Before I call on business of the day, I indicate to members that we need an absolute majority of members in the house for the next few moments. The Treasurer has the call.

Parliamentary Committees

COVID-19 RESPONSE COMMITTEE

The Hon. R.I. LUCAS (Treasurer) (15:31): I move:

That standing orders be so far suspended as to enable me to move without notice for the substitution by motion of a member of the COVID-19 Response Committee.

Motion carried.

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

That the Hon. I.K. Hunter be substituted in place of the Hon. K.J. Maher (resigned) on the committee.

Motion carried.

Bills

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

Second Reading

Adjourned debate on second reading.

(Continued from 9 September 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:32): I rise today to speak on this bill, and indicate that I will be the lead speaker for the opposition. I take the opportunity to note that the opposition has supported the entirety of the government's legislative response to COVID-19, and I indicate that this bill is no different. The bill seeks to extend emergency provisions included in the COVID-19 Emergency Response Act 2020. Emergency provisions are currently due to expire between late September and early October, with variations based on commencement dates and associated regulations.

Clause 3 of the bill expands the definition of 'relevant declaration' to include declarations under the South Australian Public Health Act, in addition to the current definition that covers those under the Emergency Management Act. Clause 4 amends section 6—Expiry of act so that the emergency measures will continue until 28 days after the day on which all declarations cease or 28 March 2021.

With regard to regulations that deal with commercial tenancies that are currently due to expire on 30 September 2020, under section 7 of the act these are proposed to be extended potentially until 28 March 2021. Clause 5 adds a qualifying statement to section 8(1)(b) of the act that prevents rent increases for residential tenancies only to those who are 'suffering financial hardship as a result of the COVID-19 pandemic'. The current act provides for preventing any increase during the declaration.

Whilst the opposition supports the extension of emergency provisions, I note that honourable members have now tabled amendments that seek to vary the length of the extension. The Hon. Frank Pangallo has tabled an amendment that seeks to reduce it from six to three months, and the Hon. Tammy Franks has an amendment that seeks to reduce it from six months to four months.

I can indicate that the opposition is open to a reduction in the time frame of the extension that is being sought. We have repeatedly asked the government to give any reason that it needs to be six months rather than three months or four months, with the possibility of a further extension, and we have not received from the government any reason that that is not possible or why it should not happen.

Given that, we are amenable to hearing what the mover of the amendments has to say about reducing that extension, and we will listen to what is put forward. After having had discussions in preceding weeks, I can indicate that we are predisposed to a three-month extension. I note the Hon. Tammy Franks has a four-month extension that would take it well past the New Year and Christmas break. From our point of view, though, whether it is three or four months, for it to be extended without recalling parliament the government is going to have to do it in the first sitting week in December or use the optional sitting week.

We can understand arguments for both a three-month and a four-month extension, but from our point of view the first week of December, the final scheduled sitting week, will have to be the week that it is extended in, without having to recall parliament. So we are minded at this stage to support the three-month extension, given that to extend either of those without recalling parliament it will have to be done in December.

It is important to note that almost all COVID-19 legislation proposals have come with challenges. I know that members of the crossbench, in making contributions on these emergency provisions in the COVID-19 legislation, have also expressed concerns but have supported the legislation to make sure that we are doing all that we can to meet the challenges of the COVID pandemic.

The amount of notice provided before various bills have been introduced has been short to non-existent in many cases. In many cases, the government has provided not just the opposition but crossbenchers with information, and indeed actual bills, the night before the government has expected this chamber to vote on those bills, and that has been completely unacceptable, as I think the government has come to understand from contributions that have been made on previous legislation. With the latest bill, we as the opposition were only offered a briefing after the bill had already been introduced and had already passed the lower house.

In our view, this continues the very poor form and disrespect the government has shown to members of this chamber, who need to be properly informed to make decisions. I appreciate the government has tried to respond to some information requests that the opposition has had, but the detail has been, to describe it generously, patchy. When seeking information about the use of emergency provisions, some responses from the government have included that certain data is not even collected, yet the government is asking for these measures to be extended. It is a bit difficult when the government comes to parliament to ask for certain things to be extended when they do not even collect data on whether they have ever been used at all and whether they are necessary.

We have heard significant concerns from statutory officers, such as one of our Mental Health Commissioners. I understand that the Mental Health Commissioners were not consulted on the bill, and that has placed challenges and difficulties on them in performing their role, given the concerns they have had about some of these powers and their potential use or misuse.

Whilst the opposition has supported the government's legislative response to COVID-19, there still remain—beside the emergency powers, the use of the emergency powers and the reporting and efficacy of the emergency powers—significant questions about the policy, funding and stimulus responses in relation to the response to COVID-19.

Just yesterday, we heard that the SA Housing Authority was authorised to spend more than $42 million during 2019-20 on maintenance upgrades and homes, yet it was revealed that only $5 million had been spent by 30 June 2020. Even before COVID-19 hit, the government was not spending money that had been approved to support jobs and the economy.

It raises the question about how and if they will spend additional money that has been approved for the COVID-19 response. In the past week, we have seen that South Australia has the highest unemployment rate in the nation: 7.9 per cent, which is higher than states like Victoria that have been in significant lockdown for an extended period of time.

When the government does not spend the money that the parliament has approved, real people suffer and there are consequences. Right from the beginning of this pandemic, there have been concerns about whether the services were matching what was needed, particularly whether the stimulus response matched what had been announced.

In providing broad support for this bill, the opposition also extend our gratitude to health and emergency workers, retail workers, educators, carers, transport workers and teachers, amongst many others, who have risen to the challenge in what have been very difficult times. We look forward to the swift passage of this bill. As I have said, we are amenable to crossbench amendments and we are leaning towards the shorter of the two suggested ones with the three-month extension.

The Hon. T.A. FRANKS (15:40): I rise as one of two speakers for the Greens today to speak to this important bill. Six months on from the time we debated emergency legislation in several

incarnations, we are now seeing the need for an extension of a further six months, or perhaps less, depending on what shape this bill makes it through this council.

This has been an extraordinary time. We are in what time and time again has been called unprecedented times, although there are learnings we can take from history and from other jurisdictions about how to do this better. No-one has had it right first time with the COVID-19 pandemic and we have all had to learn as we go. I am hoping that we have learnt as we went with this piece of legislation, ensuring that we have the appropriate accountability and transparency that a parliament should be ensuring for the people of South Australia this time round.

The previous powers included the unprecedented and extraordinary power for the removal of children. The Greens opposed that when it was previously debated in this legislation and we are yet to be provided a reason why it was necessary, other than the commissioner—or, in this situation, the State Coordinator—wanted the power. When we asked in our briefing whether the power had been used under the pandemic, at first we were told that that information was not being collected and recorded. That is an extraordinary answer to receive.

In the hours that followed, we have been informed that the power has not been used. What is the real answer? Is the power being used and data being collated about its use, or is there no transparency and accountability about the use of this power? One of those answers was incorrect. One of those answers misled members of this parliament. One of those answers will be true, but both of those answers are unacceptable. What was the reason for the SAPOL commissioner wanting the power for the removal of children and has it actually been used? If it has been recorded that it has not been used, what data is being collected by those empowered to remove children? But I digress.

We are in a very good place to have this debate and I absolutely commend the State Coordinator, the Chief Public Health Officer, the Premier, the Minister for Health and Wellbeing in particular, for what has been an extraordinary and outstanding effort to keep us all safe. But in keeping us safe, of course, that has resulted in the necessary restriction of what we would call our civil liberties, our freedoms, what some have called in submissions to this legislation extraordinary Henry VIII-type powers, and it has necessitated this parliament to play a back-seat role.

Six months in I would have expected this legislation to come with some of the bells and whistles that were not attached last time, bells and whistles that are necessary for a healthy democracy, bells and whistles such as proper transparency, proper record keeping about these extraordinary powers, detailed information, not confused information that changes from one hour to the next about whether or not these extraordinary powers have or have not been enacted and, indeed, a proposal that was lacking in the first round for something like a COVID oversight committee of both houses of this parliament.

A COVID oversight committee was, of course, enacted, through the opposition's work, in a separate motion to the previous legislation. This COVID committee has been told by the Transition Committee of the state—those empowered to help us get through this crisis—that it cannot have the Transition Committee's minutes, to see their workings as to why certain decisions are made and certain outcomes negotiated, which sometimes do beggar belief in terms of public health reasoning why those decisions are being made and who is in the room when those decisions are being made.

The very minutes of that committee have been denied previously to the oversight committee that was set up by this council for the parliament to ensure that the people of South Australia know the decisions that are being made to keep them safe. If there is nothing to hide, why has there been such resistance to ensuring that data is collected, minutes are made transparent and those who are in the room at the time the decisions are made are known?

We cannot go on for another six months without those safeguards, and that is why the Greens and SA-Best have said we will not sign another blank cheque without appropriate safeguards. It is time to ensure that the parliament is able to do its job, and that the people of South Australia are not only protected and kept safe but also safeguarded against inappropriate exercise of power.

The Greens will have many questions at clause 1, and we recognise that this particular piece of legislation, in the form it has been brought before us, does not allow us to make detailed

amendments to powers that have been afforded, in this unprecedented time, to non-elected people without the scrutiny of the parliament. We do recognise that this blunt tool can be used in terms of setting another time frame, by which I would hope that the government will sit down with members of parliament, the opposition and crossbench and negotiate a better way forward under this pandemic, because this pandemic appears to be here to stay for quite a while to come.

When I first debated the very powers that we now have implemented in this state, it was one of my first bills in parliament, and I remember the Hon. Stephen Wade, now the minister charged with implementing these extraordinary powers, was a member of the opposition. I remember both of us had quite grave concerns about civil liberties and human rights being protected under such a situation as we now see with this pandemic.

I urge the government to stick by those values they held in opposition and not to rush another piece of legislation through this place, simply finding it all too hard to ensure the appropriate protections and accountabilities because we are faced with yet another time deadline that is pressing, rather than appropriately dealing with it.

I note that other parliaments have oversight committees for this pandemic. I point particularly to New South Wales, where the ministers of various portfolios, not just the health portfolio but certainly Minister Hazzard, have appeared before that committee. The members of that committee have been able to have their questions answered and to have information provided, and have not been refused that information or told that they will get it when the person in the position of power being asked is good and ready, as I have found to my disappointment in South Australia.

I would hope that we will see moving forward for the next six months—possibly 12 months to come, potentially longer—that we will start to put democracy back into our decision-making when it comes to this pandemic because that is what we are actually here for as parliamentarians elected to ensure those rights are not trampled on when the going gets tough.

I will not speak for too much longer on this bill because I absolutely guarantee to the government that it is our intention to get this done in the next three days, but it is not our intention to continue to sign blank checks of unchecked power with answers like, 'We don't know why we want this extraordinary power, we don't know if we've used it, we don't collect the data on it,' to be accepted by this parliament.

I do not think that is good enough. We do deserve better than that. We understand the extraordinary pressures on people under the pandemic but we also understand the extraordinary importance of our democratic system, particularly when we are talking about potentially at least six months, if not a year, if not longer to come. We cannot accept a rough, shoddy job any further.

I note the words of one of the co-commissioners for mental health at the COVID committee just last week, that the original legislation was 'all containment and little care.' That is a grave concern, particularly if we find ourselves in a situation as Victoria has where we slip back. Where is the safeguarding in the legislation before us? That safeguarding comes with transparency and accountability.

I cannot see that without transparency and accountability we can continue to all pull together with the COVID pandemic. It is beholden on government to ensure that negotiations go on in these next coming days, that no longer will those on the Transition Committee in the various positions of authority and power who have these unprecedented powers over the lives of all South Australians, can answer to the parliament that they are either not going to tell us or they do not have to tell us or they will tell us when they are good and ready.

That is not good enough. South Australians deserve better and we deserve better from our democracy. Simply, and not to create division, I am disappointed that the government did not come before us, over five months in, with a better framework for going forward for the next six months than a simple extension of all the powers that we rushed through in those several pieces of legislation at the height of the anxiety and legitimate fear as we stared down the barrel of this particular pandemic.

I look forward to the committee stage and clause 1 of the bill. I look forward to answers that are appropriate and informative and that indicate, as we move through this crisis, we will have more care as well as the containment.

The Hon. M.C. PARNELL (15:53): I will start by associating myself with the comments of my colleague the Hon. Tammy Franks. I will not repeat what she has said but I think she has quite eloquently summarised the dilemma, if you like, that this chamber has faced over the last six months or so, and that is that we did suspend a whole range of normal processes and protocols and we acted with the utmost goodwill to give the government almost unfettered powers to do almost anything because we were facing a pandemic, we did not know where it would lead us as a state and we did not know when it would end.

Perhaps some of us had hoped that it would be like the First World War, over by Christmas, or perhaps as Donald Trump has suggested, 'It is just going to go away of its own accord.' But I think people who have paid a little more attention than that will appreciate that we still do not have a vaccine and this pandemic situation will be with us in some form or another for some time yet to come.

So in many ways we perhaps should have known back then—but we certainly know now—that it is inevitable that we do need to do things differently for longer. As a result, we have a simple extension bill before us. I agree with my colleague, ideally what we would have done is we would have gone through each of the individual additional powers that the parliament granted to the executive and we would have worked through them one by one.

Is this still needed? Might this have work to do if the pandemic comes back, or has this one run its course and will it not be needed again? However, we are not afforded that opportunity—to go through power by power. Instead, the question before us is pretty simple: how long do we extend the whole package? Do we extend it for six months? Do we extend it for four months? Do we extend it for three months or for some other period?

I also agree with my colleague when she draws the link between the willingness of this parliament to give the government more powers for longer and balance that with the level of oversight and accountability and information. The less information they give us, the less inclined we are to write blank cheques. In fact, we do not write blank cheques; it will be a time-limited cheque.

I also note that the government has chosen to expire some of the provisions, some of the powers that we initially granted. The list of things they have expired is interesting. They are things that they found a bit inconvenient. Often it was things that went to increased accountability. A classic example would be that when we thought parliament might not sit very often, we shrunk the time available for ministers to table certain documents before parliament. As members know, it is very common for it to be six sitting days, which, depending on the time of year, can be three or four months. A document that is prepared in December, for example, in an election year might not be tabled in parliament until April or May of the following year. So we reduced it to a week—to seven calendar days.

That is one where the government very quickly moved to extinguish that, to expire that provision, their reason being: 'Well, parliament hasn't been suspended. We have sat most days.' And that is right, but there is a range of other powers the government is hanging onto in case the pandemic comes back worse; in other words, provisions that might not have much work to do but, 'Let's keep it in the back pocket because if the pandemic comes back it will be useful to have these powers.' But they have not used that same approach when it comes to things that are inconvenient to them.

There are other powers which, I maintain, are entirely opportunistic and have virtually nothing to do with the pandemic. The example I would give is shortening the consultation period under the Planning, Development and Infrastructure Act, reducing the number of projects that must be put out for public consultation. That is not really COVID related. That is the government trying to reduce public participation, trying to reduce the right of citizens to know about and comment on things that are happening in their environment. Those powers are going to be extended, even though they are virtually unrelated to COVID and really are more to do with reducing public consultation than anything else.

I am certainly pleased that in some way we are going to be extending the protections for residential tenants. In particular, the eviction moratorium I think has been incredibly useful. Whilst it was late in the piece that the government provided us with a document showing how these different powers have been used, I did note that the South Australian Civil and Administrative Tribunal

(SACAT) noted that these powers and the obligation on SACAT to try not to make people homeless were actually very useful tools that they had, and they have resulted in people keeping a roof over their head and not becoming homeless. So I am all for extending that provision.

I note that another provision in regard to residential tenancies is in relation to rent increases. Previously, it was a bit of a blanket rule that said, 'Well, rent is not going to go up during the pandemic.' Now, the only restriction on rent increases is in relation to tenants who might be suffering financial hardship as a result of the COVID pandemic.

I think landlords who try to increase the rent will possibly come to a bit of grief. I do not know whether the situation will be the same in Adelaide as it has been in, for example, Sydney. Reports I am getting from Sydney are that people who are renting apartments there are universally asking for rent reductions, and they are getting them because the demand has dropped off. A lot of it would be to do with students and holidaymakers, but rents are going down in Sydney rather than going up.

It will be interesting to see whether landlords here believe in the old maxim that a bird in the hand is worth two in the bush. If they are smart many of them will hang onto tenants who are able to pay, and not try to gouge them by increasing the rent.

I, too, look forward to the committee stage of this debate. We have only just received the 14 pages of information that tells us which of these powers have been used and which of them have been found useful. It is a very incomplete document, and I am sure that I and other members will want to interrogate the government about the list and what it really means, but for now the Greens, along with other parties, will be agreeing to some extension. I guess we will form a final view as we work through this bill in the committee stage.

The Hon. F. PANGALLO (16:01): I rise to speak on the COVID-19 Emergency Response (Expiry and Rent) Amendment Bill 2020 and indicate that SA-Best will be supporting it, albeit with a proposed amendment which I will detail a little later. I would also like to commend my colleagues who have spoken on this today for their measured words of caution.

It has been six months since parliament passed the emergency response act. At the time, none of us would have contemplated the far-reaching implications the pandemic would have on the world. Today, we know that the UK, parts of Europe, Asia, the Americas, and notably the United States are still in the grip of this unseen enemy, and it is coming back in another wave that has the British particularly worried.

The statistics are quite sobering, to say the least. Whoever would have thought it would infect nearly 32 million and claim close to one million lives? There are still seven million active cases. In Australia to date there have been 27,000 cases; 24,000 of those have recovered with 851 deaths. Only four of those were in South Australia, but there were 763 in Victoria, mostly the aged, who are the most vulnerable in our community. Compare that to the United States with seven million cases and more than 200,000 deaths.

South Australia has done exceptionally well with just 466 cases, 462 recovered, and no active community transmission for months. For that we should be thankful for the raft of measures that were implemented and the oversight of the Transmission Committee, led by the police commissioner and the Chief Public Health Officer.

They have had to make some tough calls, and they still do. By and large they have been the correct ones. They have also been prepared to quickly review those that were not, like the closure of border communities in the South-East. However, it was welcome news that borders with New South Wales will reopen tomorrow.

We now find ourselves in a much better position than most countries in the world and, of course, than our neighbours in Victoria—at least their second wave appears to be subsiding. It only happened because the Victorian government took a risk with its hotel quarantine measures by trusting private security, who were undertrained or ill-equipped in dealing with a pandemic, when they could have done what we did here and supplement security with police.

COVID-19 has changed everything we do. It has changed our mindset on our previously accepted way of life and our own interactions with people, whether they are from our own state, from

interstate or overseas. It has changed the way we work, the way we play and relax, and the way we think. It poses questions about our very own civil liberties that we have come to zealously guard in our democracy. We have had to shut down our international borders. We have had a hard shutdown with Victoria. This has caused much distress to many South Australians who are unable to return to their home state.

The pandemic has dramatically impacted on our economy. It has led to massive job losses and businesses big and small—those that have managed to survive—are hurting. Even though we find ourselves in a recession, the federal government has staved off an unmitigated economic disaster with its multibillion dollar stimulus programs and the real linchpins, JobKeeper and JobSeeker, which will soon be phased out.

We are all anxious about what awaits us going into 2021, but it is clear that globally this pandemic is nowhere near its end. However, we are here now to consider for how much longer our emergency laws need to be in place. Is it time to consider handing that control back to our elected government? I think it is. The powers given are extraordinary. As a learned friend put to me recently, 'We are sleepwalking into totalitarianism.'

One of the casualties of this fear of the pandemic is that we seem to have lost sight of our sense of compassion and humanity. Sometimes, on hearing the political rhetoric and opinionated commentary in the media, I get the feeling that in each state and territory it is like we are living in different countries. Only this past week, I have had to deal with calls from constituents with heartbreaking stories to tell. One mother is extremely worried that her daughter, stuck in Victoria and unable to get a permit despite three attempts, is becoming suicidal. Another woman is unable to come home to see her father in palliative care, and a man lost his work permit to work here because he went to Victoria for his father's funeral.

Julie-Anne Adams wrote to me yesterday exasperated by the delays, confusion and mixed messages in trying to get an end-of-life visit approved for her late father. She is calling for a review of the systems that have been put in place dealing with those seeking permits and exemptions. She rightly points out that six days after applying is way too long for processing end-of-life permits and reapplying. She says end-of-life applications are for persons not expected to die within the next fortnight but, sadly, this is what happened before the approval came through and even then it would have required her to reapply for a different permit.

She questions whether there are staff monitoring the website receiving COVID-19 exemption applications at certain times of the day. Julie-Anne also complained about what she described as cruel and inhuman treatment that she received while in quarantine at the Pullman Hotel, even when she tested negative to COVID-19, and the demeaning attitude she received from one police officer. She never got to go to her father's funeral and claims that the entire experience exacerbated her mental condition.

Mental Health Commissioner David Kelly last week told the COVID-19 Response Committee that the response legislation needed to be ended as soon as possible. He said the act was the worst example of a piece of legislation that does nothing about support and focuses on containment, highlighting issues with vulnerable individuals in supported residential facilities. Mr Kelly said that he was not consulted in April when this legislation was rushed through parliament, and he is opposed to extending it by a further six months.

This bill seeks to extend the expiration of the act to 28 March 2021, or 28 days after all relevant COVID-19 declarations have ceased, whichever is earlier. Like Mr David Kelly, we do not consider a six-month extension is warranted; three months is enough considering we have no active cases of COVID-19 in the state and we have no COVID patients in hospital or ICU.

There are still many South Australians who continue to face financial hardship as a result of COVID-19 restrictions. An extension of the eviction moratorium continues the protection for vulnerable residential tenants. I note that the Small Business Commissioner has reported a degree of success in dealing with negotiations between landlords and residential tenants. The bill adds the proviso that residential rental increases cannot be made in the event the tenant is suffering financial hardship resulting from the COVID-19 pandemic.

In my amendment relating to residential tenancies, I am proposing that, instead of the six-month extension, it be three months. My amendment does have the date of 31 December, but I will move on the floor that it be 3 January 2021 in order that it aligns with federal JobKeeper dates. This is an important amendment to protect landlords whose tenants have not experienced a change in their income. We must not forget that rent is the sole, or a significant, part of the income of many landlords. Not all landlords have deep pockets and, in the case of an unaffected tenant, a landlord should not suffer detriment.

On the face of it, there do not seem to be the same protections for commercial landlords. I received overtures from the commercial property sector asking that the code of conduct for commercial leasing not be extended beyond the initial six-month period, which expires at the end of September. A Deloitte Access Economics report that looked at the impact of the code predicted that an extension would impose an extra $4.8 billion in costs on commercial property owners and potentially threaten the viability of many small and mid-sized commercial property businesses.

The report states that, with other rental waivers, the cost to commercial landlords over the five-month period from April to September is around $7 billion, rising to $15 billion over an 11-month period, or a 17 per cent fall in annual revenue. The state government has provided some concessions to landlords, including some land tax relief. However, once the pandemic is over, they will need to absorb these losses and make up for them.

Some have told me they are already getting pressure from their lenders. One person says he has had tenants who were simply gaming the situation, taking advantage of the JobKeeper payments, manipulating opening hours to keep turnover below 30 per cent, making them eligible for JobKeeper, yet trading when they seemed to have the capacity to pay rent. They could not provide me with figures of how many are doing this, however. It is my understanding that there are still many small to medium businesses out there still finding trading very tough and contemplating whether they will even renew their leases when they are due.

As Andrew Friebe, a director of the company that leases the premises for Maximilian's Restaurant at Verdun, said to me in an email today, one size does not fit all, particularly in the hospitality industry, and that circumstances of individual landlords and tenants will vary. Mr Friebe is facing pressure from his landlord, who no doubt has issues of their own to contend with. He says, if protections for commercial tenants were to be lifted, then restrictions imposed on businesses like his—like no dancing, no standing and drinking, loss of business from overseas and interstate tourists—perhaps should also be lifted.

While I appreciate their concerns, ending it in a couple of weeks could have disastrous consequences for many others leasing their premises. However, I believe a review of the code is warranted in three months. The Attorney-General has provided us with updated draft regulations in relation to commercial leases. Again, we received these quite late, and I reiterate the comments of the honourable Leader of the Opposition about the notice that was given in relation to briefings on this bill. It certainly was quite inadequate.

The obligations of parties are largely unchanged, with new key dates in line with the commonwealth JobKeeper 2.0 wage subsidy. Importantly, the bill continues to give the Attorney-General the power to expire provisions by *Gazette*. This power has already been exercised for certain parts of the act, while others have expired and are not being renewed. With that, I look forward to the committee stage of the bill.

The Hon. R.I. LUCAS (Treasurer) (16:14): I thank honourable members for their contributions to the second reading of the bill. On behalf of government members I thank a number of people in relation to the way they have managed the public response to COVID-19 South Australia.

Clearly, there has been much commendation, public and otherwise, for the front persons of the battle against COVID-19, and they include Professor Spurrier and the various other public health officers, Dr McGowan from SA Health, Minister Stephen Wade, Commissioner of Police Grant Stevens, the Premier and others who have been the public face of the battle over the last six months. They all deserve credit and commendation from not only members of this chamber but also the broader South Australian community.

It is certainly my view, as I have expressed publicly on a number of occasions, that the broader South Australian community has been strongly supportive of the public response and the government response to COVID-19 thus far, and have acknowledged, indirectly of course, the support of the parliament in providing the necessary powers to manage COVID-19.

In addition to that, I place on the public record on behalf of the government my thanks to the many thousands of unsung heroes in terms of the public sector response. I know the Hon. Mr Pangallo read a letter or email from a constituent who expressed concern about the attitude of a single police officer in relation to the way he or she had been treated.

I want to say that I believe that, despite the isolated examples, which of course we have to accept may well occur, the overwhelming majority of police officers have approached what has been a very difficult task over a number of months, whether it be through border controls, quarantine arrangements, the difficult arrangements in relation to managing social distancing in public places and places of entertainment, the overwhelming majority have handled their increased responsibilities in a way that the vast majority of South Australians would support.

Whilst I acknowledge the Hon. Mr Pangallo raising a concern from a constituent about an individual police officer, I place on the public record the government's view that that is in the minority and that the overwhelming majority of police officers have behaved admirably in terms of the tasks they have.

Equally, I place on the public record the government's thanks and commendation for the work of, again, many thousands of unsung heroes in the Public Service, whether they be the people within Human Services who are managing the concession schemes and the grants schemes, etc., hopefully managing what are sometimes traumatic either telephone calls or emails in relation to requests for assistance in as humane a fashion as they can and as quickly as possible.

Equally, officers within my own department—Revenue SA and the Department of Treasury and Finance—have worked long hours in relation to the various grants schemes: the small business grants scheme, where more than 20,000 applications were registered and almost 20,000 grants were distributed.

Of course, a number of people are upset at either the way they believe they were treated or the fact that they did not qualify for the grant, and their particular cases have attracted public and media attention, but in no way, on behalf of the hardworking public servants, should they be indirectly or directly criticised for the way they have managed the cases. These are decisions the government has taken; they are difficult decisions. Public servants are asked to implement the decisions governments have taken, and in some ways they get caught in the crossfire.

There were some very angry and bitter telephone conversations that public servants had to endure because they had to indicate that the decision that had been taken meant that they did not qualify for a particular grant or concession. They have had to accept that sort of criticism, not through a decision they have taken but through a decision the government has taken. Nevertheless, they have set about their task.

In that case, I know some public servants within RevenueSA were working late into the evening and over weekends in the early weeks of the grant schemes to try to process them as quickly as possible. We still hear cases of people saying, 'We didn't hear for two or three months before we actually got a rejection.' Some of those cases may be raised at the committee stage and I will be happy to respond that there were clear guidelines placed on websites, publicly available, in relation to who may or may not be eligible for particular grant schemes.

Right across the public sector we have acknowledged the work of healthcare workers, residential care workers, correctional services officers and others who are the unsung heroes. Whilst I have taken some time, they will not have the public approval and acknowledgement of their names being individually singled out as the names of the front persons are—Professor Spurrier, Mr McGowan and the police commissioner, etc.—but their role and their importance nevertheless should not be underestimated. We thank them for the tasks they have undertaken and, for as long as COVID-19 continues, we thank them for the work they will continue to do on our collective behalf in the future.

I will enter the committee stage of this debate as I always enter the committee stage of a debate: looking forward to the exchange of views. I accept there will be differing views in relation to provisions of the legislation, but I do urge at the second reading that it is incumbent upon those who have concerns about legislation to perhaps outline, not only to me but also publicly through this particular debate, what ill has occurred as a result of the particular provision they might be complaining about.

We have heard over previous debates, and again during this debate and in another chamber, various theoretical concerns, but the issue is that we should hear what specific examples there are of ill that has been caused by the particular provisions. As I said, there have been a lot of concerns about extraordinary powers, about not having transparency and accountability and about how many times the powers were used. Well, if they have not been used, I think that is fabulous.

There were powers that were given, and if they were not used, if there were any concerns from some members about those particular powers no-one ever used, I would have thought those members who had a concern should have been well pleased that that was the case. I think the challenge for members who are concerned, or who have expressed concern, is to demonstrate or highlight the ill or the disadvantage that has been caused by the implementation.

As I said at the outset, I think the overwhelming view of the broader South Australian community about COVID-19—whilst they might hear the individual concerns about provisions that some might raise in this particular chamber—has been one of very strong approval; that is, this is a set of circumstances that required an extraordinary response. It has had an extraordinary response, and it is going to continue to require an extraordinary response over the coming weeks and months, hopefully until the arrival of a vaccine or something of that nature that helps us manage the coronavirus.

As I said, whatever it is that we have been through and are going to go through, the broader South Australian community, in my view, has expressed its approval and continues to express its approval, and indeed willingness, to accept some of the issues and inconveniences that we all acknowledge they have had to endure as a result of managing COVID-19.

When the legislation was originally drafted—and I will address this at the second reading—the Hon. Mr Pangallo did raise the concerns in many other parts of the world about the second wave, and I think he particularly acknowledged the United Kingdom. We have seen the second wave in Victoria, our nearest neighbour, and we hope that through the actions we have implemented, and continue to implement, that we do not have to endure the magnitude of the second wave that the UK and some other countries throughout the world and Victoria have had to endure. Nothing, of course, is guaranteed which is why our public health officers and others continue to advise us to be cautious and that we still have much to do.

The extraordinary powers in some form or another are going to continue to need to be used for a period of time. We first introduced the legislation almost six months ago in an excess of caution and we have looked at some of those powers and decided that they were never needed, or no longer needed, and therefore have expired. I think the Hon. Mr Pangallo and others have referred to that. I think there was much levity about the superpowers that I was being given under the Public Finance and Audit Act as Treasurer in relation to audits by the Auditor-General and Treasurer's Instructions relating to financial and audit requirements. They had been constructed on the best advice of Treasury officers in discussion with Auditor-General staff as well.

As we have managed COVID-19 for the last few months and have eased the restrictions, it was the collective view of audit staff and Treasury officers that those powers we thought we might need when things looked particularly bleak back in March, April and May we do not believe we need any further. They have already been expired by the power the Attorney-General has under the provisions of the parent act.

As we have no longer required extraordinary powers, we have expired them. It is not as if we have clung to them and continue to argue for those powers such as the Public Finance and Audit Act when we did not believe we needed them any further. So the provisions providing that inspections of residential tenancies can only occur via AV, unless in exceptional circumstances, was a power

that was believed to have been required back in the early days of managing COVID-19. That is a provision that has been expired because the government took the view that it was no longer needed.

As to the provision under section 10 that an inspection of supported residential facilities may only occur via electronic means unless in exceptional circumstances, similarly, the view was that it was no longer required. I accept that the Hon. Mr Parnell believes that powers are no longer required in relation to some planning issues. In a number of these other areas such as public finance and audit and the residential tenancies areas, etc., the government has already taken the view that those particular provisions were no longer required.

I said a number of months ago when we first debated this bill that there was nothing in this that I would have hoped would be interpreted by anyone as a power hungry Treasurer representing a power hungry government that was desperately using the advent of the coronavirus pandemic to grab unprecedented powers for the government.

I think that was the view that some had and that some promulgated in the community, but again I return to the fact that pleasingly the overwhelming majority of South Australians do not accept that conspiracy view of the world. They have thought well of the public sector and the government in general in terms of the way it has approached managing COVID-19 and they certainly have not attributed malicious intent, or malevolent intent, to the government in terms of trying to grasp unnecessary powers during a pandemic for themselves.

The final comment I want to address is in relation to the area I have most contact with, which is the commercial and residential tenancies legislation. I am pleased the Hon. Mr Parnell has placed on the public record a summary of the view of SACAT in relation to the usefulness of the residential tenancy protections: the 'thou shalt not evict' clauses and the 'thou shalt not increase rent' clauses. They have served a good purpose. It is a demonstration that this government was about trying to have a fair system, which treated, to the best extent we could, landlords and tenants as fairly as possible.

We were criticised because we did not mirror exactly every provision and nuance of the mandatory national code that the Prime Minister and the national cabinet promulgated. I have had discussions in recent times with people who still oppose the extension of the commercial tenancy provisions for a period, and that is those groups that generally represent landlords. What they have said to me is, 'Look, we accept the fact that every other state and territory government is going to extend these provisions for a period of three months or so, but if they are going to be extended what we will at least acknowledge is that the system that the parliament finally passed in South Australia is a fairer and better system than the one that exists in other jurisdictions.'

That comes from stakeholders representing landlords in South Australia. Whilst the mechanisms that we have put in place are not perfect, because there is no simple solution to these difficult disputes between landlords and tenants, people representing landlords have said to me, 'Whilst we do not want it to continue, we accept the fact that virtually every other state and territory is going to continue it, and if it is going to be continued, the system in South Australia has demonstrated, through practice, to be fairer than most of the other systems that occur, to both sides, to both landlords and to tenants.'

I will place on the record during the committee stage figures the Small Business Commissioner has provided to me. I think they have been shared with a number of others. I must admit that when we crafted the legislation at the outset of the COVID-19 pandemic, I was fearful that we would have hundreds, if not thousands, of disputes between landlords and tenants.

We crafted the arrangements so that we would encourage, to the extent that we could, good faith negotiations between landlords and tenants that would settle the disputes, to the greatest possible extent, between themselves, without having to go through the process of mediation and then arbitration through the courts. We provided additional funding and resources to the Small Business Commissioner. He appointed additional people to assist him. We provided him with additional funding for space, because, as I said, it was my view as we started this that we might see hundreds, if not thousands, of disputes having to go through that particular process.

I think the recent numbers we have seen are about 180 disputes that have gone through that process. In the overwhelming majority, the Small Business Commissioner, through mediation, has

been able to come up with a result that might not have pleased both sides but nevertheless was acceptable to both sides as a reasonable resolution of a difficult and complex negotiation between landlord and tenant. In a very small number, he has had to issue the certificate, which basically says they have been through mediation, they have not been able to resolve the difference and it is now up to the Magistrates Court to make a final decision in terms of how we settle it.

There are a couple of ongoing disputes that I know a number of members have had representations on, as indeed I have. In a couple of cases, there has been this view, sometimes fuelled by commercial lawyers who have argued to their clients: 'Don't go through this process, because it will come to no good,' the process being mediation and arbitration.

Ultimately, those clients have to make a commercial decision whether they want to accept that commercial lawyer's advice or not. However, we the parliament have decided that the fairest mechanism, if you can't resolve it between yourselves and if you have a case which I am aware of where a big tenant says, 'Get nicked, I am not going to pay any lease payments at all,' is that there is the capacity under the mediation process and under the Magistrates Court process to eventually require albeit a deferred payment of some of the lease payments from the big tenant to the smaller landlord in the cases that I am familiar with.

I urge members who talk to commercial lawyers and to landlords to say to them, 'There is a process. It might not be perfect, but it is the opportunity for mediation through the Small Business Commissioner, who has demonstrated his capacity to work with both sides, and then ultimately for a very small number of cases to go to the Magistrates Court to argue for some resolution.' But the Magistrates Court, in my view, given the circumstances that I have heard outlined, is not going to come down on the side of the big tenant who says, 'I'm not going to pay any lease payment at all for six months or more,' which is what is being threatened in some cases.

In my view—and I cannot speak for and guarantee a decision of the Magistrates Court, of course—given the legislation that we have passed and the operations that they have to follow as a Magistrates Court in relation to this particular code, I cannot see a set of circumstances, as has been outlined to me, where a decision would come down which said the tenant, in the case I am thinking of where it is a big tenant with capacity to pay some lease payments, 'You don't have to pay anything,' and the smaller landlord has to absorb all of the pain in relation to that particular set of circumstances.

We will speak at length, I am sure, in relation to the commercial tenancies during the committee stage. I want to repeat what I have already said publicly, and so has the Attorney-General, that it is the government's decision that the protection of the commercial tenancies legislation has been extended for three months. The legislation, which enables not only that but also various other powers such as meetings to be able to be held by Zoom, Microsoft Teams and other things like that, extends either to the end of March or an earlier period if the emergency is cancelled at some earlier period, but that is the latest possible date.

It has been misunderstood by some people that we have extended the protections of the commercial tenancy legislation by six months. We are extending the commercial tenancy legislation through the regulations, which we have shared with members, by a period of three months to the end of the first extended period of JobKeeper, which is 3 January. That is the government's position.

As the minister who, together with the Attorney-General, has major carriage of it, the only circumstance I could contemplate where we would change our position is if we were at some stage during December to relapse into an extraordinary second wave akin to Victoria where everything was closed down again. I am not envisaging that set of circumstances; nevertheless, I cannot guarantee on behalf of the government the public health position in three months' time. That is why we have structured it as we have. It is a clear policy decision to only extend the commercial tenancy protections for a three-month period.

It has been a balanced decision because we had stakeholders representing landlords who said, 'Don't extend it at all.' We had some who argued for us to extend it by six months. Most of the other states and territories have extended it through to December or January, about a period of three months, and then they are going to make their decision about either continuing it or not. Our position is clear; that is, we are not proposing to continue it beyond the three-month protection that is there.

That is the position I have outlined to stakeholders representing landlords and it is the position I have outlined to others who have represented tenants in terms of their submissions to the government.

With that, I thank honourable members for their contributions to the second reading. Can I say, in terms of the complicated questions which I am sure will come from some in relation to the mental health issues and health issues, that my colleague Minister Wade has indicated he is proposing to come down—and this is my open invitation to him now, if he is listening—during clause 1. As soon as he arrives, I will allow him to make a statement that he wanted to in relation to why he believes the power should be continued.

I would invite members, if they wish, to ask of him the mental health and health-related questions, if they have them. When you have satisfied yourself that you have exhausted your questions of the Minister for Health, we can then return to the more general questions and the other questions that I have carriage of in terms of the rest of the legislation. With that, I thank honourable members for their support.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I note that the Treasurer has just said we will proceed with health questions first, but—

The Hon. R.I. Lucas: As soon as Stephen arrives.

The Hon. T.A. FRANKS: Okay; can we start with other questions then?

The Hon. R.I. Lucas: Yes, sure.

The Hon. T.A. FRANKS: My question is with regard to information that ECSA has provided on the delay of the APY executive elections. What are the details around the delay on those particular elections, and what other elections are being delayed under this legislation?

The Hon. R.I. LUCAS: While I get an answer on that, the Minister for Health wanted to address the council in relation to those issues, and you might want to address some questions on health to the minister.

The CHAIR: Does the minister want to address that one or will we go to other questions? The Hon. Ms Franks.

The Hon. T.A. FRANKS: It is not a question on health, it is a question on elections. The APY, I understand, from correspondence received by ECSA to the Aboriginal Lands Parliamentary Standing Committee, is delaying its election. My question is: what is the status of that delayed election? On what grounds was that delay approved? Does it continue to be approved, even though we are now not in the situation we were in when that delay was requested? And what other elections are being delayed under this legislation?

The Hon. S.G. WADE: I wanted to make comments in relation to the comments made to the COVID-19 Response Committee by Mr David Kelly, Mental Health Commissioner. Concerns were raised in relation to schedule 1. Schedule 1 is special provisions relating to the detention of certain protected persons during the COVID-19 pandemic and facilitates the lawful, temporary—

The CHAIR: Order! Minister, I think this might be out of order in the sense that we are referring to something that has not yet been reported to the council. However, I understand you have come to this committee stage to answer questions on mental health issues, and I appreciate that. The question we have right now is one relating to the APY elections. What we probably should do is move to other mental health-related questions.

The Hon. S.G. WADE: Yes; sorry. I thought the Leader of the Government was suggesting that in the interregnum, while he seeks an answer to that question, I might offer general comments about mental health issues, but I may have misunderstood the intent, I appreciate that.

The CHAIR: If they are general comments I am happy for you to proceed.

The Hon. S.G. WADE: Thank you, Mr President. In circumstances where an ordinary citizen has the protection of being able to understand and act in accordance with public health directions and guidance related to COVID-19, a person with mental incapacity is not offered the same protection.

The legislation recognises there may be occasions where detention is necessary to support a protected person to not put themselves or others at risk of exposure to COVID-19. Further, it recognises that this decision ought not to be made arbitrarily by service providers; rather, it ought only to be done pursuant to a lawful authority that may be obtained under the legislation, and be subject to the safeguards contained within it. Under the legislation the detention may only be authorised by the person's protected guardian or by the authorising officer appointed under the schedule.

A number of safeguards are provided in the schedule and its supporting regulations and guidelines, including the following. The maximum period for which a person may be detained under the schedule without approval of the SACAT is 28 days, and any decision to authorise detention under the schedule is subject to review by both the authorising officer and SACAT. The nature and means of a detention of a protected person must be the least restrictive of the protected person's rights and personal autonomy, as is consistent with his or her proper care and protection, so as to facilitate compliance with COVID-19 related directions and to address the related risks. Seclusion is prohibited except as an option of last resort.

In respect of any protected persons who have been detained, community visitors have a role that includes conducting visits to and inspections of places at which they are detained, and acting as their advocate to promote proper resolution of any issues relating to the detention. Service providers must maintain a register of any detentions, which must be made available to community visitors or the authorising officer upon request.

The government is very concerned that without this legislation service providers may nonetheless detain people, and they would be doing so without proper oversight. This legislation puts in place oversight which protects the legal rights of people detained.

The Mental Health Commissioner has expressed concern that the legislation is about containment, not care. The government considers that understates the active role of the authorising officer and the Public Advocate to safeguard the rights of the person detained and ensure that person's needs are considered and respected.

In fulfilment of that safeguarding role, the authorising officer and the Public Advocate have determined and published that any application made to them requesting authorisation of the detention of a protected person must be accompanied by information about positive behaviour support strategies to assist the protected person, so that they can be assured that the person's daily routine is maintained as much as possible.

These might include, for example, how any exercise that might be prevented by the detention is replaced, how any personal development (such as might be provided in a day options program) is replaced, any changes to diet to reflect the changed circumstances of the person, and any relationship issues with other residents.

I am advised that so far in the pandemic schedule 1 measures have been used only twice, both early in the pandemic. One was in relation to a resident of a South Australian residential aged-care facility, and that person was under the guardianship of the Public Advocate. The second person was a resident of a supported residential facility in metropolitan South Australia and was under the guardianship of the Public Advocate.

Concerns have been raised that other jurisdictions have not enacted similar provisions and that public health measures should be adequate. However, the government has advised that is not the case in South Australia. Unlawful detention is a concern of the government so a process is needed to ensure that service providers act lawfully.

Some may say that having only been used twice these measures are not needed. The government disputes that implication. Victoria has shown that this pandemic is completely unpredictable. These measures need to continue to be available for whatever comes. If we were, for example, to face a second wave similar to Victoria we could have a situation where SACAT is overwhelmed with applications to authorise detention. For example, Victoria—and in particular Melbourne—has had a curfew in place for weeks now. When faced with the prospect of many protected people needing to be detained for their own and the community's safety in a short time frame, we risk overwhelming SACAT.

I am advised that schedule 1 has provided an opportunity for the Public Advocate and the authorising officer to have constructive conversations with service providers and educate them about minimising restrictive practices and respecting the rights of residents. It is the government's view that maintaining the schedule and the oversight and education it provides is vital for the ongoing care of protected persons in a pandemic.

The Hon. T.A. FRANKS: On health matters my first question is: how many people have gone through the hotel quarantine system, those who have travelled across our borders; and how many have been afforded the waiver—due to circumstances that were mentioned in the second reading debate on the legislation around that—that they were able to apply for? How are they able to apply for a waiver and how many have also afforded themselves of Afterpay options, if you like?

The Hon. S.G. WADE: I am certainly happy to take that on notice. If I could just clarify what the honourable member is referring to. Is she asking me how many people have received exemptions to come across the border without being—

The Hon. T.A. Franks: Paying for the quarantine.

The Hon. S.G. WADE: If I understand the honourable member's question, in relation to Australian residents, domestic quarantine, how many people have been accommodated in medi-hotels and what proportion of them have needed to pay? In relation to Afterpay, what was the question there?

The Hon. T.A. FRANKS: With regard to the medi-hotels, when we discussed this legislation it was said that there would be a system provided that people could either apply not to have to pay the fees because they had attempted to return before certain dates, and others would be given a hardship provision if they could not afford to pay for the medi-hotels up-front.

The Hon. S.G. WADE: So how many people were given a complete fee waiver and what were given, shall we say, payment plans? Those questions I will need to take on notice and will certainly provide answers to the council at the earliest opportunity.

The Hon. T.A. FRANKS: Where is the ability for somebody returning to South Australia to see that information and apply for fee exemption for the medi-hotels or a payment plan before coming here, noting that we actually saw a father, who wished to access and see his child, attempting, not once but twice in a single day, to come across our border. He said in the media, after he was found guilty and faced the courts, that he simply could not afford it up-front and wished to be afforded a payment plan option. When that exists, how are people who are stuck in those circumstances able to find this information?

The Hon. S.G. WADE: Certainly, there is a wide range of information on our websites in relation to the exemption process and the quarantine arrangements. I will try to identify where the information in relation to the opportunity for fee waivers and financial hardship provisions in relation to domestic quarantine is explicitly stated. As a general rule, consistent with the discussion in the parliament, people returning from overseas into medi-hotels, shall we say for international quarantine, are charged, but people in domestic quarantine, as I understand it, are generally not charged. I will certainly seek further information on that. I would also make the point in relation to the quarantine fee that it is not on a full cost recovery basis. It falls well short of the costs that are incurred by the state.

The Hon. T.A. FRANKS: Has any modelling been done of alternatives to medi-hotels such as the ankle bracelet tracking that has been considered in other jurisdictions? How many jurisdictions are using medi-hotels, as we are?

The Hon. S.G. WADE: My understanding is that every jurisdiction in Australia is providing medi-hotels. My recollection is Tasmania, for example, uses domestic quarantine much more assertively than South Australia does. In relation to ankle bracelets, I am only aware of one jurisdiction using ankle bracelets for people who are residents of medi-hotels. My understanding is that that is only used following a breach. The use of ankle bracelets, which, if you like, are normally used for community detention, does raise issues. We have consistently said, and we believe, that medi-hotels are not punishment: they are public health measures to try to avoid transmission of the virus in the community.

The Hon. T.A. FRANKS: I have previously asked in this place how many international students or similar—people on those sorts of visas—are currently within South Australia. Do you have an update on the figure? How many of those students, who we know have been stuck here, often living in poverty with little financial support and often unable to return home, despite the Prime Minister's helpful advice, are currently without healthcare cover?

The Hon. S.G. WADE: As I indicated in question time, primary responsibility for international education is, I think, the minister for industry and trade; it might be the Minister for Education. But I am certainly happy to seek an answer for the honourable member.

The Hon. T.A. FRANKS: How many of them are without healthcare cover?

The Hon. S.G. WADE: I am happy to seek information on that.

The Hon. T.A. FRANKS: Has the government considered options to ensure that international students who are trapped here can access health care, given their situation of living well below the poverty line without access to income support of any sort and, as not only the Mental Health Commissioner reported to the COVID committee but many other charities have noted, living on free meals provided by the good work of charities?

The Hon. S.G. WADE: At a more general level, I will include that with the questions to the relevant honourable ministerial colleague. In relation to COVID, I would stress what I have repeatedly said, and I repeat it again today: anybody presenting at a COVID clinic, whatever their entitlements under Medicare, will get a free test. It is very important for the safety of them, their family, their communities and the wider community that anybody who needs a test gets a test.

The Hon. T.A. FRANKS: If they do not have COVID, how do they get health care?

The Hon. S.G. WADE: As I said, I am taking the more general healthcare cover issue on notice for my honourable colleague.

The Hon. T.A. FRANKS: Could it also be taken on notice how many students have presented with healthcare needs that have been unable to be addressed? I imagine that will be taken on notice, so I will move to the next topic. I have raised in the COVID committee with health departmental authorities my concerns that I have seen in surgeries, waiting rooms, of various medical officers in this state notes saying that if there was not compliance with COVID requirements patients would be fined. Is that legal?

The Hon. S.G. WADE: I have not seen the notice the honourable member refers to. It is a very general statement and it is certainly the case that, if one acts contrary to a direction under the Emergency Management Act, you are liable to fines, both expiable and more substantial. Given the generality of the reference, it may well be true.

The Hon. T.A. FRANKS: So a doctor's waiting room can put up a sign saying that, if your children touch things they are not meant to, they will fine you $50 and add it to your doctor's bill? Is that now legal and lawful in this state?

The Hon. S.G. WADE: That is a very different question, and I cannot imagine that such an action would be contrary to direction, and it certainly would not be levied by the doctor. Any actions that are contrary to the Emergency Management Act directions are enforced by authorised officers.

The Hon. K.J. MAHER: I am wondering whether the health minister can outline whether he is aware of concerns from the Mental Health Commissioner about the greater risk of the use of

restraints and seclusion in supported residential care facilities, and can he expand on what the concern is about the greater risk of the use of those methods and procedures?

The Hon. S.G. WADE: I presume the honourable member is asking me to reflect on details of the consideration of a committee that has not reported. I would stress, in relation to schedule 1, that this is designed to make sure that detention and restraint does not occur without appropriate oversight and authorisation, either by the authorising officer or by the person's guardian.

The Hon. K.J. MAHER: I am wondering then whether the minister can outline how these emergency response provisions work? What is the oversight provided?

The Hon. S.G. WADE: In my earlier comments I indicated that any decisions to authorise detention under the schedule are subject to review by the authorising officer and SACAT, and in respect of any protected persons they are able to be visited by community visitors.

The Hon. K.J. MAHER: Can the minister outline whether there has been any restraint or seclusion of people in supported residential facilities that has occurred under these emergency provisions?

The Hon. S.G. WADE: As I indicated in my earlier comments, I am advised that there has been one person detained under the provisions in a residential aged-care facility, and one person detained in a supported residential facility, and both cases were early in the pandemic.

The Hon. K.J. MAHER: Can the minister outline, obviously without identifying individuals, what the circumstances were that required that intervention?

The Hon. S.G. WADE: I am reluctant to go into details, but suffice to say that, in relation to the person who was in a residential aged-care facility, at the request of the director of the facility the Public Advocate approved detention of the person. The approval was for detention at the residential aged-care facility for a period not exceeding 28 days. The person did not have the capacity to understand and comply with public health directions and guidance related to COVID-19, in particular the requirement to maintain social distancing.

On 28 March, a direction made by the State Coordinator was to effect that any resident leaving the premises of an aged-care facility for any reason other than medical or dental treatment was prohibited from re-entering the premises. I am advised that on multiple occasions the person had failed to comply with the requests of the facility to comply with social distancing requirements. Also on multiple occasions the person left or attempted to leave the premises contrary to requests to remain.

The residential aged-care facility requested that the person remain in his room for a self-isolation period, as he had been in the community at a time when there was a significant number of COVID-19 cases confirmed in South Australia. The person did not fully comply with that request. Following the isolation period, he was no longer requested to remain in his room, but his whereabouts, comfort and safety were monitored. Staff assisted him with his care needs and positive behaviour support strategies were in place.

I am advised that that person became subject to an order of the SACAT, directing the person to reside in such place as the guardian from time to time thinks fit and authorising the detention of the person at the place where the guardian decides he is to reside. This order was made on an application of the Public Advocate as the person's guardian, in light of the ongoing issues with the person and on the basis of a finding by the SACAT that the health or safety of the person or the safety of others would be seriously at risk if the order was not made. No further detention has been authorised under schedule 1 in relation to this person, I am advised.

In relation to the second person, the person was a resident at a supported residential facility in metropolitan South Australia and was under the guardianship of the Public Advocate. The Public Advocate, at the request of the director of the supported residential facility, approved the detention of the person under schedule 1. The reasons for the approval can be summarised as follows:

- the person has a diagnosis of schizophrenia and has experienced traumatic brain injuries;

- the person had a history of leaving the SRF and returning intoxicated, and it was unknown with whom, if anyone, he was spending his time; and
- public health directions and guidance in March and April 2020 required and encouraged social distancing in South Australia, and there was a significant number of COVID cases confirmed in South Australia during this period.

The person was hospitalised in a psychiatric ward for a period and then discharged back to the supported residential facility. That same day the person left the premises again, despite SRF staff asking him to remain. SRF staff were concerned about his health and safety and the welfare of other residents and staff in relation to potential exposure to COVID-19. The staff advised that it did not propose to use force to detain the person and would call SA Police if the person left the facility.

Approval was granted to the supported residential facility to detain the person at the SRF for a period of 28 days. The person complied with the detention for a short period but then left the premises again. The person was taken from the premises and was hit by a car while intoxicated. As a result, he was hospitalised in a mental health ward for treatment. He also required treatment for an unrelated condition. Subsequently, the person was transferred to a regional hospital. The approval to detain the person expired and he was discharged from hospital to the care of a family member.

The Hon. K.J. MAHER: Can I ask the minister about the minister's meeting on 13 August with the Mental Health Commissioners? What concerns were raised about the provisions of the COVID-19 Emergency Response Act, its implementation, its use, and what advice has the minister since provided back?

The Hon. S.G. WADE: The Mental Health Commissioners did include general comments in relation to the human rights aspect of the operation of this COVID legislation. As I have advised the council, it is the government's view that this legislation is important to protect, oversee and provide accountability for the rights of people in residential aged-care facilities and supported residential facilities.

The Hon. T.A. FRANKS: Early in the pandemic, numerous requests and presentations were made, particularly by the SA Abortion Action Coalition, primarily to the Chief Public Health Officer but also to the State Coordinator, with regard to the lack of accessibility of medication abortion in this state. What were the processes for reviewing that request? Why was no access to medication abortion in this state enabled under this act?

The Hon. S.G. WADE: It is my understanding that the Chief Public Health Officer received requests to use this act to modify the application of the criminal law as it relates to the medical termination of pregnancy. If the honourable member is asking me what steps the Chief Public Health Officer took to inform herself of the impact of the pandemic on the provision of medical termination of pregnancy services, I am certainly happy to take that on notice. Certainly, the decision was a matter for the Chief Public Health Officer and the State Coordinator.

The Hon. T.A. FRANKS: Could the minister clarify who was actually responsible for the decision? Was it the Chief Public Health Officer or was it the State Coordinator?

The Hon. S.G. WADE: I will clarify that. In a general sense, directions under the Emergency Management Act are decisions of the State Coordinator. My recollection is that the relevant section does indicate that in relation to at least a certain class of decisions the State Coordinator is required to consult the Chief Public Health Officer.

The Hon. T.A. FRANKS: As state controller?

The Hon. S.G. WADE: In this context, my understanding is that it is the State Coordinator. You are right, there are similar terms used in the same act.

The Hon. T.A. FRANKS: If the Minister for Health and Wellbeing could take on notice how many women and girls had to travel from beyond metropolitan Adelaide to access abortion in this period of time and were they surgical or medication abortions? At what number of weeks were they undertaken?

The Hon. S.G. WADE: I am happy to take the question on notice, but I fear it may be that it will conflate the data, because it is hard to tell how many would have travelled anyway.

The Hon. T.A. FRANKS: To make it easier, the minister might perhaps use the nine-week period in terms of the collation of the data. I am assuming he will take that on notice. Then I wish to move on to how many Defence Force personnel are currently employed in medi-hotels or the like. In what situations are they currently employed? What are their roles and what are their locations?

The Hon. S.G. WADE: The deployment of ADF personnel in different jurisdictions has varied quite markedly. The approach in South Australia is for police to primarily be the overseers of the medi-hotel security. My understanding is that in recent weeks the ADF is starting to be deployed in South Australia and that that is expected to increase going forward.

The ADF in support of COVID-19 responses does not have the same powers as police. The powers of sworn police officers, such as to detain people, are not available to ADF staff, so often ADF staff will be working alongside police. We see that very starkly at the borders. You might have one or two ADF personnel working with one or two police officers. If there is a need to actually use police powers, that is done by police.

The ADF provide general support and logistics, and it is very valued support and logistics. I will certainly take the honourable member's question on notice in relation to the ADF. I imagine it will be for a fairly recent period because it is an area where we are only starting to seek the support of our ADF partners in the COVID response.

The Hon. T.A. FRANKS: Was it the case that ADF support was offered early in the pandemic for medi-hotels and the like?

The Hon. S.G. WADE: I will certainly check that. I do not think so. Basically, my understanding of our partnership with the ADF is that we ask for support and they tell us whether they can do it, but I will certainly seek advice on that.

The Hon. F. PANGALLO: Can I ask the minister, regarding the government sites that receive and process applications for exemptions and the like, can you explain how these sites are staffed, how many work in this area and what the process involved in granting exceptions is? Are there any KPIs in relation to processing these applications, particularly when it comes to end-of-life or compassionate requests for attending funerals?

The Hon. S.G. WADE: I thank the honourable member for his question. I will certainly take that on notice. Could I say up-front that I will seek an update as of now. It would be fair to say that this has been an evolving process. In terms of the exemption processes, there have been shared responsibilities. In other words, there are some exemption classes that are primarily considered by South Australia Police and some exemption classes primarily considered by SA Health, and of course police may need to get health advice in consideration of any exemptions they are granting.

I will seek further information regarding what the honourable member is seeking. There have been enhancements to the process over time, particularly in terms of providing more clarity as to the grounds on which an exemption would be considered and also in the opportunity for decisions to be reviewed.

The Hon. F. PANGALLO: In relation to mental health, does the minister have any indication or any figures of how many have sought assistance at our hospitals since the start of the pandemic which can be directly related to COVID-19 concerns?

The Hon. S.G. WADE: It is very difficult to assess that. I know that the Central Adelaide Local Health Network in particular has provided data to me to suggest that mental health-related presentations to its emergency departments have increased in the pandemic, but with some of this data the presentation itself may not be clearly classified as mental health or substance abuse.

In relation to mental health, I am not aware with an ED presentation that normal reporting would indicate whether or not it was linked to COVID-19. Certainly, my expectation is that one of the factors that is leading to increased mental health presentations, as CALHN identifies it, is related to the mental health impacts of COVID-19, but I doubt if it would be readily quantifiable.

The Hon. F. PANGALLO: Organisations involved in mental health are indicating that in Australia, since the start of the pandemic crisis, suicide rates are up around 35 per cent. Does the minister have any South Australian figures and how they compare to previous years?

The Hon. S.G. WADE: I thank the committee for its patience. I am advised that there is no discernible evidence of an increase in suicide as a result of the COVID pandemic. I am advised that the Coroner and the Chief Psychiatrist are working together to actively monitor that situation.

The Hon. F. PANGALLO: In relation to pharmacists, information provided to us by the Attorney-General's Department—office—suggests that pharmacists and their staff have been assaulted in the course of their duties in South Australia and interstate, and patient anxiety and frustration has increased, and in this context the commonwealth imposed limits on the dispensing and the sale of certain prescription items. Does the minister have any idea whether pharmacists have been assaulted in South Australia?

The Hon. S.G. WADE: I would remind the committee that in measures approved by this council immediately before the winter break protection was extended to pharmacists. If my recollection serves me correctly, there have been physical assaults of pharmacists in other jurisdictions—I should say pharmacists or other staff in pharmacies. I do understand there have been verbal assaults in South Australia, but I am not aware of any physical assaults in South Australia. The legislation that this house supported and the parliament supported, I hope, will reduce the risk of that happening in the future.

The Hon. F. PANGALLO: Can the health minister indicate whether the pandemic crisis has had an effect on elective surgery and waiting times? Certainly, in the beginning we could understand this, but what about since then?

The Hon. S.G. WADE: In broad terms, leading into the pandemic, my recollection is that overdue elective surgery waiting times reduced by 50 per cent. There was a dramatic increase in overdue elective surgery as a result of the closure of elective surgery in relation to, shall we say, the first wave. Since then, my understanding is that measures taken by the government and SA Health have led to an approximately 30 per cent decrease in overdue elective surgery since the resumption of elective surgery.

The Hon. T.A. FRANKS: Moving on to stranded Australians and stranded South Australians, we have seen in the news in the last week that the cap will now be lifted, and South Australia will be taking more of our own back. What provisions have been made for these people to return, and how are they being enabled to afford to return home, given flights have become increasingly prohibitive in cost? I note that we do actually have South Australians overseas whose visas have expired; who have faced penalties, including imprisonment; who have run out of money; and who are looking at flights that they cannot afford to return home. How are we assisting them?

The Hon. S.G. WADE: The government of South Australia has, since April, been actively supporting the national repatriation effort. The primary mechanism by which we can do that is through the provision of medi-hotels. My understanding is that the commonwealth government, through its extensive consular network and in liaison with the airlines, tries to support returning Australian citizens and residents in what I agree is often a very arduous journey.

In the context of the second wave in Victoria, there was obviously an impact on our capacity to accommodate returning Australians through the quarantine process. Specifically, Victoria withdrew from the program, and that meant there was a significant reduction in national capacity. The national cabinet, with the encouragement of the Prime Minister, has taken a decision to actively seek to increase that capacity, but even with that increase it will still take some time to fully meet the demand for returning Australians.

In terms of facilitating the travel to, shall we say, the arrival gate at Adelaide Airport, my understanding is that that is managed by the commonwealth through its various agencies, in particular the Department of Foreign Affairs and Trade and its consular network but also Border Force.

The Hon. T.A. FRANKS: Can the minister outline how many additional places South Australian medi-hotels will be providing in coming months, given the increased lifting of the cap?

The Hon. S.G. WADE: I will take that on notice, but my understanding is in the order of going from 500 to 800.

The Hon. T.A. FRANKS: It was 800-something, was it not?

The Hon. S.G. WADE: I will take it on notice. My recollection is that nationally it is a 50 per cent increase from 4,000, so in other words from 4,000 to 6,000. However, I will try to obtain the national forecast and what South Australia's contribution will be within that.

The Hon. T.A. FRANKS: I will just add that I am not asking for just one week's worth: I am asking for how long it is going to take that program to actually see South Australians repatriated home. There was media done, 'Home by Christmas,' although that seems to be quite ambitious. What is the realistic prognosis for these people stuck overseas?

The Hon. S.G. WADE: Again, that is probably data held by the commonwealth. I should stress, too, that we provide hospitality to returning Australian citizens and residents who may not be residents of South Australia. I am not even clear to what extent the data that would be available to state offices would differentiate the state of residence of the incoming traveller.

Considering that some of these people have been living overseas for extended periods, they may not even have a putative state of residence. I will be able to get the national caps and the state-projected caps, and if I can get data on the number of Australian citizens or residents who are overseas and seeking to return and whether we are able to identify what proportion of them are seeking to return to South Australia, I will certainly provide that to the honourable member.

The Hon. T.A. FRANKS: I want to move to schools. At the beginning of this pandemic schools were seen as magical places where COVID did not really exist, much to the distress of many teachers in particular. What has been the implementation of the AHPPC guidelines in our schools? What oversight has happened and what training has been provided to schools to ensure that they are COVID safe environments, but also what monitoring has been undertaken?

The Hon. S.G. WADE: I am certainly happy to get further information from both Health and Education. My recollection is that there was a substantial additional investment in public health measures within the school environment—for example, cleaning and the like. In terms of the guidance given by the education department to school staff and students to maintain a COVID safe environment, I will seek advice and bring back information for the member.

The Hon. T.A. FRANKS: With further detail, if the cleaning budget could be provided, who is undertaking the cleaning, whether or not teaching staff or other school staff who are employed for other duties are being required to do this cleaning could be clarified. What is the status of water bubblers in our schools? Are they able to operate?

The Hon. S.G. WADE: I hasten to add that I will take that question on notice.

The Hon. T.A. FRANKS: I will clarify for the minister that under the AHPPC guidelines water bubblers are not meant to operate in schools. Anecdotally, I see water bubblers in schools operating all the time. I just wonder at what level the AHPPC guidelines are in fact being implemented and enforced in schools.

The Hon. S.G. WADE: I thank the honourable member for her clarification.

The Hon. F. PANGALLO: Is the minister able to answer some questions in relation to the transition for the COVID act to operate under a public health emergency?

The Hon. S.G. WADE: I can. I may have to speak to an adviser.

The Hon. F. PANGALLO: Should I leave that for the Treasurer?

The Hon. S.G. WADE: No, I think in the way you expressed it, it is for me. I might consult on that.

The Hon. F. PANGALLO: Can the minister explain how this would work once a public health emergency is declared? What powers are then bestowed upon SA Health officials?

The Hon. S.G. WADE: If the honourable member does not mind, I might clarify what he is asking. In the chronology of this pandemic, a public health emergency was declared shortly before a major emergency was declared. Is the honourable member referring to, shall we say, going into a pandemic or transitioning out of one?

The Hon. F. PANGALLO: I am just going on the advice I have received today from the Attorney-General in relation to a new clause and definition of emergency: the COVID act to operate under a public health emergency:

> What is the purpose of having the COVID Act operate under a public health emergency?
>
> The COVID Act empowers public health officials to take the necessary action to contain the spread of a highly transmissible disease where individuals may be resistant to taking the necessary action themselves (eg through using reasonable force to enforce detention orders, engaging assistants such as security officers).

Can you explain that?

The Hon. S.G. WADE: Thank you very much for that excerpt; that was helpful. As I said, we had a public health emergency declared under the Public Health Act and then, very shortly after, the State Coordinator, under the Emergency Management Act, declared a major emergency. Nonetheless, even under a major emergency the Chief Public Health Officer and officers authorised under the Public Health Act are still empowered to use the powers under that act.

My understanding is that, depending on the challenge that we face, powers under the Emergency Management Act might be used or powers under the Public Health Act might be used, but all of it is under the mantle of care of the State Coordinator under the Emergency Management Act.

The Hon. F. PANGALLO: Just to use an example under this, Professor Spurrier would have the authority to order restraint of persons?

The Hon. S.G. WADE: Yes, it is indeed the case that under the Public Health Act and in the context of a major emergency the Chief Public Health Officer may have the need to detain somebody. For example, if someone were suspected of having contracted COVID and they were not willing to, shall we say, avoid circulating in the community, it may well be that the Chief Public Health Officer would find it appropriate to issue an order under the Public Health Act to detain that person.

The Hon. F. PANGALLO: How would this order be issued? Would it go through the courts? How would it be issued?

The Hon. S.G. WADE: Parliament, in its wisdom, decided under this act to allow such an order to be issued verbally, but a verbal order would need to be followed up by a written order. My understanding is, whether it is a verbal order or a written order, it would be made by an authorised officer under the Public Health Act, not necessarily a body such as SACAT.

The Hon. F. PANGALLO: How long would it take to issue a written order? You say a verbal one, but then how long would it take to follow up with a written one?

The Hon. S.G. WADE: If I can preface this answer by saying we will clarify, but our understanding is that a verbal order would need to be confirmed in writing within 72 hours of the verbal order having been issued. As my honourable colleague highlights, that is a maximum time. A verbal order might be very quickly followed up by a written order. This is particularly useful, of course, when documents may take time to be prepared, but in the context of a pandemic often speed is of the essence. We have been able to confirm it is 72 hours.

The Hon. F. PANGALLO: In the brief it says:

> …taking the necessary action…through using reasonable force to enforce detention orders, engaging assistants such as security officers).

What is meant by that: 'engaging assistants such as security officers'? I imagine that would be other than police; would that be correct?

The Hon. S.G. WADE: I am advised that what is envisaged there is in, for example, a hospital context, and clinical staff could ask security staff of the hospital to assist them with the detention of a person.

The Hon. F. PANGALLO: What is considered 'using reasonable force' then if it was a security officer in a hospital?

The Hon. S.G. WADE: My understanding is that reasonable force is well understood by lawyers, but perhaps not by the rest of us.

The Hon. F. PANGALLO: Perhaps the minister needs to explain that fully, rather than saying that lawyers understand. What would you constitute to be reasonable force to detain somebody in a hospital?

The Hon. S.G. WADE: My point is that reasonable force—similar legal terms have legal meaning. It completely depends on the context. Obviously, one is not legally authorised to use unnecessary force, force beyond what is minimally necessary to achieve the detention of the person.

The Hon. F. PANGALLO: Would these officers be trained in exerting reasonable force similar to that used by police, for instance?

The Hon. S.G. WADE: I would stress that these powers are under the Public Health Act and in that context they are required to uphold the principles of the Public Health Act. They are not police-type powers. In that sense, there are other health-related pieces of legislation that involve detention, such as the Mental Health Act. The use of detention powers in a health context is fundamentally different from detention in a police or correctional services context.

The Hon. F. PANGALLO: In the event that somebody is restrained by a security officer, what then happens to that person? Where are they taken? If it was in a hospital, where would you then take them?

The Hon. S.G. WADE: My understanding is that the detention or isolation would occur within the hospital normally.

The Hon. F. PANGALLO: In a type of padded cell room or whatever?

The Hon. S.G. WADE: I do not expect that a padded cell would be necessary. Primarily, these people want to leave the facility; once they are made aware that they are legally detained, that they are required to stay, most people comply.

The Hon. F. PANGALLO: If they do not comply, they are being restrained. How do you restrain them? Do you use handcuffs or some piece of equipment that holds them there? What constitutes the ability to say 'using reasonable force' to detain them? If those people do not want to remain there, how do you ensure they remain there? Do you lock them up?

The Hon. S.G. WADE: The overwhelming experience of Health is that, once people are made aware of their legal requirements, they will comply, but of course, as with any exercise of power under the Emergency Management Act or the Public Health Act, health officials can turn to the police for support if they need it.

The Hon. F. PANGALLO: But as I said, do you lock them up at the hospital until the police arrive? How do you stop somebody from actually trying to do what you are stopping them from doing?

The Hon. S.G. WADE: In a hospital context, we would often be restraining people, supervising people, without actually putting them in a locked room. I would not infrequently go into a hospital and find correctional services officers sitting at the bed of a prisoner. That is restraint. They are being detained, supervised, in a hospital, so I would think that using a secure room would be very rare.

The Hon. F. PANGALLO: We have actually seen situations where the use of reasonable force by police, for instance, has led to serious injuries to people who have been subject to an arrest. Under this, if somebody were being detained, using reasonable force, and they were injured or hurt, would there be immunity for the security officers working for SA Health from any liability for those injuries?

The Hon. S.G. WADE: You have certainly gone beyond my knowledge in these matters. I think that is probably a question that I need to refer to the Attorney-General to seek an answer for the honourable member.

The Hon. T.A. FRANKS: These questions will in part be somewhat familiar to the minister, I hope, because I have raised them with him in correspondence. With regard to the RAH COVID clinic, there had been concerns raised by the Clinical Trials Centre that, with the haste with which we responded to the pandemic, the CTC (Clinical Trials Centre) had to make way for the COVID clinic. What is the current status of that situation?

The Hon. S.G. WADE: I will seek information for the honourable member.

The Hon. T.A. FRANKS: Is it still the case that the COVID clinic is taking up the purpose-built space of the Clinical Trials Centre at the RAH?

The Hon. S.G. WADE: My understanding is that the clinic is still based at that site.

The Hon. T.A. FRANKS: Then I will echo the concerns that I raised my correspondence. What has been the status of clinical trials in this state for the last almost six months? Which trials have been postponed or disrupted, and what has happened to that particular cohort of health staff and their very important work? I imagine that question will be taken on notice.

What are the current PPE provisions for health staff across this state? Do we still have a situation where there are vending machines for PPE? Could the minister outline whether all requests by health staff for PPE are being met?

The Hon. S.G. WADE: The management of PPE is informed by what I understand is generally called the PPE matrix, which as I understand it originated from the Southern Adelaide Local Health Network and has been increasingly used more broadly within the health network. My understanding is that the Chief Medical Officer maintains oversight of the PPE and that the requirements of the matrix are driven by the science. Fortunately, through the creative work of South Australian industries, such as Detmold, we do not have the PPE challenges that we had earlier in the pandemic.

To answer the member's direct question of whether all requests from staff to have PPE are met, what I would say is that the PPE matrix informs staff as to when PPE is required. My understanding is that the local health networks continue to supply the PPE that is required by staff to meet the standards laid down in the matrix.

The Hon. T.A. FRANKS: If the minister could most likely take this on notice, although I would be delighted if he knows the answer: I understand at one of the local health networks the vending machine for PPE was not able to be plugged in to the wall because it was too far from the power point. Has that situation been rectified in some way?

The Hon. S.G. WADE: I am sorry, honourable member, I am going to disappoint you. I do not know the answer to that question but I will make inquiries.

The Hon. T.A. FRANKS: My further question is in terms of the GAMSAT testing that is provided twice yearly. At the end of this month, the next round is due. Of course, earlier in the year, South Australian candidates were faced with the situation of a pandemic and, while there were some online offerings, many deferred, thinking that they would be able to do that test this coming month.

I have been contacted, and I have certainly made representations to your office as well as the Minister for Education and the relevant federal contacts, with regard to the South Australians who applied to do the September GAMSAT in Victoria in this coming month for their ability to progress their medical careers. Obviously, they are faced with the situation now where they cannot attend that testing centre and they have simply been offered, on top of their $500-plus fee they have paid for the privilege of sitting the test, another $65 deferral fee until next year because they cannot access the testing centre.

No online options have been facilitated for them. No opportunity to change their location at this late stage has been afforded to them. They have been simply told to suck it up, too bad, you will have to do it next year. My understanding is that students sometimes sit this test three, four or five times, so to miss two rounds in a year is quite an impediment to their future careers. Has the minister or any of the departmental staff taken up the situation of these South Australian students who cannot cross over to Melbourne, the closest testing centre, at the moment to do that GAMSAT test later this month?

The Hon. S.G. WADE: I am certainly happy to seek an update for the honourable member. It does highlight the disruption that is being experienced by health professional students and aspiring health professional students. One of the other challenges that we have is delivering placements within hospitals, particularly with students moving between states. In relation to the GAMSAT testing issue, I will seek an update from the department and bring back information to the member.

The Hon. T.A. FRANKS: Further, earlier on in the pandemic there were particular medication shortages. Again, while I did not raise the issue overall with the minister, I have raised particular medications that we have had shortfalls of due to a range of factors, obviously the international situation as well. What are the current medication shortages and what have been the medication shortages across the pandemic? What remedies do we have to that? I know that that has been a situation that has caused tensions in pharmacies where scripts have been written and then the medication is not there.

The Hon. S.G. WADE: I have sought further advice on an earlier question the Hon. Frank Pangallo asked, and the advice I have been given confirms that, to the best of our knowledge, assaults on pharmacists in South Australia have been verbal. We are not aware of any physical assaults on a pharmacist in South Australia.

In relation to the honourable member's question, I suspect from the way the question was framed that it was particularly seeking line of sight on community pharmacy and fulfilment of scripts during the pandemic. That is not primarily overseen by the state government—it is the TGA and commonwealth authorities—so we do not have direct line of sight on shortages in terms of quantities and specificity.

In relation to hospital pharmacy, there have not been significant shortages during the pandemic, not that have impacted patient care. In terms of hospital-based medications, there certainly was concern about propofol, which is a drug that is used both in elective surgery and in intensive care units, so when we faced the prospect of the first wave there was significant concern.

The Hon. D.G.E. Hood: It is a general anaesthetic.

The Hon. S.G. WADE: Apparently, it is a general anaesthetic. Thankfully, the way that the first wave progressed we were not challenged as we thought we might be.

The Hon. T.A. FRANKS: Just as a supplementary on that, could the minister clarify whether or not there were limitations put on asthma medication usually available over the counter but which became available only through prescription because of a shortage in that medication?

The Hon. S.G. WADE: The commonwealth did put in place restrictions on the purchasing of some medications, particularly in the context of increased purchasing. As with so many products, during the early stages of the pandemic people were concerned to secure the supplies they might need later in the pandemic, and that certainly was evident with medicines.

The Hon. T.A. FRANKS: This is my final question on this particular matter for the moment, in terms of for the health minister. Early in the pandemic, the Biosecurity Act was employed to safeguard the health of remote Aboriginal communities. In terms of those South Australian communities that entered into that, what needs assessment was done prior to the implementation of the Biosecurity Act and what was the process for those communities to remove themselves from the Biosecurity Act? In the future, should that provision be required again, what needs assessments and other policies and protocols will be introduced to ensure that people in that situation are not left without access to food, employment, medication, health services and a range of basic fundamental needs, including NDIS carers and the like?

The Hon. S.G. WADE: I thank the honourable member for her question. As I am sure the honourable member appreciates, the Biosecurity Act is a commonwealth piece of legislation and the commonwealth had processes in place going into the Biosecurity Act. My understanding is the Department of the Premier and Cabinet's Aboriginal affairs division took particular responsibility for coordinating the biosecurity engagement, but of course the public health team in the Department for Health and Wellbeing was actively involved.

It is certainly the case that there are significant challenges for the South Australian communities involved. As I know the honourable member appreciates, communities came out of the

act at different stages. My understanding is that all communities are now out from the Biosecurity Act and there has certainly been discussion that, if we do need to support communities in terms of controlling movements in and out of their communities in the future, it might well be more appropriate to use Public Health Act powers rather than Biosecurity Act powers. I think the communities and particularly their community representative bodies have learnt a lot about how their communities work through the biosecurity experience, and that may well lay the foundation for strategies going forward.

In terms of our ongoing engagement with Aboriginal communities, we have been actively developing plans, particularly with a focus on what do we do in the context of an outbreak, what do we do with a first case, etc., so planning does continue. I certainly think it is important that we do not leave undone the planning that we have started as we come out of the first wave because, as we have seen with Victoria, you just do not know when the next wave is coming.

Particularly today when we are hearing very concerning reports of an increase in new cases in the United Kingdom, and for that matter a number of European countries such as Spain and France have had significant increases in recent weeks, we certainly need to stay alert to make sure that that is not a situation that we go towards.

The Hon. K.J. MAHER: On the subject of Aboriginal health and the response—and I appreciate the answers the minister has given in relation to the federal Biosecurity Act and how it has been applied—for any procedures under this piece of legislation or more generally, what sort of consultation has there been with Aboriginal health services, and which Aboriginal health services have been involved with the government's response and preparedness for outbreaks, particularly in remote Aboriginal communities?

The Hon. S.G. WADE: The Aboriginal health branch in our department leads a specific workstream within the public health response with a focus on Aboriginal communities. There has been active planning in relation to community plans, and that work has been led by the head of the Aboriginal health branch. That officer has been onto the APY lands and a significant number of other Aboriginal communities to consult with them on their planning.

It is an area where there is active work underway, particularly in the tristate area. We have Anangu in Western Australia, Northern Territory and South Australia, and we need to be mindful of the way in which Anangu communities operate, shall we say, with disregard for state boundaries. So we would often look to Alice Springs for a health response, even for South Australian residents on the APY lands.

As well as discussion between my department and the Aboriginal communities, there is discussion with other jurisdictions. I have certainly met with the Aboriginal Health Council, and my understanding is that SA Health meets regularly with the Aboriginal Health Council to ensure that there is liaison from, shall we say, the central public health response and the Aboriginal community health control response.

The Hon. K.J. MAHER: I thank the minister, and he touched on the next couple of questions I was going to ask. In those areas, particularly in the far north-west of the state, were exemptions sought and were exemptions granted, is the minister aware, for the crossing of borders from SA into NT or WA, particularly in relation to health treatment?

The Hon. S.G. WADE: I will certainly take that on notice. Going back to the Hon. Frank Pangallo's question earlier today, I have certainly been aware of a mountain of exemption requests, but to be frank they have been from the eastern border. I cannot even recall an issue being raised with me in relation to NT-SA crossing, but I will certainly take that on notice and bring the honourable member back a response.

The Hon. K.J. MAHER: I wonder if the minister was aware—and this was some time ago, much earlier on in the response to the pandemic—of a proposal that I think Nganampa Health was involved in to locate some of the most vulnerable elders from the APY lands down to I think the Wiltja facility in Adelaide. Was the minister involved in the provision of health advice in relation to that proposal?

The Hon. S.G. WADE: Consistent with my practice, I do not get involved in health advice. There was active discussion about whether or not groups of Anangu should be allowed to travel on and off the lands. My recollection, as well as the proposal the honourable member refers to, is that there were I think two Hills-based groups that were supported, shall we say, for shielding reasons.

It would be fair to say that the general approach of the public health team was to not support movement of people on and off the lands. Particularly, the risk was high when there was a significant number of cases during the first wave. The concern to ensure that we avoid a case on particularly remote communities is still very much exercising the minds of the public health team.

In that context there are, as I understand it, four rapid testing units on the lands so that we can expedite the identification of a case, and also there is wastewater testing. My understanding is that wastewater testing was going to be extended to the APY lands. I do not know whether that has occurred as yet, but the ongoing health and safety of South Australians in remote communities remains a key priority for the public health team and the government.

The CHAIR: If there are no further questions to the Minister for Health and Wellbeing, does the Treasurer have an answer in relation to the APY election issue?

The Hon. R.I. LUCAS: Mr Chairman; the B team returns. The Hon. Ms Franks some time ago asked a question in relation to an election on the APY lands. I had no knowledge of it, but I have now taken advice. I understand the honourable member has a copy of a letter that was addressed to you as the presiding member of the Aboriginal Lands Parliamentary Standing Committee dated 3 August 2020, signed by Mick Sherry, Electoral Commissioner.

I do not propose to read all three pages of that letter, but it is a quite detailed explanation as to how the circumstances come about for the delay in the APY lands executive election. Put simply, it has nothing to do with the legislation we have before us but under the APY lands legislation. Under clause 9(6) of that act there is the power, under certain circumstances, for the minister—in this case, the Premier—to determine otherwise in relation to the timing of an election. He obviously went through a process—which is detailed in that long letter to you, Mr Chairman—and formed the view, consistent with the powers under the act, to delay the election.

The Electoral Commissioner said, 'In response to the Premier's letter I indicated my support for the proposed delay.' So the independent Electoral Commissioner supported the proposed delay from the Premier. Without prolonging the debate from my viewpoint, the answer to the honourable member's question is outlined in the letter from the Electoral Commissioner that she has a copy of. That decision of the Premier was gazetted—I am not sure of the exact date, but there was a gazettal notice.

I am also advised, from the Electoral Commission, that they have delayed the commencement of a council supplementary election for Mount Remarkable for one month as well. However again, and in relation to the APY lands election, it is not a power that has been provided under this particular legislation but an existing power under a longstanding piece of legislation, the APY lands legislation.

The Hon. M.C. PARNELL: This is a completely new topic. One of the provisions that is being extended is the ability for organisations, boards and the like who are required to have meetings in person to have these Zoom meetings and Webex and all the rest of it. My question relates to what guidance, if any, has been given to organisations as to how that power, if you like, is appropriately exercised.

I will explain what I mean by that. Clearly, it has been very convenient for a lot of groups to be able to meet electronically, and for the boards and committees where the business is not terribly contentious I think that is working really well. People have enjoyed the fact they can do it from their home in their tracksuit pants and their ugg boots.

However, there are other groups where the meetings are more contentious, and I have had complaints from people saying that the online meetings do not work for them; they cannot call points of order, the chairperson controls a button—that I am sure our President would like to have—a mute button. People are finding it very difficult to participate in the meetings at the level they want to.

That might just be the reality of electronic meetings versus face-to-face meetings, but it seems to me that the experience in the community has been quite random. Some groups have said, 'No, no; we'll continue face to face,' and that has worked fine, their rooms are big enough. Other groups have preferred to go electronic. However, there are some situations where meetings that would normally have been open to the public, for example, are now closed.

The bodies concerned have, either conveniently or maybe it is just their good luck, been able to, for example, deny journalists the right to attend. One example I offer is the State Planning Commission, which was mentioned in the government's briefing note as one of the bodies that has taken advantage of electronic meetings, but there is a part of the State Planning Commission that actually hears applications for development approval. As part of those applications, the public can come along and watch and some members of the public can actually make representations.

There are some types of developments, and often it's a big hotel or a multistorey office block or whatever, where the neighbours do have the right to make a representation but they do not necessarily have a right to a hearing, if you like. In other words, they can put in a written submission but it is up to the State Commission Assessment Panel on a case-by-case basis to work out who they want to hear from.

Looking at the State Commission Assessment Panel's website, they are basically saying that they are not going to hear from anyone in that category. These are called category 2 developments. They are just not going to hear from them. They are not going to assess it on a case-by-case basis, they are saying that it is COVID and, 'We're not going to hear from anyone.'

I do not know whether it would be challengeable because those people did not have a legal guaranteed right to have their say but the practice previously had been that they would often be invited to have their say, members of the public could sit in the gallery and listen, journalists could sit there and report proceedings—and they do—and yet all of that is out the window.

I know it is a very long-winded explanation but it seems to me that this one-size-fits-all, saying anyone obliged to have a meeting now does not have to and can do it electronically, but I cannot see any guidance that the government has provided. I cannot see that there is any discipline which says only have remote meetings if you really have to, the preferred option is still face to face. So I guess my question of the minister is: what guidance, if any, has been given, can be given or will be given, given that these powers are going to be extended into the future?

The Hon. R.I. LUCAS: I thank the honourable member for his comprehensive explanation of his question, and I understand the gist of where he is heading. The reality is that I do not dispute the accuracy of what he is saying—and that is that there are, I suspect, many who have been comfortable with the COVID arrangements and there might be some who are uncomfortable—but in the alternative, it is certainly my view and my advice that it is impossible for the legislation to stipulate anything other than one particular approach.

Yes, it is true that the government or its agencies could provide advice, for example, but the law is the law and the State Planning Commission or the individual body has to abide by whatever the law provides. Guidance is guidance and it is impossible to govern all the sorts of circumstances. I think even the honourable member conceded that in the category 2, or classification 2, arrangements that he was talking about there was no legal authority or lawful authority for people to appear and the Planning Commission would appear to be acting lawfully.

He is saying, 'Well, practice and convention previously had been different to that.' I accept that. These are the sorts of judgement calls the government has to make and then the parliament obviously has to make in the end. Is there, on balance, more good being done by this as opposed to bad? The view I am sure the honourable member will take is that the COVID provisions should not extend any longer than they need to because he would like to return, and the people he represents, to the previous arrangements.

Of course, the previous arrangements, by law, might not be returned to; that is, if the law does not require it of the Planning Commission they may well change their practices and procedures anyway. I do not see in the alternative what the option is. The option is to not allow the option and I think that would be disadvantageous to a number of groups that have successfully managed.

I am sure the honourable member has had—he is not as old as I am but in my particular age group I have been surprised, I guess, by the number of people of my age or similar who have been very reluctant to attend any public meetings at all, even some meetings of my party, which are very uncontroversial and very non-combative.

Nevertheless, they have a view that they just do not want to go out and be mixing with others. It is a genuinely held view that they have in relation to these things. I accept that there will be some issues, so I am not disputing the validity of some of the concerns that have been expressed through the honourable member in relation to this, but we have two options.

We have the option of allowing this to continue, albeit, in our government's view, there is the greater public interest in allowing it to continue, whilst accepting that it may well be of concern in some of the circumstances that the member has suggested. The alternative, I think, would be, in the government's view, a worse position and that is why we are not pursuing that.

Before I report progress, I would just outline to members that, given the relatively slow progress that we have made, I have already indicated we will be sitting Thursday morning. There is every likelihood we will need to sit tomorrow evening to continue this debate after private members' business, so I just alert members to the fact that, for their own domestic arrangements, we may well need to sit tomorrow, given we have not really made much progress on clause 1 yet, for understandable reasons.

Progress reported; committee to sit again.

TRAINING AND SKILLS DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:27): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill is the outcome of a thorough consultative review of the *Training and Skills Development Act* 2008 (TSD Act).

Training and skills development underpin economic growth and industry diversification and provide people with the life-long skills to share in economic wealth through gainful employment.

The current Act commenced operation in 2008. Since then, the workforce development needs of the State, and the associated training and skills landscape has changed significantly. We have seen changes to industry structures, the nature of work and the tools and technologies used in the workplace—particularly as Industry 4.0 is rapidly transforming how businesses operate. The training system needs to be flexible and responsive both in relation to the kinds of skills that are required and the way that training is accessed and delivered.

The training system is important in supporting pathways into work and avenues for upskilling. The specific skills required by occupations increasingly need to be supported by a strong base of foundation skill and digital competencies on the one hand, and opportunities for upskilling and specialisation on the other.

Apprenticeships and traineeships have proved to be a very effective way of combining learning and employment. The Bill preserves the importance of this well recognised and respected form of training in a broader context of new forms of mixed delivery training. This flexibility is increasingly important to support industries that find it difficult to recruit and retain skilled employees.

The Bill proposes amendments that respond to this changing context. The proposed changes improve the governance and regulatory framework for apprenticeships and traineeships. The objective of enabling employers and apprentices and trainees to engage in training and skills development remains. It is critical that the Bill continues to meet the needs of modern workplaces and the rapidly changing nature of work.

This Bill has been informed by input from stakeholders and the Training and Skills Commission's *Futureproofing the South Australian Apprenticeship and Traineeship system* report and accompanying recommendations.

The amendments introduced by the Bill, developed through extensive engagement with stakeholders and end-users of the system, and tested by an expert review panel established for the review of the Act, aim to strengthen, increase flexibility and relevance to the South Australian training system by:

- Ensuring the Act reflects changes to the state and national training and skills architecture, including the transfer of VET regulatory powers and international student complaint handling services to the Commonwealth.
- Reducing complexity and improving clarity by using plain English descriptions of the key concepts, and articulating the responsibilities of apprentices, trainees, their employers and training providers.
- Refreshing the Act's objects and mechanisms to reflect the importance of partnerships between industry and the post school education system, and the contemporary environment in which apprenticeships and traineeships operate and their importance to the development of the economy.

It establishes a new body, the South Australian Skills Commission (Commission), to lead workforce development, promote apprenticeships and traineeships, support parties under training contracts to resolve disputes and promote pathways between secondary school, vocational education and training and lifelong learning.

This change supports the emphasis of skills and training at a national level—including reforms to promote and streamline training and workforce development as a key part of economic recovery.

To support the operations of the Commission and the fulfilment of the Act's objectives, the Bill establishes a new statutory office, the South Australian Skills Commissioner, who will advise and assist the Minister in relation to the training and skills portfolio and report each year on the performance of his or her functions. The Commissioner is responsible for the operations of, but is not bound by, recommendations of the Commission.

The Commission will consist of the Commissioner and up to 10 other members appointed by the Minister who have the abilities and experience required for effective performance of its functions. The model will build on the success of the eight Industry Skills Councils established to inform government's training objectives and investment.

Further reforms introduced by the Bill include clarifying and streamlining regulatory requirements while maintaining adequate protections and support structures for employers, apprentices, trainees and training providers. This includes amendments to:

- Simplify employer registration for the majority of employers who are suitable to employ apprentices and trainees.
- Streamline Training Contract and Training Plan approval processes for quicker turn-around of applications.
- Powers for the Commission to declare an employer a 'prohibited employer' and preclude him or her from employing apprentices or trainees, where it is demonstrable that an employer is unfit for prescribed reasons.
- More rigour for apprenticeship and traineeship transfers to new employers with the aim of reducing the incidence of poaching productive apprentices and trainees, and recognising the training investment (time and cost) of the previous employer.
- Statements of responsibilities of apprentices, trainees and employers to improve transparency around the financial, training and other commitments associated with apprenticeships and traineeships.
- Improve enforcement of training contract compliance by providing appropriate penalties for significant instances of non-compliance.
- Permit the parties to a training contract to seek an extension of the term of the probation period for the apprenticeship or traineeship up to a maximum of six months.
- Greater emphasis under the Act on the role of Registered Training Organisations (RTO) in relation to the development of the Training Plan and monitoring progress and reporting underperforming apprentices, trainees or employers.
- More flexibility in training pathways including by enabling the Commission to identify vocational training pathways that support entry to, establishment in and upskilling required by declared vocations.
- Recognise trade skills that have been acquired outside a training contract subject to specified standards and conditions being met.
- Empower the Commission to direct parties to disputes and certain applications, including an application to continue an apprenticeship or traineeship with another employer, to mediation.
- Modernise the form of the legislation in accordance with the principle of legislating where statutory support is necessary and utilising regulations or guidelines to address operational and administrative matters.

I commend the Bill to members. I seek leave to insert the explanation of clauses 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 *Training and Skills Development Act 2008*

4—Amendment of long title

This clause amends the long title of the principal Act to reflect the changes made by the measure.

5—Amendment of section 1—Short title

This clause amends the long title of the principal Act to reflect the changes made by the measure

6—Substitution of section 3

This clause substitutes a new section 3 into the principal Act, setting out the objects for the Act as amended by this measure.

7—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act to delete obsolete definitions, and to define key terms and phrases used in the principal Act.

8—Amendment of section 5—Declarations relating to universities and higher education

This clause repeals section 5(1)(b) of the principal Act.

9—Substitution of section 6

This clause substitutes a new section 6 in the principal Act, providing the Minister with a power to declare an occupation to be a trade or declared vocation for the purposes of the Act.

10—Insertion of section 6A

This clause inserts a new section 6A in the principal Act, clarifying the relationship between the principal Act and other legislation.

11—Substitution of Parts 2 and 3

This clause substitutes Parts 2 and 3 of the principal Act as follows:

Part 2—Role of Minister

7—Functions of Minister

This section sets out the functions of the Minister under the Act.

8—Delegation by Minister

This section is a standard power of delegation.

Part 3—South Australian Skills Commission

Division 1—South Australian Skills Commissioner

9—South Australian Training Commissioner

10—Term of office and conditions of appointment

11—Remuneration

12—Acting Commissioner

13—Functions of Commissioner

14—Reporting obligations

These clauses provide for the creation of the SA Skills Commissioner, including setting out the terms and conditions of appointment as well as the Commissioner's functions and reporting obligations under the Act.

Division 2—South Australian Skills Commission

15—South Australian Skills Commission

16—Terms and conditions of membership

17—Remuneration

18—Procedures of Commission

19—Functions of Commission

20—Delegation

21—Committees

22—Validity of acts

23—Staff

24—Use of staff etc of Public Service

25—Conflict of interest under Public Sector (Honesty and Accountability) Act

These clauses establish a new SA Skills Commission to replace the current Training and Skills Commission.

The Commission will consist of up to 11 members (including the SA Skills Commissioner, who is an ex officio member). Its functions are set out in new section 19.

The remaining clauses effectively reproduce the existing arrangements for the Training and Skills Commission.

Division 3—South Australian Skills Standards

26—Commission to prepare South Australian Skills Standards

This section requires the SA Skills Commission to prepare standards for the purposes of the Act. Compliance with the Standards is required in respect of many decisions and actions taken under the Act.

The Standards must be reviewed at least every 5 years.

12—Amendment of heading to Part 4

This clause makes a consequential amendment to the heading of Part 4 of the principal Act.

13—Insertion of Part 4 Division 1A

This clause inserts new Division 1A into Part 4 of the principal Act as follows:

Division 1A—Certain training to occur under training contract

45A—Training in trade must occur under training contract

This section creates an offence for a person to undertake to train a person in a trade other than under a training contract. The maximum penalty is a fine of $5,000. The section also disapplies the offence provision in the circumstances set out in subsection (2).

45B—Training in declared vocation may occur under training contract

This section clarifies that an employer may train a person in a declared vocation under a training contract.

14—Amendment of section 46—Training contracts

This clause makes consequential amendments to section 46 of the principal Act, and clarifies the operation of the Act in relation to training contracts for children under 15 years of age.

15—Substitution of section 48

This clause substitutes section 48 of the principal Act to insert 2 new sections as follows:

48—Training contracts to be approved by Commission

This section requires an employer to obtain the approval of the Commission for approval of certain agreements as training contracts, and makes procedural provision as to how the approval is to be granted or refused.

An employer who continues to train a person in a trade where an application under the new section has been refused is guilty of an offence carrying a maximum fine of $5,000.

48A—Transfer of training contracts between jurisdictions

This section sets out how training contracts from other jurisdictions can be recognised, and modified, by the Commission.

16—Substitution of section 49

This clause substitutes section 49 of the principal Act, setting out when training contracts commence and finish under the Act.

17—Insertion of section 49A

This clause inserts new section 49A into the principal Act, allowing the Commission to extend a probationary period under a training contract up to a total of 6 months, or 25% of the length of the training contract, in total.

18—Amendment of section 50—Commission may vary hours under training contract

This clause amends section 50 of the principal Act to allow the Commission to vary the hours under a training contract on its own motion (in addition to on application) and makes a consequential amendment.

19—Substitution of section 51

This clause substitutes a new section 51 into the principal Act, allowing the Commission to suspend a training contract (either on the application by a party to the training contract or on its own motion).

20—Insertion of sections 51A, 51B and 51C

This clause inserts new sections 51A, 51B and 51C as follows:

51A—Termination of training contract during probationary period

This section provides that parties to a training contract can terminate the contract during the probationary period of the contract simply by giving written notice to the other parties to the contract. The Commission must be notified of any such terminations.

51B—Commission may terminate training contract

This section allows the Commission to terminate a training contract (either on the application by a party to the training contract or on its own motion).

51C—Offence to terminate etc training contract

This section creates an offence for a person to terminate, or purport to terminate, a training contract if they are not authorised to do so under the Act.

21—Substitution of section 52

This clause substitutes a new section 52 into the principal Act, allowing the Commission to require the parties to the training contract to undertake dispute resolution of a specified kind before the Commission determines certain applications under the relevant Part.

22—Substitution of section 53

This clause substitutes a new section 53 into the principal Act, providing that any time spent by an apprentice or trainee attending a course as part of their apprenticeship or traineeship will be taken to be part of their employment.

23—Substitution of Part 4 Division 3

This clause substitutes a new Division 3 into Part 4 of the principal Act as follows:

Division 3—Prohibited employers

54B—Prohibited employers

This section empowers the Commission to declare an employer to be a prohibited employer where the Commission reasonably believes the employer is not a suitable person to employ an apprentice or trainee. The clause sets out matters to which the Commission must have regard when deciding whether to do.

54C—Revocation of declaration

This section provides that the Commission can revoke a declaration that an employer is a prohibited employer, on application or on the Commission's own motion.

54D—Offence for prohibited employer to employ etc apprentice or trainee

This section creates an offence for a prohibited employer to do the things specified in the section, with a maximum penalty of $10,000 applying for a contravention of the section.

54E—Offence to make certain false representations relating to prohibited employers

This section creates an offence for a prohibited employer or other person who makes certain false representations relating to status as a prohibited employer, with a maximum penalty of $10,000 applying for a contravention of the section.

Division 3A—Provisions relating to employers

54F—Registration of employers

This section requires the Commission to register an employer for the purposes of the Act, providing they meet the specified requirements under the guidelines and assuming the Commission is of the opinion that it is appropriate to do so. However, a prohibited employer cannot be registered under the section. The section also makes procedural provision in respect of applications and registration.

54G—Variation, suspension and cancellation of registration of employer

This section sets out the circumstances in which the registration of an employer must be cancelled, as well as conferring powers on the Commission to deal with an employer's registration in the ways specified (including suspension and cancellation of registration, or varying the conditions attached to the registration).

54H—Substitution of employer under training contract following cancellation, suspension or variation of registration

This section allows the Commission to substitute an employer under a training contract to deal with situations where the registration of the original employer under the training contract has been cancelled or suspended, or varied in a way that makes it inappropriate for the employer to continue in that role. The section makes further procedural provisions in relation to such substitutions, and allows for an unregistered to be substituted where their application for registration is pending.

54I—Offence to make certain false representations relating to registration

This section creates a number of offences where a person makes a false representation of respect of the registration of an employer. The maximum penalty for an offence is a fine of $10,000.

54J—Employer's obligations under training contract

This section sets out the obligations that an employer has under a training contract, and imposes those obligations as conditions on the employer's registration. Subsection (3) sets out the actions the Commission may take if an employer fails to satisfy their obligations.

54K—Employer to notify Commission of certain matters

This section requires an employer to notify the Commission if certain specified events occur, and creates an offence where an employer fails to do so.

54L—Making and retention of records

This section requires an employer to keep such records as may be required by the regulations, and to keep them for at least 7 years after the completion, expiry or termination of the relevant training contract, and creates an offence where an employer fails to do so.

Division 3B—Provisions relating to apprentices and trainees

54M—Obligations of apprentices and trainees under training contracts

This section sets out the obligations that an apprentice or trainee has under a training contract. Subsection (2) sets out the actions the Commission may take if an apprentice or trainee fails to satisfy their obligations.

Division 3C—Substitution of employer under training contract and transfer fees

54MA—Transfer of training contract where change of ownership of business

This clause provides that, on a change of ownership of a business, rights, obligations and liabilities under a training contract transfer to the new owner.

54N—Commission may approve substitution of employer under training contract

This section enables the Commission to substitute an employer under a training contract on the application of a party to the training contract, or a proposed employer.

The Commission may only approve the substitution in specified circumstances, and must have regard to any submissions made by the current employer. This provision in particular is intended to lessen instances of 'poaching' of apprentices and trainees as they near the end of their training.

54O—Transfer fee payable in relation to certain substitutions of employer in relation to training contract

This section sets out a scheme whereby a transfer fee is required to be paid to an employer where it is proposed to substitute a new employer under proposed section 54N. Again, this is to mitigate some of the expenses incurred by the original employer, particular in instances of poaching. The size of the fee is determined by reference to the size of the employer's business, and the fee must be paid in accordance with the regulations and the SA Skills Standards.

Division 3D—Provisions relating to nominated training organisations and training plans

54P—Nomination of training organisation for apprentice or trainee

This section requires that each apprentice or trainee have a nominated training organisation, whose responsibilities include the preparation of the apprentice or trainee's training plan. The section sets out how that NTO is to appointed, and clarifies that an apprentice or trainee can have more than 1 NTO.

54Q—Training plans

This section requires the NTO for an apprentice or trainee to prepare a training plan for the apprentice or trainee. The training plan must be prepared in accordance with the SA Skills Standards, and must be endorsed by each party to the training plan, and the Commission notified when that has happened.

54R—Obligations of nominated training organisations

This section sets out the obligations that a nominated training organisation under the training plan, and requires an NTO to comply with the SA Skills Standards.

54S—Nominated training organisation to notify Commission of certain matters

This section requires an NTO to notify the Commission if certain specified events occur.

54T—Substitution of nominated training organisation

This section allows an employer and the apprentice or trainee under a training contract to substitute an NTO. Such a substitution must comply with the SA Skills Standards. The section makes further procedural provisions in relation to such substitutions.

54U—Making and retention of records

This section requires an NTO to keep such records as may be required by the regulations, and to keep them for at least 7 years after the expiry of the relevant training contract.

54V—Offences by nominated training organisations

This section creates an offence for a nominated training organisation to refuse or fail to comply with requirement under this proposed Division, carrying a maximum penalty of $5,000.

54W—Commission may notify certain bodies where contravention of Act

This section authorises the disclosure of information by the Commission to the bodies specified in the proposed section where a registered training organisation has contravened the Act.

24—Amendment of section 63—Compliance notices

This clause amends section 63 of the principal Act to extend the persons to whom a compliance notice can be given to include a nominated training organisation, consequent upon the amendments made by this measure.

25—Amendment of section 64—Employer may suspend apprentice or trainee for serious misconduct

This clause amends section 64 of the principal Act, and provides a mechanism by which disputes arising about the conduct of an apprentice or trainee can be mediated, in accordance with any determination of the Commission, before it can be referred to the SAET for consideration. This is in addition to the existing capacity under the section for the employer to suspend the apprentice or trainee pending such referral.

26—Amendment of section 65—Other matters to be dealt with by SAET

This clause amends section 65 of the principal Act to make consequential amendments, but also to allow SAET to make orders requiring an employer to pay to another employer specified costs associated with the early termination of a training contract, where that termination occurs wholly or partly due to the use of a financial or other inducement or reward, for example where one employer 'poaches' an apprentice from another.

27—Amendment of section 67—Representation in proceedings before SAET

This clause makes a consequential amendment to section 67 of the principal Act to reflect the fact that the Training Advocate is abolished.

28—Repeal of Part 4 Division 5

This clause repeals Division 5 of Part 4 of the principal Act.

29—Insertion of Parts 4A, 4B and 4C

This clause inserts new Parts 4A, 4B and 4C into the principal Act as follows:

Part 4A—Recognition of other trade training etc

70A—Application for recognition of other trade qualifications etc

This section enables a person to apply to the Commission for recognition of their qualifications or experience in relation to a particular trade or declared vocation where those qualifications etc were not obtained under a training contract. The section sets out procedural matters in relation to such applications, including in circumstances where the Commission may require an examination or independent assessment of the applicant's competencies.

70B—Commission may determine person adequately trained

This section provides that, where the Commission is satisfied (on an application under proposed section 70A or on its own motion) that an applicant for recognition of qualifications or experience in a particular trade or declared vocation has acquired the competencies of the trade or declared vocation, the Commission may determine that the applicant is adequately trained to pursue that vocation and may then certify the applicant accordingly.

Part 4B—Additional powers of Commission etc

70C—Commission may require information

This section confers a power on the Commission to require certain persons and bodies to provide the Commission specified information or documents that the Commissioner reasonably requires for the performance of functions under the Act. An offence carrying a maximum penalty of $10,000 applies where a person or body refuses or fails to do so.

70D—Sharing of information between certain persons and bodies

This section empowers the persons and bodies specified to exchange certain information and documents for purposes related to their functions and duties under the Act.

70E—Other powers of Commission and authorised persons

This section sets out additional powers that the Commission, or a person authorised by the commission, has under the Act, and also creates offences related to the exercise of the powers.

Part 4C—Review of certain decisions by South Australian Civil and Administrative Tribunal

70F—Review of decisions by Tribunal

This section sets out decisions under the Act that are able to be reviewed in the South Australian Civil and Administrative Tribunal.

30—Insertion of section 70G

This clause inserts new section 70G into the principal Act, creating an offence for a person to exert undue influence or pressure on, or use unfair tactics against, another person in relation to the matters specified in the section. The maximum penalty is a $10,000 fine.

31—Amendment of section 71—South Australian Skills Register

This clause amends section 71 of the principal Act to continue the current Training and Skills Register as the South Australian Skills Register.

32—Repeal of section 72

This clause repeals section 72 of the principal Act.

33—Amendment of section 72A—Confidentiality

This clause amends section 72A of the principal Act to clarify that certain confidential information obtained in the course of the operation or enforcement of the Act, or corresponding Acts, is protected from disclosure.

34—Substitution of section 73

This clause substitutes a new section 73 into the principal Act, allowing the Commission to correct determinations, decisions and statements to rectify certain minor errors.

35—Amendment of section 76—Evidentiary provision

This clause makes a consequential amendment to section 76 of the principal Act.

36—Amendment of section 79—Regulations

This clause amends section 79 of the principal Act to modernise that section, and to allow the regulations to prescribed fee, and expiation fees.

Schedule 1—Related amendments and transitional etc provisions

Part 1—Amendment of *Controlled Substances Act 1984*

1—Amendment of section 30A—Interpretation

This clause makes a related amendment consequential on this measure.

Part 2—Amendment of *Education and Children's Services Act 2019*

2—Amendment of section 3—Interpretation

This clause makes a related amendment consequential on this measure.

Part 3—Amendment of *Fair Work Act 1994*

3—Amendment of section 4—Interpretation

This clause makes a related amendment consequential on this measure.

4—Amendment of section 105A—Application of Part

This clause makes a related amendment consequential on this measure.

Part 4—Amendment of *Flinders University Act 1966*

5—Amendment of section 21—Power to confer awards

This clause makes a related amendment consequential on this measure.

Part 5—Amendment of *Labour Hire Licensing Act 2017*

6—Amendment of section 6—Interpretation

This clause makes a related amendment consequential on this measure.

7—Amendment of section 8—Meaning of worker

This clause makes a related amendment consequential on this measure.

Part 6—Amendment of *Return to Work Act 2014*

8—Amendment of section 4—Interpretation

This clause makes a related amendment consequential on this measure.

Part 7—Amendment of *Tobacco and E-Cigarette Products Act 1997*

9—Amendment of section 4—Interpretation

This clause makes a related amendment consequential on this measure.

Part 8—Amendment of *University of Adelaide Act 1971*

10—Amendment of section 6—Power to confer awards

This clause makes a related amendment consequential on this measure.

Part 9—Amendment of *University of South Australia Act 1990*

11—Amendment of section 6—Powers of University

This clause makes a related amendment consequential on this measure.

Part 10—Transitional and saving etc provisions

12—Abolition of Training and Skills Commission

13—Vacation of office of Training Advocate

14—Revocation of charter

15—Appointment etc of Training Advocate to represent person etc to continue

16—Requests for information

17—Training plans

18—References

This Part makes transitional provisions related to the amendments made by this measure.

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

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (PENALTIES AND ENFORCEMENT) BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:28): I move:

That this bill be now read a second time.

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

Leave granted.

We would all agree that the energy sector in this State, in this country, and indeed, across the world, is constantly changing. This is true now, more than ever. It is therefore crucial that the regulatory framework that underpins our energy market is able to adapt and respond to evolving technologies and customer behaviours, all while continuing to ensure the affordability, security and reliability of the system.

Inherent in this regulatory framework, which comprises the National Energy Laws, Regulations and Rules, is the assumption that where breaches occur, there is a sufficiently robust and flexible enforcement regime to respond to them.

This includes not only the penalty regime that will be applied where there is a breach but the powers available to the Australian Energy Regulator, whose role it is to monitor, investigate and enforce compliance with the national energy laws.

This ensures that all participants in our electricity and gas markets remain confident in the integrity of the system and in the protections it affords us.

That is why the COAG Energy Council commissioned the *Review of Enforcement Regimes under the National Energy Laws*. Although the review found the existing regimes were generally effective and consistent with current norms and best practice, it identified a number of areas where the effectiveness of the regime could be enhanced.

The *Statutes Amendment (National Energy Laws)(Penalties and Enforcement) Bill 2020* I present to you today, follows successive policy decisions of the COAG Energy Council Ministers that began with that initial Review and culminated with the findings of the Retail Electricity Pricing Inquiry Report of the Australian Competition and Consumer Commission.

These key decisions include:

- Adopting a three-tier civil penalty regime in the laws where breaches of a Tier One provision incur a maximum penalty of the greater of either $10 million, three times the benefit gained from breaching the rules, or 10 per cent of annual turnover; a breach of a Tier Two provision carries a penalty of up to $1.435 million and breaches of Tier Three provisions incur penalties of up to $170,000;
- Increasing civil and offence penalty levels, aligning them with those of the Australian Consumer Law;
- Indexing these maximum penalty levels to CPI to ensure they remain relevant, thereby continuing to provide a sufficient disincentive for those market participants contemplating breaches and assigning a maximum monetary value to such breaches for both the community and the courts. The first such indexation will take place on 1 July 2023 and on 1 July every three years thereafter;
- Enhancing the Australian Energy Regulator's information gathering powers to allow it to compel the giving of oral evidence while at the same time requiring annual reporting on the use of this power to maintain transparency and hence deter its excessive use; and
- Lastly, expanding the orders the Australian Energy Regulator can seek from a court, including non-pecuniary orders, and an order requiring compliance with a compulsory notice. Each of these orders adds another element to the suite of enforcement options available to the regulator to carry out its important work.

These policy changes I have described will be implemented through amendments to the National Electricity Law, National Gas Law and National Energy Retail Law, as contained in the Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Bill.

The Bill sets the civil penalty classification for a breach of a Reliability Obligation at Tier One and Tier Two.

To ensure flexibility of the regime is maintained into the future, however, and is able to adapt to changes in the market, the classification of all other penalty provisions will be prescribed by Regulation.

Breaches of the rebidding provisions will be subject to the most severe penalty, being Tier One. A decision matrix will be used to classify each of the other civil penalty provision into its respective tier. This is to ensure that breaches of the national energy laws, Regulations or Rules, carry with them an appropriate penalty, commensurate with the gravity and impact of that breach.

I am pleased to confirm that at the COAG Energy Council meeting on 20 March 2020, Ministers agreed to the draft legislation.

By establishing a more flexible and sophisticated penalty regime more akin to that of the Australian Consumer Law, increasing the maximum penalties and providing for periodic indexation of those penalties, strengthening and ultimately, expanding, the legal tools available to the AER to carry out its role as energy regulator, the Government is sending a clear signal to all Australian households, businesses and industries that as the energy industry continues to evolve, so too will the enforcement regime that underpins it.

I commend the bill to the Chamber.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of National Electricity Law

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

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

The meaning of civil penalty provision and conduct provision is amended for the purposes of the measure.

6—Insertion of section 2AB

New section 2AB is inserted:

2AB—Civil penalty amounts for breaches of civil penalty provisions

Civil penalty amounts for breaches of civil penalty provisions are provided for.

7—Insertion of section 2G

New section 2G is inserted:

2G—Related bodies corporate

The *Corporations Act 2001* of the Commonwealth provisions for related bodies corporate are applied.

8—Amendment of section 20B—Return of identity cards

A maximum penalty is amended.

9—Amendment of section 27—Obstruction of person authorised to enter

A maximum penalty is amended.

10—Amendment of section 28—Power to obtain information and documents in relation to performance and exercise of functions and powers

Various amendments are made relating to the AER's power to obtain information and documents in relation to performance and exercise of functions and powers.

11—Amendment of section 28R—Providing to AER false and misleading information

A maximum penalty is amended.

12—Amendment of section 28ZF—AER enforcement guidelines

One amendment relates to the AER being required to prepare guidelines about the exercise of its powers under section 28. Another amendment is consequential.

13—Amendment of section 53E—Providing false or misleading information

A maximum penalty is amended.

14—Amendment of section 61—Proceedings for breaches of a provision of this Law, the Regulations or the Rules that are not offences

Various amendments are made relating to proceedings for breaches of the Law, Regulations or Rules that are not offences.

15—Amendment of section 61A—Proceedings for declaration that a person is in breach of a conduct provision

These amendments are technical.

16—Amendment of section 62—Additional Court orders

These amendments are technical.

17—Amendment of section 64—Matters for which there must be regard in determining amount of civil penalty

Various amendments are made relating to the matters for which there must be regard in determining amount of civil penalty.

18—Amendment of section 73—Definition

The definitions of tier 1, 2 and 3 civil penalty provisions are inserted.

19—Amendment of section 74—Power to serve a notice

20—Amendment of section 75—Form of notice

The above amendments are technical or consequential.

21—Substitution of section 76

Section 76 is substituted:

76—Infringement penalties

Infringement penalties are provided for.

22—Amendment of section 81—Payment expiates breach of civil penalty provision

23—Amendment of section 82—Payment not to have certain consequences

24—Amendment of section 83—Conduct in breach of more than one civil penalty provision

25—Amendment of section 85—Offences and breaches by corporations

The above amendments are technical or consequential.

26—Amendment of section 86—Corporations also in breach if officers and employees are in breach

This amendment is technical.

27—Amendment of section 118—Obstruction and non-compliance

Maximum penalties are amended.

28—Amendment of section 141—Disclosure of information

A maximum penalty is amended.

29—Amendment of section 143—Failing to attend as a witness

A maximum penalty is amended.

30—Amendment of section 144—Failing to answer questions etc

A maximum penalty is amended.

31—Amendment of section 145—Intimidation etc

A maximum penalty is amended.

32—Insertion of section 159

New sections 159 and 160 are inserted:

159—Penalty privilege

Provisions relating to penalty privilege are inserted.

160—Court may grant relief from liability

Provisions relating to the power of the court to grant relief from liability are inserted.

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

This clause amends Schedule 2 of the Law.

Part 3—Amendment of National Energy Retail Law

34—Amendment of section 2—Interpretation

Definitions are inserted for the purposes of the measure.

35—Insertion of section 4A

New section 4A is inserted:

4A—Civil penalty amounts for breaches of civil penalty provisions

Civil penalty amounts for breaches of civil penalty provisions are provided for.

36—Insertion of section 7A

New section 7A is inserted:

7A—Related bodies corporate

The *Corporations Act 2001* of the Commonwealth provisions for related bodies corporate are applied.

37—Amendment of section 107—Power to revoke retailer authorisation

This amendment is technical.

38—Amendment of section 158—Providing false or misleading information

A maximum penalty is amended.

39—Amendment of section 206—Power to obtain information and documents

Various amendments are made relating to the AER's power to obtain information and documents in relation to performance and exercise of functions and powers.

40—Amendment of section 218—AER enforcement guidelines

One amendment relates to the AER being required to prepare guidelines about the exercise of its powers under section 28. Another amendment is consequential.

41—Amendment of section 291—AER proceedings for breaches of this Law, the National Regulations or the Rules that are not offences

Various amendments are made relating to proceedings for breaches of the Law, Regulations or Rules that are not offences.

42—Amendment of section 292—Proceedings for declaration that a person is in breach of a conduct provision

These amendments are technical.

43—Amendment of section 294—Matters for which there must be regard in determining amount of civil penalty

Various amendments are made relating to the matters for which there must be regard in determining amount of civil penalty.

44—Insertion of sections 300A and 300B

New sections 300A and 300B are inserted:

300A—Indexation of civil penalty amounts

The indexation of civil penalty amounts is provided for.

300B—Indexation of criminal penalties

The indexation of criminal penalties is provided for.

45—Amendment of section 305—Corporations also in breach if officers and employees are in breach

This amendment is technical.

46—Insertion of sections 321 and 322

New sections 321 and 322 are inserted:

321—Penalty privilege

Provisions relating to penalty privilege are inserted.

322—Court may grant relief from liability

Provisions relating to the power of the court to grant relief from liability are inserted.

Part 4—Amendment of *National Gas Law*

47—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

48—Insertion of section 3A

New section 3A is inserted:

3A—Civil penalty amounts for breaches of civil penalty provisions

Civil penalty amounts for breaches of civil penalty provisions are provided for.

49—Insertion of section 19A

New section 19A is inserted:

19A—Related bodies corporate

The *Corporations Act 2001* of the Commonwealth provisions for related bodies corporate are applied.

50—Amendment of section 34—Return of identity cards

A maximum penalty is amended.

51—Amendment of section 41—Obstruction of persons authorised to enter

A maximum penalty is amended.

52—Amendment of section 42—Power to obtain information and documents in relation to performance and exercise of functions and powers

Various amendments are made relating to the AER's power to obtain information and documents in relation to performance and exercise of functions and powers.

53—Amendment of section 60—Providing to AER false and misleading information

A maximum penalty is amended.

54—Amendment of section 68—AER enforcement guidelines

One amendment relates to the AER being required to prepare guidelines about the exercise of its powers under section 28. Another amendment is consequential.

55—Amendment of section 83D—False or misleading statements

A maximum penalty is amended.

56—Amendment of section 91BC—AEMO's power of direction

A maximum penalty is amended.

57—Amendment of section 91FE—Providing false or misleading information

A maximum penalty is amended.

58—Amendment of section 91FEC—Giving to AEMO false and misleading information

A maximum penalty is amended.

59—Amendment of section 91FEG—Giving to AEMO false and misleading information

A maximum penalty is amended.

60—Amendment of section 91FEI—Giving false and misleading information used for capacity auctions

A maximum penalty is amended.

61—Amendment of section 200—Disclosure of information

A maximum penalty is amended.

62—Amendment of section 202—Failing to attend as a witness

A maximum penalty is amended.

63—Amendment of section 203—Failing to answer questions etc

A maximum penalty is amended.

64—Amendment of section 204—Intimidation etc

A maximum penalty is amended.

65—Amendment of section 231—AER proceedings for breaches of this Law, Regulations or the Rules that are not offences

Various amendments are made relating to proceedings for breaches of the Law, Regulations or Rules that are not offences.

66—Amendment of section 232—Proceedings for declaration that a person is in breach of a conduct provision

These amendments are technical.

67—Amendment of section 234—Matters for which there must be regard in determining amount of civil penalty

Various amendments are made relating to the matters for which there must be regard in determining amount of civil penalty.

68—Amendment of section 277—Power to serve notice

This amendment is technical.

69—Substitution of section 279

Section 279 is substituted:

279—Infringement penalties

Infringement penalties are provided for.

70—Amendment of section 289—Corporations also in breach if officers and employees are in breach

This amendment is technical.

71—Insertion of section 335A

New sections 335A and 335B are inserted:

335A—Penalty privilege

Provisions relating to penalty privilege are inserted.

335B—Court may grant relief from liability

Provisions relating to the power of the court to grant relief from liability are inserted.

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

This clause amends Schedule 2.

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

STATUTES AMENDMENT (SENTENCING) BILL

Introduction and First Reading

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

STATE PROCUREMENT REPEAL BILL

Final Stages

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

At 18.30 the council adjourned until Wednesday 22 September 2020 at 14.15.

Answers to Questions

GOVERNMENT ADVERTISING

In reply to **the Hon. F. PANGALLO** (30 June 2020).

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

1. As at 25 August 2020, 78,974 unique visitors have used the estimator at sawater.com.au. There has been 196,976 unique visitors to the sawater.com.au website.

2. The proposed total cost of the campaign is $1,272,000 ex GST.