LEGISLATIVE COUNCIL

Wednesday, 23 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.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:17): I bring up the 13th report of the committee.

Report received.

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

Report received and read.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Adelaide Venue Management Corporation—Report, 2019-20

Ministerial Statement

ONLINE PREDATORY BEHAVIOUR

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:18): 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, Minister for Child Protection.

Parliamentary Procedure

VISITORS

The PRESIDENT: Members, I acknowledge the presence in the gallery of the Hon. Chris Sumner, a former member of this chamber and former Attorney-General. Welcome.

Honourable members: Hear, hear!

Question Time

HEALTH SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health services.

Leave granted.

The Hon. K.J. MAHER: Yesterday, four of our largest hospitals reached Code White status as reports came in of ambulance crews unable to respond to seven priority 2 urgent cases across southern Adelaide as a result of ramping and understaffing. Also yesterday, we learnt that the government has cut 321 health jobs in the last financial year, including 114 nurses. This comes off the back of last month, where ambulances were ramped for a collective 1,755 hours, the second worst month ever on record and a 45 per cent increase on the previous month. My questions to the minister are:

1. Why has the minister decided to make 114 nursing jobs redundant amidst a global pandemic?

2. Does the minister believe it is acceptable that, under his watch, the highest ramping figures ever have been recorded in September last year and the next highest in August this year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I thank the honourable member for his question because it gives me an opportunity to address the scurrilous spin of the Labor opposition. Members will remember that earlier in the last financial year the—

Members interjecting:

The PRESIDENT: Members on my left will remain silent. Minister.

The Hon. S.G. WADE: The Labor opposition was claiming out of the last budget that we, being the Marshall Liberal government, were committed to cutting—sorry, 1,140 health staff would lose their jobs. What has actually happened in the last financial year is we have added—

Members interjecting:

The PRESIDENT: Order! I am interested in listening to the answer, the Hon. Mr Maher.

The Hon. S.G. WADE: Rather than 1,140 health staff losing their jobs, in the last financial year we have added more than 600 nurses, doctors, surgeons and midwives. Of course, in that financial year, there have been some staff who have taken TVSPs. That is an important part of refreshing and reshaping our workforce, but in net terms—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —there are 600 more people in our workforce.

The Hon. I.K. Hunter: How many more? Highest ramping on your watch.

The Hon. S.G. WADE: Six hundred.

HEALTH SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary arising from the answer as given.

Members interjecting:

The PRESIDENT: Order on my right!

The Hon. K.J. MAHER: Given the minister has admitted that they are cutting nurses during the global pandemic, will the minister now cease the current round and future rounds of sacking of doctors, nurses and other staff and all TVSPs in the health system?

The PRESIDENT: There was a lot of opinion in there, but I will give the minister the opportunity to respond if he wishes.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): The honourable member is asking me a question about TVSPs, and the most important of those four letters is V. V is 'voluntary', so we have health staff in the health workforce who have been given the opportunity to—

Members interjecting:

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

The Hon. S.G. WADE: —register their interest in getting a TVSP.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, be quiet. Minister.

The Hon. S.G. WADE: This is a Labor Party that stands up for workers but actually refuses the right of workers to choose the manner of their retirement. That is how out of touch this Labor Party is. As I said, and obviously the honourable Leader of the Opposition did not even—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: —listen to my answer to his first question, in fact in the last financial year we have added more than 600 nurses, doctors, surgeons and midwives.

HEALTH SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Final supplementary arising from the answer: I am interested in if the minister can outline his understanding of whether targeted voluntary—

The PRESIDENT: No explanation; just a question.

The Hon. K.J. MAHER: Do targeted voluntary separation packages encourage and incentivise people to leave the system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I heard an interjection from the opposition, which was asking about how many left. That 600—

The Hon. K.J. MAHER: Point of order: I ask you to rule on whether it is parliamentary to even refer to interjections, let alone not answer the question.

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke will be quiet and the Leader of the Opposition will resume his seat. The minister should not be referring to an interjection, he should respond to the supplementary question as asked.

The Hon. S.G. WADE: The answer to the supplementary question is yes, indeed, TVSPs are voluntary.

Members interjecting:

The PRESIDENT: No conversations across the chamber. The honourable deputy leader has the call.

SCREENING CHECKS

The Hon. C.M. SCRIVEN (14:28): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding screening.

Leave granted.

The Hon. C.M. SCRIVEN: The minister's acting chief executive has said publicly, and I quote:

> Approximately 400,000 people in South Australia hold a screening in some respect, so it's not only people working in the system who have a screening. We don't have a list of all 400,000 people.

She also said, and again I quote:

> 500,000 people may require a screening; we rely upon the law to a certain extent and we have some compliance and monitoring.

My questions to the minister are:

1. How can the minister manage a live screening service, that is updated if people do things like commit crimes against children, if the agency doesn't have a list of everyone who has been screened?

2. What is the minister doing to deal with the 100,000 people who her chief executive says may need a screening but don't have one?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:29): I thank the honourable member for her question. I think the Labor Party is trying, once again, to be a bit cute and to imply things that don't exist. My acting chief executive was trying to outline something that we have been at pains to try to explain—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: The honourable deputy leader asked a question. She might like to listen to the answer, and she will have the opportunity to ask a supplementary. The minister has the call.

The Hon. J.M.A. LENSINK: Thank you, Mr President, for your protection. I have tried to explain on numerous occasions to the Labor Party about how screening works, in spite of the fact that it was a system that they essentially established. They have had only 2½-odd years out of being in government, and they need to have these things explained to them repeatedly.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The screening unit receives applications on behalf of—

Members interjecting:

The PRESIDENT: Order! Let the minister answer.

The Hon. J.M.A. LENSINK: —employees, students, individuals or the organisations that require them to be screened. Those applications are assessed. We don't have employment records to match up people to ensure that they are screened. There are legislative obligations, depending on which screening they have, on organisations particularly but also on individuals for working with children checks to ensure they are screened.

If I can use an analogy that the honourable member might be able to relate to so that perhaps the penny will finally drop, in South Australia, as in all jurisdictions, in order to get behind the wheel of a car and drive a car you need to have a licence. The government is not actually in the practice of checking every single driver every day, on the road, 24 hours a day, to ensure that everybody who is behind the wheel of a car and driving a car on a road actually has a licence.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: We rely on people to obey the law, we rely on people to fill in their tax returns appropriately—a whole range of things. There are measures to ensure compliance if we believe there is a breach. I'm not sure how many times or in how many ways I need to try to—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —explain to the Labor Party how these things work.

The PRESIDENT: A supplementary question, the honourable deputy leader.

SCREENING CHECKS

The Hon. C.M. SCRIVEN (14:32): I appreciate the supplementary, Mr President, given the minister hasn't answered my first question.

The PRESIDENT: It is just a question only.

The Hon. C.M. SCRIVEN: Yes, thank you. What is the minister doing to deal with the 100,000 people who her chief executive says may need a screening but don't have one? If her answer is nothing, based on her previous answer, can she guarantee there are not people working with children, or with other vulnerable people, who have not been screened?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): There are a range of ways in which organisations are reminded of their obligations to ensure that if they are required by law to have a valid screening, those take place. Certainly, with any of our contracted partners those are often through agreements.

There are a range of organisations in South Australia which, of course, are not regulated by us, and this is something I have had to try to explain in relation to disability services, which are now funded and regulated by the commonwealth government. They have their own systems in place. It

has always been the case since screening has existed in South Australia that the organisations that are responsible for ensuring that people are screened are the organisations themselves. There are new obligations on individuals regarding working with children checks.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: I think what the Labor Party is suggesting is that we need to knock on the door of every person in South Australia, audit their activities, and then determine whether they need a screening check. It is just absurd, Mr President.

An honourable member interjecting:

The PRESIDENT: Order! A further supplementary, deputy leader.

SCREENING CHECKS

The Hon. C.M. SCRIVEN (14:34): Given that the support worker of Annie Smith was not screened until after Annie Smith's death, can the minister be sure there are not people currently working with vulnerable people who do not have a screening? Apart from the case of the support worker of Ms Annie Smith, how many people have been prosecuted for not having a screening?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I thank the honourable member for her question. I think it bears repeating that of course the support worker who has now been charged with the manslaughter of Ann Marie Smith didn't have a screening for many, many years, which went back some time. That was something that was not picked up under the previous government. The obligation rests on the organisations—

Members interjecting:

The PRESIDENT: Order, on both sides!

The Hon. J.M.A. LENSINK: There are penalties for organisations not to have their workers screened—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —and those penalties are very serious.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition is not helping the situation.

An honourable member: Chuck him out.

The PRESIDENT: And neither are members on my right. The minister has the call.

The Hon. J.M.A. LENSINK: Of course, in some public commentary that I have seen, screenings have also been conflated with almost like a test of whether somebody is a fit and proper person. What they tell employers and the like is whether somebody has a criminal history. They are not an endorsement that somebody is the best support worker in the world. It doesn't tell you whether they have criminal intent; it is not able to predict those sorts of things. It doesn't tell you whether they are appropriately qualified of not. What it tells the screening unit, whether somebody has a screening or not, is whether they have a criminal history which has been picked up through the various criminal databases.

The PRESIDENT: Final supplementary on this one, the Hon. Ms Scriven.

SCREENING CHECKS

The Hon. C.M. SCRIVEN (14:36): I ask the minister again, in the hope that perhaps she might answer the question: how many people have been prosecuted for not having a screening in South Australia since she became the minister?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): The number of people who have been prosecuted I would need to take on notice because I don't have that data in front of me.

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:36): My question is to the Minister for Human Services regarding stimulus. Can the minister outline how much of more than $42 million, that was approved in the last budget for new homes, upgrades and maintenance stimulus during the 2019-20 year, was actually spent during that time?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:37): In terms of the stimulus spending, we had from memory $21.4 million, which was for the walk-up flat program, and we had another amount of money which was for general maintenance for a range of properties within the House Trust portfolio.

As members would appreciate, with the building and construction industry one needs to get contracts in place. Some of the maintenance contractors were already doing works for the South Australian Housing Authority, so that is a question of having accelerated that particular program commencing in the 2019-20 financial year. There were also other new projects which wouldn't necessarily have been on the existing list. In terms of the exact dollar amount of how much has been spent to date, I would need to take that on notice.

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

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:38): Can the minister confirm exactly how many new homes were completed during that time?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): Yes, I'm happy to take that particular detail on notice and bring it back to the chamber.

The PRESIDENT: A further supplementary, the Hon. Ms Bourke.

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:38): While the minister is taking questions on notice, can the minister also confirm how many jobs have been created during this time?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38): I think that one might be a little bit more difficult because there are estimates. In terms of the contractors, we don't have their employment records to be able to determine that exactly. What I can say about providing stimulus funding, however, is that it does help to keep people employed in that sector who might otherwise—particularly during the height of restrictions—have had to either go onto JobKeeper or may have been laid off.

The reports I have had when speaking to people within the housing industry is that having that stimulus funding certainly helped them to maintain their pipeline of work, if you like—particularly for positions like apprentices—so that they were able to keep maintaining that workflow going. It's been very important in order to assist people to stay in those positions, if you like, where they might otherwise have had to either place people on JobKeeper or let them go.

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:39): A supplementary.

The PRESIDENT: The final one, the Hon. Ms Bourke.

The Hon. E.S. BOURKE: Would the minister be disappointed to find that only 15 per cent of that fund had been spent during the year?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): The honourable member is asking me to put a particular opinion on something. I understand the way that these things can work—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —in terms of there being reasons why things might take longer than we hoped. Particularly within government, there are probity issues that need to be dealt with, particular policies which are applied, which are more than appropriate to ensure that any of the contracts that have been let have been done appropriately.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: So there is a range of reasons. What the honourable members are suggesting, disorderly through their interjections, is that we should just stick the money out there and see who comes and grabs it first, and say, 'It's available. Come and get it'—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hanson! Order!

The Hon. J.M.A. LENSINK: 'Why don't you come to us? As long as you can point us to a straw house or a paper house, we will sign that one off, as long as it looks and sounds and feels like it.' We believe in doing things in terms of probity. They are strict rules within government in terms of how these contracts are made.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson will come to order.

The Hon. J.E. Hanson: It's embarrassing.

The PRESIDENT: Order!

The Hon. E.S. Bourke: The only person that's happy about that is Rob.

The PRESIDENT: The Hon. Ms Bourke asked a number of supplementary questions, and she is now not listening. She is having a conversation with another member across the chamber, and that is totally out of order. I'm sure the minister is about to conclude her answer and then we will move on.

The Hon. J.M.A. LENSINK: Yes, Mr President. Indeed, we do need to follow the rules. The Housing Authority certainly plays by the rules, as I am sure all of the agencies do in terms of ensuring that it has probity and appropriate contracts.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Certainly, the feedback that we have had from the industry is that our stimulus money—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter will come to order.

The Hon. J.M.A. LENSINK: —saved jobs, helped building companies through the most difficult times when everybody else was not making decisions—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —to engage building. When the market was flat, when individuals weren't engaging building companies, the Marshall Liberal government was there to support them.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway has the call.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley knows better. The Hon. Mr Ridgway has the call.

STATE DEBT

The Hon. D.W. RIDGWAY (14:42): My question is to the Treasurer. Given the significant increase in state debt to deal with the COVID-19 pandemic, can the Treasurer please update the house on the latest advice on the cost of servicing that debt?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS (Treasurer) (14:43): There has been much recent discussion about governments being encouraged to incur ever-increasing levels of debt, from the lofty heights of the Governor of the Reserve Bank, Dr Philip Lowe, through various national commentators and, indeed, the federal government from the Prime Minister and the Treasurer themselves. Consistent with that overwhelming advice, all state and territory governments are significantly increasing both the levels of their ongoing deficits in the short and medium term, more particularly the level of state debt over the short, medium and long term.

I have previously indicated, when I gave an economic update a number of months ago, that we were looking at a level of state debt by the end of the forward estimates of around $30 billion. Consistent with the advice, as I said, that all and sundry have been providing, this state government recognises the ongoing need of maintaining a record public sector infrastructure program of building schools, hospitals, roads and other public sector facilities to try to maintain jobs and jobs growth in our South Australian economy as we combat the impacts of the COVID-19 pandemic on our economy.

We are likely to see, when the budget comes down in November, a total debt figure by the end of the forward estimates of more than $30 billion. The exact number will be publicly announced during that budget process. It is consistent with the fact that we are actively engaged in significantly increasing what was already a record public sector infrastructure program.

There will be significant announcements over the coming weeks and in the days leading up to the state budget in November. There are ongoing negotiations going on with the commonwealth government in relation to jointly funded federal-state infrastructure programs, and there will be more to say in relation to those negotiations in the coming weeks.

I am pleased to say, in response to the member's question, that the consistent advice of the Reserve Bank Governor is that now is the best time for governments and businesses to be borrowing, and that the Reserve Bank will continue to maintain a monetary policy which continues to drive down or keep low interest rates in the Australian economy. The Reserve Bank has been active in the markets to ensure that that is the case. Consistent with that, the average interest rate at which SAFA bonds over this year are likely to be borrowed is around 1.4 per cent.

As I have previously indicated, for shorter term debt—debt which might be SAFA bonds over perhaps three years or so—the average interest rate of our borrowings can be as low as approximately 0.4 per cent for debt of that short-term duration. Clearly, with total debt of $30 billion or more, you cannot structure your debt profile all on the basis of short-term debt of two, three or four years.

SAFA has been actively engaged, as have other state and territory governments, in longer term debt, and we recently put to market some 20-year bonds or borrowings. The interest rate for the longer the term of the debt is higher than the average figure, but some of that 20-year SAFA bond money has been borrowed at just over 2 per cent in the financial markets.

With some of the more substantive debt we have had, which is 10 to 12 years in duration, with maturation dates in and around 2030-32, the average interest rates SAFA has put away have been in and of the order of 1.2 to 1.5 per cent. Whilst ever-increasing debt levels are essential in terms of trying to protect as many jobs and businesses as we can, it is nevertheless going to be an ongoing cost for our children and grandchildren for many years to come. The fact is that, for the

foreseeable future, the borrowing profile of SAFA on behalf of the taxpayers of South Australia is geared to trying to keep that interest rate cost to as low a level as possible.

WORLD CAR FREE DAY

The Hon. M.C. PARNELL (14:48): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Minister for Infrastructure and Transport, about World Car Free Day.

Leave granted.

The Hon. M.C. PARNELL: Every year, on or around 22 September, cities across the globe celebrate World Car Free Day. This is a day where motorists are encouraged to give up their cars for a day, and the event highlights the numerous benefits of going car free to citizens, including reduced air pollution and the ability to enjoy streets that are otherwise congested and noisy in a way that is safer and more pleasant.

Around the world, a number of cities have taken action. In South Australia there appeared to be no acknowledgment or recognition from the state government. In fact, the only group that appears to have stepped up was the Adelaide City Council, but in entirely the wrong direction by declaring a drivers' month, a move that was widely pilloried in the media as heading in entirely the wrong direction.

My question of the minister is: having missed World Car Free Day this year, will the minister promote the day next year, which will be the 21st anniversary of World Car Free Day, and will he promote the day with appropriate events and announcements?

The Hon. R.I. LUCAS (Treasurer) (14:49): I will be pleased to refer the question to my colleague. Sadly, I think we have seen the impact of World Car Free Day for many days over recent months because those of us who do use cars, as opposed to riding bikes—I am not sure the Hon. Mr Parnell is biking as often as he might have in the past—

The Hon. M.C. Parnell: More often.

The Hon. R.I. LUCAS: More often; is that right? Okay. I will look out for him and see whether I can run him over at some stage.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We have seen the benefits in terms of pollution and the ease of transport—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —on our public roads—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —with the significantly reduced volumes of traffic during particularly the months of March, April and May in South Australia. Whilst I am not personally someone who is committed to tokenism and symbols, and certainly I won't be giving up my car on whatever the particular day is next year, nevertheless, I am very pleased to refer it to my ministerial colleague to see whether or not the department, in particular, will be looking to celebrate or highlight the significance, as they might see it, of that particular day, whenever it occurs sometime next year.

PUBLIC TRANSPORT PRIVATISATION

The Hon. R.P. WORTLEY (14:51): My question is to the Treasurer regarding train privatisation. Why were $1 million loser fees for bidders in the train privatisation included after the tender process had commenced and do the loser fees allow the government to keep intellectual property that was included in the bids for use by the successful bidder or the government and what was that intellectual property?

The Hon. R.I. LUCAS (Treasurer) (14:52): As the government has indicated, there hasn't been a train privatisation. There has been an outsourcing of the provision of the services. The government hasn't sold a train, a train track, a train station or, indeed, the lot. We have guaranteed the ongoing employment of workers.

The Hon. Mr Wortley and other members of the Labor Party can engage in whatever sophistry they wish to try to scare as many people as they wish and promise the world that they are going to reverse something which, when they were in government, in terms of transport outsourcing, they willingly signed up to right across the public transport system. Putting that hypocrisy to the side for the moment, if I might—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Emily Bourke is out of order.

The Hon. R.I. LUCAS: The issue of what the honourable member characterises as loser fees has been publicly responded to by the government, the minister and possibly even myself if I was acting for the minister at the time. It was consistent with the practice of the previous government in relation to quite a number of projects in the transport area under, I believe, ministers Conlon, Mullighan and possibly even the member for West Torrens, former Minister Koutsantonis—certainly a number of Labor ministers in transport projects. Half a dozen of them were listed publicly where the former Labor government and Labor ministers paid what the member characterises as loser fees in relation to it and it was publicly explained.

I can refer the honourable member to those publicly available comments. I believe in those comments the same justification that was given in relation to, in part, intellectual property, which was used by the former government to justify what he characterises as loser fees, was also placed on the public record by this government.

DISABILITY SERVICES

The Hon. N.J. CENTOFANTI (14:54): My question is to the Minister for Human Services. Can the minister please update the chamber on how the Marshall Liberal government is moving swiftly to close safeguarding gaps for people living with a disability in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): I thank the honourable member for her question. In response to the terrible and tragic death of Ann Marie Smith, the government did move very quickly to establish the Safeguarding Taskforce, which was so eminently co-chaired by Ms Kelly Vincent and Dr David Caudrey, who, with lived experience and with extensive experience in the sector with a group of other people similarly with lived experience and a range of public service appointments who represented across a range of areas, including legal and the like, put together two reports for us in relation to safeguarding gaps. The final one was received by the government on 31 July, and we still are receiving some supplementary remarks, which we will also provide through a supplementary report.

I might say, the final Safeguarding Taskforce report was quite similar to the report which was commissioned by the commonwealth government. The Hon. Alan Robertson, a former Federal Court judge, reported in September and identified similar issues in relation to that through the National Disability Insurance Scheme: people who are vulnerable need to be more readily identified and appropriate supports be in place. Particularly some of the early comments that came from members of the task force in response was the issue of having a sole support worker working with one person, which has been identified as a particular risk.

The government has responded and accepted all of the recommendations in principle. Naturally, some of them go to the commonwealth government for their implementation. The matters are to be discussed at a further meeting of the Disability Reform Council. In terms of the South Australian response, we have responded to the concerns of South Australians who wished for advocacy to continue to be funded in South Australia and, indeed, re-funded in terms of the individual advocacy.

Dr David Caudrey has been providing systemic advice to us and to the NDIA for some time, so his position continues. We have also allocated $400,000 a year for individual advocacy. Particularly during COVID, there are a range of people with disability who have been experiencing

the need for that direct assistance. We have also acted on the recommendation in terms of the Adult Safeguarding Unit, which has been established for people over the age of 65. As of 1 October, it will be accepting people under the age of 65.

We are working through other areas which relate to how health interacts with people with disability, particularly with the commonwealth, given they have MBS items that are probably able to be utilised, to ensure that people are having regular checks. We continue to work through with the commonwealth in relation to the Community Visitor Scheme, where it is within scope for it to be able to visit people.

So we have responded very quickly to ensure that we have systems in place, where they are the responsibility of the state government, and we continue to work with the commonwealth, who have similar recommendations from the Robertson report. I note that Minister Robert said in response that the Tune review, which was tabled in February, I think it was, also went to some of the matters which cross over with safeguarding, particularly in relation to people who need case management. The commonwealth has been working on some of those matters already and will continue to work with states and territories for the appropriate improvements to safeguarding.

DISABILITY SERVICES

The Hon. C.M. SCRIVEN (14:59): Supplementary: can the minister advise what organisations or individuals are receiving that $400,000 for advocacy and how the decisions about the distribution of that funding were made?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): My understanding is that tender is out at the moment so those decisions haven't been made as yet. The tender matters are in the public domain for organisations to be able to tender for those, and an announcement will be made once that decision has been made.

DISABILITY SERVICES

The Hon. C.M. SCRIVEN (14:59): Further supplementary: can the minister explain why she said then in her original answer that individuals are already receiving that advocacy when those tenders have not yet been let?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:00): I think the honourable member has misunderstood what I said.

HOUSING GRANTS

The Hon. J.A. DARLEY (15:00): I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Planning and Local Government, a question concerning matters associated with the HomeBuilder and First Home Owner grants.

Leave granted.

The Hon. J.A. DARLEY: Under previous arrangements, a farmer could subdivide an allotment from their farm for a son or daughter. This arrangement no longer exists under our current planning and infrastructure act. Our current act prohibits the subdivision of land for residential purposes. There are also conditions as to how large an allotment must be to accommodate the building of a house.

Depending on the council area, allotment sizes can vary from 20 to 100 hectares. These restrictions prevent the sons and daughters of farmers in broadacre areas from applying for the First Home Owner and HomeBuilder grants. My question to the minister is: will the government take appropriate action to address this problem?

The Hon. R.I. LUCAS (Treasurer) (15:01): I am happy to refer that question to my colleague and bring back a reply.

HOUSING AUTHORITY

The Hon. I. PNEVMATIKOS (15:01): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding walk-up flats.

Leave granted.

The Hon. I. PNEVMATIKOS: The South Australian Housing Authority Facebook page includes a recent post about Rosslyn Court upgrades in Parkside that were initiated by the former Labor government. The opposition's understanding is that block 1 was completed, which included roof replacement, internalisation of laundries, removal of some asbestos, key padlocks on common area doors and other works. Block 2 was supposed to be completed during 2019-20 with similar work to block 1. My questions to the minister are:

1. Is it true that tenants of block 2 have been told to prepare to move out but a decision was then made to stop work?

2. How long has the project been sitting idle since announcements were made to upgrade the flats?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:02): I thank the honourable member for her question. If I can say at the outset, in terms of the walk-up flat programs, they are actually really more significant than you might otherwise think, particularly when you go to the sites and realise how tired they are and how some of the built form, which is many decades old now, contributes to safety issues. Obviously, upgrades and maintenance work being accelerated assists with the amenity and lets our tenants know that they are valued in terms of that we are prepared to provide them with a good, safe place to live.

Some of the works that have taken place at walk-up flat sites have been to remove things like external laundries and carports. Some of those laundries and carports reduce safety for people because clearly someone may be there who may not be visible to the person. So there is a range of things that are being done for tenants where those external laundries have been removed and most of the washing machines that have been placed in there, as much as they might have been industrial standard when they were installed, are not particularly useful to anyone and might get vandalised and the like, so they haven't been providing much value.

In response to that, our flats have had laundry works internalised and tenants have been supplied with a washing machine which is of great benefit to them. There are the usual other things such as painting at the Rosslyn Court ones. There has also been removal of asbestos. Replacing the roof has meant that we have been able to install solar, which is clearly of great benefit to those tenants. It is a really valuable program which enables us to provide a better mix of tenants, which is also important in those high-density sites.

I think what the honourable member is referring to, and I do notice when I bother to check my Twitter feed from time to time that whenever there is some announcement—this happened in relation to some of the new builds that we opened for older people in the Prospect-Blair Athol area and some of the Labor members were particularly hurt that they didn't get to cut the ribbon or visit the site, because there had been money that had been allocated under their government and the build had been completed under this one.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I say, 'Well, I'm very sorry that they feel that way,' but we are continuing with a range of programs to provide better services for South Australian Housing Trust tenants. I would have to say that a lot of the feedback that I get is that we are doing a much better job than the Labor Party ever did.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It's the government, really. It's the government.

Members interjecting:

The PRESIDENT: Members on my left, order! I am sure the minister is about to wrap up her answer, and she will be heard in silence.

Members interjecting:

The PRESIDENT: Order! The minister.

The Hon. J.M.A. LENSINK: Given that I am not the person who's got a welder in my hand or a paintbrush, I completely defer to the team—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —who work for the Housing Authority, but the members—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Members opposite ought to be careful, because I get this feedback from some of their members, who I will not name. I will not name the Labor members who have actually said that they are pleasantly surprised at the response that they get from the South Australian Housing Authority. So that is the highest praise we could ever expect from a bunch of—sorry, he wants me to wrap up.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: In relation to Rosslyn Court—

Members interjecting:

The PRESIDENT: Members on my left will be silent while the minister concludes her answer, which I am sure she is about to do.

The Hon. J.M.A. LENSINK: I did note that some of the Labor members were particularly bruised about the Rosslyn Court issue. I put that to the Housing Authority team, and they said that there had been a tender which had gone out, I think not long before the previous government lost office, to do some works at the Rosslyn Court site, and it fell through.

Members interjecting:

The Hon. J.M.A. LENSINK: No, no. I will get those exact dates, Mr President. I think that would be important. It would be a very important detail for the Labor members to know about who spent what and when at Rosslyn Court. The most important thing, of course, is that we have a much better service for our tenants at that site, and that is something that should be celebrated.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Pnevmatikos has a supplementary question, and I am sure her colleagues will listen to her and let her ask that in silence.

HOUSING AUTHORITY

The Hon. I. PNEVMATIKOS (15:08): In relation to the Rosslyn Court walk-up flats, when will the work be completed?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:08): The site that I visited a month or two ago now, which is one block of flats, has been completed.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will obtain some approximate dates from the Housing Authority about when the rest of the works are expected to be completed.

Members interjecting:

The PRESIDENT: Supplementary question, the Hon. Ms Pnevmatikos, and her colleagues will listen to her—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Pnevmatikos has the call.

HOUSING AUTHORITY

The Hon. I. PNEVMATIKOS (15:08): Seeing the minister is taking that matter on notice, it would also be appreciated if she could provide some information on why walk-up flats in the seat of Adelaide have been completed when others have stalled.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09): I don't need to take that one on notice. I am happy to answer that one now. Mellor Court is the one the honourable member is referring to; it has been a blight for a very—

Members interjecting:

The PRESIDENT: Order! The Hon Ms Pnevmatikos asked a question. She would like to hear the answer and I think her colleagues should respect that she would like to hear the answer, even if they don't. The minister has the call.

The Hon. J.M.A. LENSINK: Mellor Court has been a very challenging area for a very long time, so that one has been a particular priority, but there are 18 sites that we are working on across the metropolitan area. I think the honourable member is trying to imply that we are only attending to matters in Liberal electorates, but those other walk-up flats include a range of other suburbs in Labor electorates.

MENTAL HEALTH SERVICES

The Hon. T.J. STEPHENS (15:10): My question is to the Minister for Health and Wellbeing. Will the minister update the council on mental health services in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): I thank the honourable member for his question. The Marshall Liberal government is working to improve support for mental health services. When we were elected, we even had a situation where the 10 PICU beds at the Royal Adelaide Hospital—in other words, the mental health beds for people with the most acute needs—had not been opened. That was seven months after the hospital itself opened.

We are continuing to build on the range of mental health services in South Australia and one key recent announcement was the government's commitment to an Urgent Mental Health Care Centre. We know that emergency departments with their activity and pressure do not provide the best environments to mental health patients in terms of their therapeutic and diagnostic needs. It is challenging for mental health patients, and the resultant stress within the ED often has flow-on impacts for other patients and staff.

The Urgent Mental Health Care Centre will provide a calmer and more suitable environment for people experiencing mental health challenges and aims to link people quickly to community mental health supports. The successful tenderer for the Urgent Mental Health Care Centre has now been announced.

The government will partner with Neami National, an Australian not-for-profit mental health provider, to deliver this new project. Neami National has been providing a range of mental health services under contractual arrangements with SA Health since 2005-06 and have a long history of working in mental health in the state. They will partner with RI International, a US not-for-profit organisation and an international leader, in promoting suicide prevention models in mental health, the delivery of mental health crisis care services and the use of peer workers in crisis care.

I welcome the support of the Mental Health Coalition of South Australia for this initiative and particularly the public comments of the coalition's chief executive officer, Geoff Harris. If I could quote a couple of paragraphs from a recent statement that he issued, which states:

> This much needed centre is the first of its kind in Australia while similar models have been operating for a number of years in the United States.
>
> It will provide a high quality alternative to the Emergency Department and has been developed based on strong feedback from the experiences of people with mental illness and their families as well as clinicians.

He goes on further in the statement to say:

'The lived experience of people living with mental illness has informed this model of mental health care and we are one step closer to providing them with the much needed mental health care they have been asking for for many years.'

The Urgent Mental Health Care Centre will improve outcomes for people experiencing mental distress or in mental health crises. It will reduce wait times for mental health patients who do not need to be in a hospital environment and it will divert them to a more suitable environment for them to receive their care.

MENTAL HEALTH SERVICES

The Hon. F. PANGALLO (15:13): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the death of a mental health patient while in a state-run facility.

Leave granted.

The Hon. F. PANGALLO: The Deputy Coroner, Anthony Schapel, this week released findings into the death of a heavily medicated man with no teeth who was given a sandwich and then left to choke, alone and unmonitored in a secure psychiatric facility. Mr Schapel said security camera footage showed 'harrowing' scenes as the man choked in his cell at the Margaret Tobin Centre at Flinders Medical Centre in September 2015.

The security vision shows that after he collapsed from choking he lay on the floor of the cell for 11 minutes before he was noticed by medical staff. Three nurses were within metres of the screen that showed the man choking, but none of them noticed because they were distracted by paperwork, magazines or mobile phones. He died four days later as a result of extensive brain damage. My question to the minister is:

1. Has the minister yet read the Deputy Coroner's report and the recommendations he made that nurses and medical staff should consider the medication of patients and their level of agitation before giving them food unsupervised?

2. Will the government implement his recommendations or, like the majority of coroner's reports, ignore the recommendations?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): I thank the honourable member for his question. I can assure him that—in response to his last comment—it is not correct to say that coroner's recommendations are ignored. In fact, there is a well-developed process for coroner's recommendations to be considered by the department and responses provided to those recommendations.

Some recommendations in coroner's reports can be to a range of agencies; for that matter, they can be to me as minister or to the department or to local health networks. In relation to the coroner's report the honourable member refers to, I am awaiting a report from SA Health in terms of their response to the recommendations and will be responding to the Coroner in due course.

The PRESIDENT: The Hon. Mr Pangallo, supplementary.

MENTAL HEALTH SERVICES

The Hon. F. PANGALLO (15:16): Has disciplinary action been taken against any of the nurses involved in the incident?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I am happy to take that question on notice.

DISABILITY SERVICES

The Hon. J.E. HANSON (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability services.

Leave granted.

The Hon. J.E. HANSON: On numerous occasions in this place the minister has outlined the important role of the Incident Management Unit within her department. On 4 June, she advised the council:

> The IMU has responsibility for triaging and determining appropriate response to all allegations of inappropriate care…This includes incidents that occur within accommodation services and the youth justice training centre…The IMU is also responsible for investigating matters relating to DHS by the Independent Commissioner against Corruption for matters of misconduct or maladministration. The IMU also has a coordination role in relation to the National Redress Scheme.

My questions to the minister are:

1. How many staff are currently employed in the IMU?

2. How many of those staff are in acting positions?

3. Has the funding or staff allocation to that unit decreased since the election of the Marshall Liberal government?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:18): I thank the honourable member for his question. The exact number of staff who are employed in the Incident Management Unit is not a detail I have before me, but I can advise that—and I think I may have referred to this previously in response to questions—we have a director who is a SAPOL officer on leave without pay from SAPOL.

We have another member who is a former SAPOL officer, two who are former SAPOL officers from other jurisdictions, two solicitors and several staff have completed qualifications in government investigations. I think that demonstrates that we do have a range of staff with appropriate qualifications to lead this important area to improve safety and responses to any incidents.

I will take on notice the question in relation to the staffing levels, previous and current, and bring back a more detailed response.

The PRESIDENT: The Hon. Mr Hanson, a supplementary.

DISABILITY SERVICES

The Hon. J.E. HANSON (15:19): Has the minister assured herself that the Incident Management Unit is properly resourced in the wake of the deaths of Annie Smith and Debbie Pearce?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:19): There have been a lot of conversations within government about critical incidents. The honourable member has referred to Ann Marie Smith and I just need to remind members that she wasn't actually a client of ours, she was a client of the National Disability Insurance Scheme. The appropriate oversight body for quality and safeguarding for her was the NDIS Commission or the Quality and Safeguards Commission.

I have confidence that the Incident Management Unit has the appropriate HR resources. We have conducted an external review to ensure that the standards and levels are as they should be. I am quite confident that it is a robust system, but we believe in systems improvements and so that is currently being conducted and will be implemented as appropriate.

EFFECTIVE UNEMPLOYMENT RATE

The Hon. D.G.E. HOOD (15:20): I seek leave to make a brief explanation before asking a question of the Treasurer regarding effective unemployment rates.

Leave granted.

The Hon. D.G.E. HOOD: The federal Treasurer often refers to the effective unemployment rate as a better measure of unemployment, so my question to the Treasurer is: what do the most recent effective unemployment rate figures for South Australia suggest?

The Hon. R.I. LUCAS (Treasurer) (15:21): The federal Treasurer does indeed refer to the effective unemployment rate, which is a combination of the number of unemployed people, people who have left the labour force since March 2020 and employed people who worked zero hours in the

reference period for economic reasons, and I am advised that that refers to people who have been stood down; that is, they are actually employed but nevertheless they have worked zero hours during a period because they have been stood down by their employer.

The federal Treasurer says the effective unemployment rate, which actually doesn't just count the people who are measured as unemployed but includes these people who have been stood down and people who have left the workforce since the onset of the pandemic, if you add those to them that's a better measure of the real unemployment rate or the effective unemployment rate.

It has been an interesting yet unreported phenomenon that when measuring the effective unemployment rate in South Australia, as recommended by federal Treasury and the federal Treasurer, it is lower than the national effective unemployment rate. For the month of August 2020, the effective unemployment rate in South Australia was 8.6 per cent and the effective unemployment rate in Australia was 9.3 per cent. In fact, not unexpectedly, the effective unemployment rate in Victoria, for obvious reasons, is the highest at 11.3 per cent.

Members interjecting:

The PRESIDENT: Order, on both sides!

The Hon. R.I. LUCAS: And in Queensland the effective unemployment rate is 10.5 per cent.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. R.I. LUCAS: So the effective unemployment rates in Victoria and Queensland at 11.3 per cent and 10.5 per cent are the highest state jurisdictions. The national figure of 9.3 per cent is, again, higher than the effective unemployment rate in South Australia. As I indicated yesterday, the Single Touch Payroll figures showed encouraging and optimistic signs in terms of both jobs growth and salaries growth in South Australia as measures of the easing of restrictions—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and the success of the Marshall Liberal government—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —in relation to providing stimulus into the South Australian—

Members interjecting:

The PRESIDENT: Order! I can't hear the Treasurer, and I would like to.

The Hon. R.I. LUCAS: —economy in terms of protecting jobs and protecting as many businesses as we can, which is of course what the Marshall Liberal government pledged to do, and in the coming weeks and months leading up to the budget there will be more of the same.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter!

Matters of Interest

TOXIC WASTE

The Hon. M.C. PARNELL (15:24): I rise today to express my concern about a proposal to dump toxic waste at McLaren Vale. I have been approached by a number of residents and local businesses, as well as my colleagues in the Kingston branch of the Greens, who are desperately worried about the proposal currently being considered by the EPA. In February this year, Southern Waste ResourceCo (SWR) sought approval from the EPA to receive, store, treat and dispose of waste contaminated with per- and polyfluoroalkyl substances (more commonly known as PFAS) at its landfill operation located on Tatachilla Road.

As we all know by now, the use of PFAS in a range of industrial applications, but particularly in firefighting foams, has led to the contamination of sites across the country, particularly airports and fire stations. These dangerous and noxious chemicals, once discharged into the open, find their way into soils as well as pollute surface and groundwater. The US EPA describes these chemicals as:

> …very persistent in the environment and in the human body—meaning they don't break down and they can accumulate over time. There is evidence that exposure to PFAS can lead to adverse human health effects.

It goes on to describe those health effects as including cancer and impacts on the human immune system.

Because these chemicals are so dangerous, it is quite appropriate for any contaminated land or water to be rehabilitated. As a result, the remediation projects usually generate wastes in the forms of PFAS-contaminated soil, PFAS-activated carbon and PFAS-contaminated sludge. The question then becomes: what do we do with these dangerous waste products? Nowhere in South Australia currently meets the EPA's minimum standards for disposal; however, the SWR proposal has now become the first South Australian landfill operator to apply to have PFAS-contaminated waste added to its EPA licence.

Clearly, this waste creates a problem and it must be disposed of, but in McLaren Vale? Seriously? In my view and in the view of local residents, McLaren Vale is not an appropriate location for this disposal. Of course, these dangerous substances will have to go somewhere, but why on earth would you put them where people live, where there is a potential to pollute groundwater or where it will adversely affect local industry?

The Tatachilla Road site fails on all three of these measures. Residents are naturally worried about living with the risk of exposure to these persistent toxins. Despite environmental protection measures which will no doubt be put in place, there remains a threat that the pollutants could leach into the water and pose a further threat to surrounding areas.

In terms of value, McLaren Vale is Australia's fifth largest wine region and the largest producer of certified organic or biodynamic wines. Meanwhile, the area's tourism numbers have boomed in recent years. The number of daytrippers has risen considerably, now at 351,000, and overnight stays have grown 45 per cent in the last four years. The McLaren Vale district represents some of South Australia's most significant assets. Why would we put those at risk by bringing in dangerous chemicals for storage, treatment and disposal?

No doubt the driving force behind the nomination of the site is cost. Transporting this toxic waste to an existing waste facility that is relatively close to the likely rehabilitation sites will no doubt reduce transport costs compared with taking the material further away from sensitive land uses and valuable agriculture, but that does not mean it should be approved. Dealing with contamination is expensive, but that is the price we have to pay for past mistakes. The cost should be borne by the polluters, including governments, but not by the residents and businesses of McLaren Vale.

The EPA has consulted with the local community as they are required to, and the response they have received is both predictable and reasonable: 'Don't put it here!' Residents also believe there needs to be much greater transparency in the process, more rigorous consultation and an economic impact report to investigate the impact on McLaren Vale and the wider Fleurieu region. An interesting letter to the editor on this topic was written by Professor Jim Gehling, who said:

> Both the current McLaren Vale waste depot and the old, down-slope North Maslin sand quarry are entirely unsuitable for storing contaminated waste.
>
> As a geologist, I can see this would act like a virtual wick to the underground reservoir of precious water supplying vineyards for our world-famous McLaren Vale region wines.
>
> Even if lined, storage of toxic chemical waste south of Tatachilla Road is like burying old rat cubes in your children's sandpit.

For the sake of public health, for the sake of the environment and for the sake of the economy, the dumping of PFAS-contaminated waste at McLaren Vale must not be allowed to proceed.

LEGACY WEEK

The Hon. N.J. CENTOFANTI (15:29): I rise today to speak about Legacy Week. After the tragedy and devastation felt by the Australian forces in the Great War between 1914 and 1918, an attitude began to build that more could be done to support our returned soldiers. Australians had gallantly fought in Gallipoli, Palestine, France and Flanders, contributing to the conclusive allied victory. However, the First World War had resulted in significant loss and injury of Australian service men and women, and it remains to this day the costliest conflict in our nation's history in terms of deaths and casualties.

At the time, our nation's population totalled fewer than five million people, with over 416,000 Australians enlisted to fight in the war. Tragically, 60,000 were killed and 156,000 were wounded, gassed or taken prisoner. The consequences of victory were tragic for communities and families. As a result of the devastation, returned soldiers felt as if their colleagues in business were failing to adequately assist them and fellow returned servicemen.

One of those returned soldiers, General Sir John Gellibrand, decided that he could do more to support his fellow returned servicemen. In 1923 Gellibrand founded the Remembrance Club in Hobart to support returned servicemen into opportunities in business. Soon after, Gellibrand urged a former member of his brigade staff to establish a similar organisation in Melbourne. In 1925 it was suggested that these organisations should investigate caring for the children of deceased servicemen. This was the beginning of Legacy as we know it.

Today, Legacy is a charity focused on providing services to Australian families suffering after the injury or death of a spouse or parent during their Defence Force service. Families can receive financial and social support from Legacy, which has an acute understanding of the pain and trauma they are facing. The social support comes from 44 Legacy branches spread across Australia, and one in London, and 4,000 engaged volunteers acting as Legatees to widows and families of deceased veterans.

This wide network of support allows Legacy Australia to care for 52,000 beneficiaries nationwide. Of this number, the Legacy Club of South Australia and Broken Hill care for 4,612 veteran families spread throughout our state. The work that Legacy does to support such a great number of families who have sacrificed so much must be acknowledged. Like many organisations, Legacy has faced increasing challenges due to the ongoing effects of COVID-19. As a charity they rely on donations to fund their programs.

Legacy Week is the organisation's premier fundraising event, which was run this year between Saturday 29 August and 5 September. In previous years Legacy Week has been carried out by veterans and volunteers rattling the tins in communities and selling Legacy badges. Legacy volunteers can usually be seen in our communities attending the local sporting games, the shopping precinct or community events to fundraise for this worthy cause.

For the first time since 1944, due to COVID-19, the Legacy Club of South Australia and Broken Hill were not able to hold their historic badge appeal in the usual way. Unfortunately, due to the health concerns of COVID-19, many veterans and volunteers did not feel comfortable fundraising in the community this year. For almost a century, Legacy have kept their promise to thousands of veteran families by providing financial and social support for those in their care during times of hardship and grief.

Legacy was determined to maintain its promise and overcome the challenges of COVID-19. To continue its valuable work Legacy decided to shift the focus of its fundraising online, where you can donate or purchase merchandise such as badges or Legacy bears. Although Legacy Week may be officially over for another year, I would encourage everyone and anyone to visit its website, adelaidelegacy.org.au, and donate to continue the support.

I thank Legacy for reaching out to me to be involved in this year's Legacy Week. My husband, David, served in Iraq, and I understand firsthand the importance of the social and financial support provided by Legacy. I am proud to be involved with Legacy and to support this fantastic organisation. I would encourage anyone to consider financially supporting Legacy so that they can continue to

support those families who have sacrificed so much for this country and our state. Buying a little Legacy badge goes a long way.

INTERNATIONAL DOGS IN POLITICS DAY

The Hon. I. PNEVMATIKOS (15:34): Today celebrates International Dogs in Politics Day. This morning I invited Archie the Golden Retriever cross Groodle into parliament. Although he could not enjoy a full tour of Parliament House due to COVID restrictions, he did love coming to the city and being the centre of attention on the steps of parliament. More than 60 per cent of South Australian households have a family pet, which includes many of us in this place. Pets, especially dogs, bring joy and comfort to our lives and become members of the family.

While we celebrate dogs in parliament today, it is also a reminder that not all dogs share the same privileges as Archie. Unfortunately, as shocking as it is, puppy farms exist in Australia. In these facilities, puppies and their mothers are often kept in overcrowded and filthy conditions and forced to eat, sleep, go to the toilet and give birth all in one confined space. These horrendous acts fail to recognise dogs as conscious beings and infringe on their behavioural, social and psychological needs.

In August 2017, amendments to the Dog and Cat Management Act were passed in South Australia, as well as a new code of practice for dog and cat breeders and traders. These laws aimed to provide some assurance that puppies bred and made available for sale were under acceptable conditions. However, the legislation falls short of addressing the problem of puppy farms. The amendments encourage responsible dog and cat ownership, reduce public and environmental nuisances caused by dogs and cats, and promote the effective management of dogs and cats through the encouragement of desexing.

Whilst those changes to the Dog and Cat Management Act have helped in the fight against irresponsible breeders and puppy farms, the onus remains on the buyers to be vigilant and make sure they are buying pets from reputable breeders and sellers. People breeding dogs in puppy farms are often devious and hide their practices. It is sometimes not obvious to the buyer where a dog has been bred. Breeders may not sell the dogs where they are being bred but at a meeting place, using a broker, in shops or even unregulated selling online through sites such as Gumtree and Facebook Marketplace.

In 2018, the Andrews Labor government in Victoria passed progressive legislation banning pet stores from selling puppies and kittens from breeders. The laws require dogs and cats to be sourced from approved sources, being registered pounds, animal shelters or community foster care organisations. The laws go further to limit the number of fertile females commercial breeders hold and have established a pet exchange register. This legislation is part of a broader reform agenda to ensure puppy farms are eliminated entirely within the state of Victoria.

With inconsistent laws in jurisdictions around Australia, many puppy farm breeders have fled Victoria and have begun practising in other states. After being caught several times practising illegal puppy farming in Victoria, two notorious puppy farm breeders fled from Victoria to South Australia in 2019. As banning orders and court-imposed orders issued in Victoria are not recognised interstate, these breeders were able to move to South Australia and begin breeding again.

In this extreme case, the RSPCA became involved because of the cruel mistreatment of the dogs. However, the practice of puppy farming continues in South Australia. I have been in talks with the RSPCA and the Animal Welfare League about how we can create better safeguards for puppies and dogs in our state. I intend to delve deeper into this area of legislation and address the shortfalls. This is an area of the law we must focus upon and create uniform practices across states.

BROMLEY, MR D.J.

The Hon. F. PANGALLO (15:38): I wish to raise the disturbing incarceration of an Aboriginal man who may well have set the record for the nation's longest serving Indigenous prisoner. His name is Derek John Bromley.

In April 1985, he was sentenced to life imprisonment for the 1984 murder of Stephen Docoza. That means Mr Bromley has been behind bars for 40 years. His non-parole period expired more than

13 years ago. He is still there because he has steadfastly denied the crime. Unless he admits to it to the Parole Board, he faces the prospect of dying in gaol, and he told me he is prepared to do that.

In 2018, Mr Bromley's application for leave to appeal under the new right to appeal laws was refused. Mr Bromley has always maintained it was a wrongful conviction based on what supporters say is flawed evidence by the state's then chief forensic pathologist, Dr Colin Manock. As we now know, Dr Manock has been totally discredited and found to be a fraud, as he was unqualified.

Shamefully, the powerful corridors of government knew this going back to the 1970s. Questions surround thousands of his cases. This singularly is the greatest scandal in our state's criminal justice history. The fact it has been ignored by successive governments, jurists and integrity agencies alone warrants a royal commission. Of course, they will not go there because it would open up a Pandora's box of corruption never before seen in this country. Here is what the Attorney-General had to say in 2018 about Dr Manock over the Henry Keogh case, and I quote:

> Colin Manock…was the pathologist, discredited in this matter and perhaps thousands of cases that he did post mortems on from 1968 when he was employed as the director, up until about the mid 90s…

Dr Derrick Pounder, one of the world's leading forensic scientists, told me, in relation to evidence Manock presented at the Keogh murder trial, and I quote:

> The breadth and depth of critical misinformation within the autopsy report is shocking. Some misinformation is such that it is potentially open to an allegation of deliberate misrepresentation, as opposed to simple error or error based upon incompetence.

He says, 'As a professional forensic pathologist, I remain deeply troubled by it.' His comments are backed up by another eminent forensic pathologist, Dr Byron Collins, who worked with Dr Manock. He told me the quality of his work was so bad that there was a very real potential for severe compromise of the investigative and judicial processes.

There were also the scathing findings of an inquest in the nineties into the deaths of three babies, known as the 'baby deaths case'. Dr Manock attributed the deaths to bronchial pneumonia. The Coroner found no trace of bronchial pneumonia. One of them, Joshua Nottle, suffered violent injuries that were the likely cause of death, yet it was never investigated.

'Why?', I ask the current police commissioner. If police can investigate historical sex abuse cases, why not this equally serious matter of potential infant homicide? The baby deaths and Dr Manock will be the subject of an Australian crime investigation program to be aired on national television by Channel 9 next month. I hope it once more pries open the shocking scandal nobody wants to touch.

But back to Mr Bromley. I visited him in Cadell prison last year. He is an amiable, knockabout fellow who is quite articulate, well-read and intelligent, a man of strong principle that is to be admired. He is well liked by fellow prisoners and the guards at Cadell, who say he is an example of the model prisoner. Interstate silks are now preparing a High Court appeal. Mr Bromley supporters have also been trying to raise his case with state and federal politicians.

When highly respected miscarriages of justice campaigner Dr Robert Moles spoke to the adviser of a senior federal politician about Mr Bromley's situation, he was told politicians would more likely support the concerns about the baby deaths and saw no political advantage in supporting the wrongful conviction of an Aboriginal man who has been imprisoned for so long.

So what hope does Mr Bromley have? His lawyers have written to the DPP to ask where he stands on this issue. If a sensible approach is taken, then a further referral to the Court of Appeal to overturn the conviction would be a better option. Lord Igor Judge, Lord Chief Justice of England and Wales, told a justice conference in Sydney that the possible conviction of an innocent person would represent a catastrophic failure of the legal system and that the giving of false or misleading evidence to secure the wrongful conviction of an innocent person amounts to 'criminal misconduct of the worst possible kind'.

DEMENTIA ACTION WEEK

The Hon. J.S. LEE (15:43): Today, I rise to speak about Dementia Action Week, which is held this week, from Monday 21 September until Sunday 27 September. It is an important initiative

of Dementia Australia. Dementia describes a collection of symptoms that are caused by disorders affecting the brain. It is not one specific disease. It affects thinking, behaviour and the ability to perform everyday tasks. Brain function is affected enough to interfere with a person's normal social and working life.

Close to half a million Australians currently live with dementia and sadly that number is expected to double in the next 25 years. Many Australians will start experiencing the impact of dementia amongst their own family and friends in the coming years.

It was reported by SBS news this week that culturally diverse Australians living with dementia are facing extra challenges. The number of Australians living with dementia from non-English-speaking backgrounds is estimated to be around one in eight or as high as one in six in Victoria. People living with dementia experience changes in how they experience the world and often in how other people relate to them.

My late grandmother was affected by dementia and therefore I have witnessed firsthand the vulnerability of someone who had dementia, and it is a topic close to my heart. My Por Por (that is what we called my grandma) was an adorable, loving grandmother. When she was in her 80s we started to notice her forgetfulness and very often she got her children mixed up with her grandchildren.

One time on a trip to Malaysia we visited Por Por and showed her a photo we had taken of her. My grandmother held the photo in her hands for a long time and she looked at it closely for a while and asked us, 'Who is that old lady in the photo?' We said, 'That's you, Por Por.' She turned around and said, 'No way. That can't be me. I am much younger and much more beautiful than that.'

Of course, instead of arguing with her, we agreed with her. Our family members changed the topic immediately and talked about the things that my grandmother wanted to talk about. Even though we may have heard her telling us the same story over 100 times, it was a way to support our grandmother through those difficult days and years until she passed away peacefully at the wonderful age of 98 years old.

I concur with the research findings by Dementia Australia that people living with dementia can continue to live active and rich lives many years after diagnosis. This was the case for my grandmother. According to the survey released by Dementia Australia this week, it is alarming that three in four Australians living with dementia said people do not keep in touch like they used to, and those with non-English-speaking backgrounds are facing additional challenges around access to information and services.

Some of the difficulties for multicultural communities include the lack of understanding of the disease and the support services that are available. Some languages do not even have a word for dementia. Additionally, many people from a CALD background revert to their language of origin or mother tongue as their dementia progresses, and this can leave them to be misunderstood by carers and even their own families.

I am pleased to inform honourable members that Dementia Australia has fact sheets and resources available on their website in 43 languages to assist CALD community members to understand the disease. I am grateful and thank Dementia Australia for providing wonderful support services that are linguistically and culturally sensitive to address the unique needs of people from diverse cultural and linguistic backgrounds living with dementia.

The recent survey also revealed that almost two in three respondents say people that they know have been avoiding or excluding them. So in this Dementia Action Week, I ask our community and our world to continue to be open to people living with dementia, with the theme of action week being 'A little support makes a lot of difference'.

INTERNATIONAL STUDENTS AND TEMPORARY VISA HOLDERS

The Hon. R.P. WORTLEY (15:48): I rise to bring attention to the plight of international students and temporary visa holders who have been left abandoned as a result of callous federal government policy. Last Thursday, Mental Health Commissioner David Kelly raised serious concerns about our COVID-19 mental health response, including a lack of support for international students, people from culturally diverse backgrounds and migrants coping with language barriers.

These visitors to Australia who have contributed to our economy, often for very meagre wages, have been left out of these assistant packages designed to help people navigate their way through lockdowns, shutdowns and massive job losses. These are people we welcome in better times and we are more than happy to have them do the tough and often unrewarding jobs. The government is also happy for them to contribute to our economy through a range of taxes, including the GST.

Many of these jobs are linked to the events, entertainment or hospitality industries that have been shut down during COVID-19 restrictions. Welfare payments helping Australians through these difficult times are often not available to these students and to people on temporary visas. Temporary visa holders have been ignored in the federal government's $130 billion support package to get us through COVID restrictions.

Federal minister and deputy Senate leader the Hon. Kristina Keneally, shadow minister for immigration and citizenship, wrote to the federal government imploring them to extend these packages to people on temporary visas, only to be totally ignored.

The argument could be made that these people are not Australian citizens, but they have been working here and helping our economy as both workers and spenders. But even if they hadn't been significant contributors to our economy—which most are—does that really matter? Where is the humanity in this approach? We cannot stand by and simply allow people to lose their jobs and, unable to return to their home countries, to effectively remain stranded, sometimes homeless and starving, during these most trying of times.

If they had the opportunity to return to their home countries, almost certainly they would be paying premium prices. I have heard of many cases where a flight that once cost $1,000 now costs as much as $4,000 one way. So these people cannot go home, cannot afford to pay rent, and some are eating only because food centres are not discriminating against them. The federal government could learn something from these service providers.

International students are sometimes in an even more precarious position. They are losing the work they do while studying and also have the added burden of still having to pay their course fees, many of which have not been adjusted despite the courses being reduced or done online because the usual facilities are not available.

New Zealand and Canada, countries we often align ourselves with on social and humanitarian matters, have both done a lot more than we have to assist people in similar circumstances. Both nations have extended wage subsidies to temporary visa holders. We pride ourselves on being a fair go nation, but our government has washed its hands of these visitors because they are not Australian citizens.

Curiously, the JobKeeper wage subsidy was available to New Zealanders living here who were unable to apply for Centrelink payments from the outset but not to other visitors. I am not sure what message to take out of that. Is the government saying some visitors are more worthy than others? These people we have welcomed on visas are good enough to work here and spend their money here, but when times get tough we have just left them out in the cold—literally out in the cold.

A recent study by the University of Technology, Sydney, found that up to one in seven international students were now homeless through the impact of COVID-19 and lack of support. We have courted international students, built an economic model around attracting them and deserted them when times have got tough.

These international students contribute billions of dollars in fees in this country, they spend billions of dollars in rents and living expenses, and many of these people will actually become Australian citizens eventually. Is this the way we want to treat our future Australian citizens? If this is an oversight, it is a shocking one and needs to be corrected immediately. If it is a deliberate decision on the behalf of this government, it is a blight on Australia's sense of fairness.

ENERGY POLICY

The Hon. T.A. FRANKS (15:53): I rise today to speak about the Prime Minister's recently delivered energy address, something that, as *The Saturday Paper* noted, in almost 5,000 words

made 49 references to gas, six references to coal but not a single mention of the terms 'climate change', 'global warming' or 'greenhouse effect'. There was one reference to the global environment, but that was related to the strategic and economic environment.

Our Prime Minister did make 14 mentions of renewable energy but only in the context of perceived problems associated with integrating renewables into the electricity grid, as he saw it. This is, of course, the Prime Minister who, prior to his elevation, was the man who took a lump of coal into our federal parliament, stating that we should not be scared of it. Well, I, for one, am very scared of what this Prime Minister has in store for us.

The Prime Minister has declared that gas will play a significant role in Australia's recovery after the economic shock of our pandemic. Indeed, he has flagged that should no private industry step up, potential government leadership and involvement to create a gas plant will be something that the Prime Minister will then bring in to the federal parliament. He has announced in his so-called gas-led economic recovery plan that, instead of investing in our communities and instead of investing in renewables, he is planning to hand out millions in taxpayer dollars to a dirty gas industry.

That is our Prime Minister's energy road map. It is a road map akin to the final scene of *Thelma & Louise*. It is a road map that will drive us straight off a climate cliff. It is a road map that locks climate-cooking gas into our energy grid for more decades and delays our transition to renewable energy. It is a road map that is vested in supporting continued fossil fuels. It is risky and reckless and it will have that same terrible ending that the *Thelma & Louise* movie certainly did.

I have to say that the Prime Minister found a strange bedfellow in the Leader of the Opposition. The leader of the Labor opposition, Anthony Albanese, was cautious in his criticism of the Prime Minister's plan and stated, 'No-one is opposed to new gas if the investment is made there.' Not only, of course, did the Greens take issue with that, but I think the Leader of the Opposition found that many in his own party took issue with that.

I note that while the Greens remain steadfastly opposed to investment in new gas and a so-called gas-led road detour, which will take us off the path to a renewables recovery, we are not alone. Indeed, renewables are popular across gender, age and voting demographics. It is no surprise to learn that the Greens voters, at 78 per cent, are supportive of that renewables road map rather than a gas-led detour, but Labor comes in at the same amount—also 78 per cent—and support amongst Coalition voters actually already stands at 60 per cent. As they understand the dirty lie they have been told of the fairy tale of this fossil fuel somehow being an appropriate detour on our road to recovery, that number will only rise.

Prime Minister Morrison is not doing this because it is popular. He is not doing it because it is supported by the science. He is not doing it because the economics stand up. Indeed, for a prime minister of a Coalition government to say that the government will create this gas-led recovery if the private sector does not step up beggars belief of what the Coalition stands for at all if they are going to intervene in terms of where the private sector is already putting their money—that is, with renewables. The punters smell a rat. This gas policy stinks and, indeed, nobody is buying what this Prime Minister has to sell.

Motions

SUICIDE PREVENTION

The Hon. K.J. MAHER (Leader of the Opposition) (15:59): I move:

That this council—

1. Notes that 10 September is R U OK? Day;

2. Notes that 10 September is also World Suicide Prevention Day;

3. Congratulates the Hon. John Dawkins MLC for being awarded a Lifetime Achievement Award by Suicide Prevention Australia on 10 September 2020;

4. Notes the award nomination citation:

> 'The Hon. John Dawkins MLC: for his work advocating for suicide prevention in the South Australian Parliament. Mr Dawkins is the state's first Premier's Advocate for Suicide Prevention, and advocated for funding that led to the development of the 2017-21 State

> Suicide Prevention Plan, and the State Mental Health Services Plan 2020-25. John has also advocated for a suicide register, a Suicide Prevention Council, training programs and the development of State Suicide Prevention Networks';

5. Notes the award statement from Suicide Prevention Australia:

> 'Suicide Prevention Australia is delighted to announce the Hon. John Dawkins MLC as the recipient of the 2020 Lifetime Achievement Award. The Lifetime Achievement Award is the highest of accolades for outstanding and sustained contribution to the suicide prevention sector';

6. Notes comments about the Hon. John Dawkins MLC by the federal Minister for Health, the Hon. Greg Hunt MP, who presented the award:

> 'You're giving people help, you're giving people support and you're giving people a sense that their lives matter…well done, John';

7. Acknowledges the Hon. John Dawkins MLC for his lifelong commitment to suicide prevention;

8. Acknowledges that the Hon. John Dawkins MLC has worked closely with, and been supported by, both Liberal and Labor governments in his work on suicide prevention, in particular the establishment of suicide prevention networks in South Australia; and

9. Reiterates its gratitude to the Hon. John Dawkins MLC regarding his leadership, advocacy and commitment to suicide prevention.

This is a very important motion. It recognises that 10 September, in the last sitting week, was R U OK? Day and also World Suicide Prevention Day. Around 3,000 Australians die from suicide every year. It is the 14th most common cause of death, and also accounts for the highest number of potential life years lost.

The 20 most common causes of death all have a median mortality age in the 70s and 80s—all of them except suicide, where the median age is just 44, around half of that for the other top 19 causes of death. Whilst we rightly invest large sums into areas such as roads and road safety, the fact is that suicide kills twice as many people as road fatalities. Suicide also affects different groups in our society more than others. Its prevalence is three times higher amongst men than women, and it is the highest cause of death for Aboriginal children. Despite all of this, the most important thing to acknowledge is that suicide is so often preventable.

World Suicide Prevention Day was held on 10 September 2020 and is organised by the International Association for Suicide Prevention. The World Health Organization is a co-sponsor of the day, the purpose of which is to raise awareness around the globe that suicide can be prevented. In past years, over 300 activities in about 70 countries were involved in the International Association for Suicide Prevention. These included educational and commemorative events, press briefings and conferences, as well as social media coverage.

Another important aspect of the day that also occurred on 10 September is R U OK? Day. It began with Barry Larkin, and has been continuing since it started a number of years ago. R U OK?'s vision is a world where we are all connected and protected from suicide. Its mission is to inspire and empower everyone to meaningfully connect with people around them and to support anyone struggling with life. It would certainly be a good thing for members of this chamber to adopt the mission and the vision of R U OK? Day as much as possible in their daily life.

I would also like to briefly reflect on the history of Suicide Prevention Australia, which recently awarded the President of this chamber, the Hon. John Dawkins, a lifetime achievement award. In 1992, suicide prevention advocate Alan Staines returned from an international conference with a plan to establish Australia's first national voice for suicide and suicide prevention.

Today, Suicide Prevention Australia is the peak body for suicide prevention and represents over 240 members and associates. The organisation works to build a stronger suicide prevention sector, a more aware and engaged community, and a more effective regulatory and funding environment. It does this through a range of conferences, research grants, and its suicide prevention quality improvement program. It raises funds to support policy development and advocacy.

A key part of this motion is to recognise that the President of this chamber, the Hon. John Dawkins, was recently recognised by Suicide Prevention Australia with a lifetime achievement award.

This is well-deserved, and it is important that this chamber pauses to recognise this. For many people, personal experience often sparks unshakeable and lifelong commitments to causes and I know, from having spoken to the President of this chamber, that in the early 2000s the President was deeply affected by two farmers who took their own lives. Many will remember the Millennium Drought that wrought devastation on rural communities and saw many farmers who had not otherwise experienced it fall into high levels of debt—some, for the very first time, into any level of debt.

The President, through his work with rural organisations, knew of a group in Tasmania with an interest in suicide prevention and taking local action. He helped facilitate their involvement in South Australia, which led to work with councils, particularly on Eyre Peninsula and in the Riverland. Since that time, I congratulate the President for being instrumental in encouraging the established networks. Today, there are around 40 local suicide prevention networks that have operated in South Australia. As we know, the President of the chamber, the Hon. John Dawkins, was first appointed as a shadow parliamentary secretary for suicide prevention in 2012. That gave him the opportunity to contribute to the state's first suicide prevention plan and work with local prevention networks.

More recently, we saw the release of the 2017-2021 SA Suicide Prevention Plan, and $150,000 each year has been provided by the Suicide Prevention Community Grants scheme. In 2018, the Hon. John Dawkins was appointed as the first ever Premier's Advocate for Suicide Prevention, which gave him a platform to continue to work tirelessly in this area. Quite rightly, for the work that he has done, he is now the recipient of a Lifetime Achievement Award from Suicide Prevention Australia and has been lauded by the federal Minister for Health for his work.

Many of us spend our time in parliament advocating for many causes, but it is not often that one will leave this chamber being remembered especially for actually having made a difference in an area that you hold dear, and that is something I congratulate the President on doing. I think he will be pleased to be remembered, if not for many other things, for his lasting and enduring contribution to that cause in his time in this place. I congratulate the President on the recognition of the work he has done and note the importance of R U OK? Day and World Suicide Prevention Day on 10 September.

Debate adjourned on motion of Hon. N.J. Centofanti.

Bills

WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:06): Obtained leave and introduced a bill for an act to amend the Work Health and Safety Act 2012. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:07): I move:

That this bill be now read a second time.

Today, I rise to reintroduce the Greens' Work Health and Safety (Industrial Manslaughter) Amendment Bill. This bill creates a new offence in South Australia of industrial manslaughter. It seeks to capture a very small minority of employers who cruelly and unnecessarily risk the safety of their employees. Putting workers' lives at risk for the sake of cost cutting is unacceptable, and the statistics speak for themselves.

It is no coincidence that I bring this legislation back before the parliament today just prior to Labour Day, a day where we commemorate the achievements of the Australian labour movement and recognise workers' contributions towards the nation's economy and social fabric. It is supposed to be a day where we celebrate the hard-won right to eight hours of work, eight hours of rest and eight hours of play. But what happens when those eight hours of work are deadly due to the negligence of one's employer?

We need to have higher penalties in our workplace laws to deter negligent employers. South Australia needs industrial relations laws to protect workers and their rights so that they cannot

just feel but be safe in dangerous workplaces. Australian workers provide an invaluable service and they deserve to have the highest legislative safeguards.

The Greens have introduced this legislation three times before in this parliament. During the 2018 state election, the Labor Party, I reflect, committed to industrial manslaughter laws that are at least as strong as those in Queensland. We will be holding them accountable to that promise. Since the last time we debated this bill, the penalties have been updated to better reflect the legislation in Queensland.

This bill introduces important reforms to improve the safety of workplaces in our state through the principle of corporate criminal responsibility. The primary objective of this bill is to ensure that culpable employers are held responsible for their actions. The offence of industrial manslaughter covers the situation where an individual or corporation's conduct causes the death of a worker, where that individual or corporation's recklessness or negligence caused serious harm and death to that worker.

Under this bill, an employer would be found guilty of an offence if the employer breaches their duty of care, the employer knew or was recklessly indifferent that the act or omission constituting the breach would create substantial risk of serious harm to a person, and the breach causes the death of a person.

Companies and employers must do everything they reasonably can to prevent workplace injuries and deaths. Through this legislation, we seek to ensure that culpable employers are held responsible for the deaths they cause if they act in a reckless or negligent manner. If they do not take responsibility for the safety of their workers, then penalties will and should apply. The penalties in this bill are high, but I note that they are not the highest in the country. The Greens simply want to ensure that employers are taking their duty of care to their employees most seriously.

Every single workplace death is profound. Each one is its own tragedy that will affect the lives of many others forever. If an employer is negligent or recklessly indifferent to exposing workers to serious risk to their safety and someone dies as a consequence of that, this should be recognised by our law as a criminal offence. Such an offence is not unprecedented and exists in many other legislatures, such as Queensland most recently, previously the ACT and, as I have often noted, the United Kingdom.

As lawmakers, it is our responsibility in this place to ensure that employers have a genuine incentive to provide a safe workplace. We have so many carrots in our system and we do need a few sticks as well. Everyone should be safe at work. Everyone deserves to come home safe and to be protected from industrial disease or harms, but far too many do not come home, do come to harm and there is often no consequence.

So far in 2020, 110 Australian workers have been killed at work. In 2019, that number was 182, compared to 144 in 2018. All of these numbers are unacceptable, and in all of these numbers there are individual stories of tragedy, pain, loss, harm and a lack of justice. The Greens are not alone in our call for stronger workplace protections such as this one creating the industrial manslaughter offence. On 25 February last year, Safe Work Australia made public its review of Australia's occupational health and safety laws. That review was conducted by Marie Boland and it made 34 recommendations, one of which was to introduce industrial manslaughter laws across Australia.

Our own parliament has also made the same recommendations. The Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation undertook an inquiry into the law and processes relating to workplace injuries and death in South Australia. In that inquiry, the committee gave close attention to the offence of industrial manslaughter. It found, based on the evidence presented the committee, that an offence of industrial manslaughter should be introduced in this state.

Recommendation 20 as part of that report was that, 'South Australia introduce an offence of industrial manslaughter.' That was way back in 2007, yet here we are and we still do not have an offence of industrial manslaughter. We need to stop dragging our heels. Our South Australian

workers deserve better. Every worker deserves to come home safe. If they do not, their families and their loved ones deserve justice. With that, I commend the bill to the council.

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

RESIDENTIAL TENANCIES (RENTING WITH PETS) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:14): Obtained leave and introduced a bill for an act to amend the Residential Tenancies Act 1995. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:14): I move:

That this bill be now read a second time.

Today, 23 September, is Dogs in Politics Day, a tradition that goes back to 1952, which is a fitting day to reintroduce the Greens' renting with pets bill. As I outlined in my second reading explanation on the 2019 bill last October, this bill addresses an area well overdue for reform and if passed will have a significant positive effect on many lives, both human and non-human. Australia has one of the highest rates of pet ownership in the world, with 61 per cent of Australian households having pets today, and 90 per cent of them having had pets at some time.

Many see their pets not just as companions but as treasured members of the family. They refer to their dogs and cats as their fur babies or their fur kids, which highlights the important place these pets have within families. So to be told by a landlord that you are not allowed to take your beloved pet with you to your new home is nothing less than heartbreaking. Having to abandon the family pet in order to have a place to live should not be a choice that anyone should have to make. Sadly, however, this is a reality for many South Australians.

Last October, I noted that in the 2018-19 year, 259 South Australian pets were surrendered to the RSPCA and 108 were surrendered to the Animal Welfare League simply because their owners could not find pet-friendly rental accommodation. In fact, there were more pets surrendered to animal shelters than these 367 pets because the Animal Welfare League had to divert some of the surrenders to other places while they underwent a redevelopment.

That is just the tip of the iceberg because the figure does not include the people who gave up their pet to a family member or friends, or those who surrendered their pet to a shelter other than the two main ones in Adelaide. It does not include those people who choose to live in their car rather than give up their pet, or those who move back in with their parents.

It does not include those who choose to remain in substandard rental accommodation on insecure periodic leases while they search for a better place to live that allows them to keep their pet with them. It also does not include those people experiencing domestic violence, who choose to stay in that situation in order to protect their pet because there are so few options for them to find alternate accommodation that lets them bring their pet with them.

Last Friday, *The Advertiser* reported that one of the side effects of COVID-19 is that the RSPCA has seen a surge in animal adoptions, creating a record high. The acting chief executive, Kevin Tinkler, was quoted as saying, 'Many people for the first time have discovered the benefits of having animals in their lives. Adoptions peaked in March at the height of the COVID restrictions.'

That is great news, but unfortunately it is accompanied by some bad news. Although overall fewer pets were being surrendered compared with the previous year, there was in fact an increase in the number of pets being surrendered because their owner could not find a place to rent that allowed their pet.

So while the RSPCA had 259 pets surrendered to them in the 2019 financial year because of this issue, there were 293 surrendered in the 2020 financial year—an increase of 13 per cent in one year. This is not something we can continue to ignore. The last census informed us that 28 per cent of South Australians rent their home, and this figure is growing. With an average of 61 per cent of households owning pets, a lot of South Australians are affected by this growing problem and the time has come to fix it.

Since I introduced this bill last October, the renting with pets laws in Victoria, as well as in the ACT, have come into effect. This bill is largely based on their laws. The Northern Territory also passed similar laws in February this year, but have delayed commencement due to COVID, and the Queensland government began looking at similar changes late last year. The ACT legislation was the first Australian jurisdiction to commence these new laws. The ACT laws came into effect on 1 November last year, and the Victorian legislation commenced on 1 March this year.

The very next day after the Victorian laws came into effect a Victorian couple put the new laws to the test and applied to keep their dog Rocco in their Wodonga rental home. Their landlord had decided not to consent to Rocco and applied to the Victorian Civil and Administrative Tribunal. The tribunal ruled in the tenants' favour and Rocco was allowed to live with his human companions. That was a great result for that family and I am sure we will be hearing many more good news stories like this as time goes on and more and more Australian jurisdictions get on board with this important legislative change.

A significant part of the problem, which my bill addresses, is that the default position of most residential tenancy agreements is that pets are not allowed. This bill flips that around, making it the default position that pets are allowed. There will, of course, be circumstances where keeping a certain type of pet or pets in certain types of rental premises will not be appropriate, and the bill allows for these exceptions.

However, rather than the landlord or their agent taking a blanket 'no pets' approach to residential tenancy agreements, if the landlord does not consent to the tenant's application for a pet or pets then they can apply to SACAT and SACAT will make the decision, having consideration for the circumstances in each case. The Greens believe that this is a much fairer system than the one we currently have. To fully explain how the provisions in the bill will operate, I have prepared an explanation of clauses, which I will seek later to incorporate.

In the development of the bill we consulted with Shelter SA, SACOSS, the South Australian Tenants' Information and Advisory Service, the Australian consumer advocacy organisation CHOICE, the Community Housing Council of SA, Better Renting, the RSPCA, the Real Estate Institute of South Australia, the Landlords' Association and a number of property managers. We would like to put on the record our thanks to each of these organisations and individuals who gave us their time and feedback.

In fact, the difference between this bill and the 2019 bill is in response to feedback from the Real Estate Institute, the Landlords' Association and property managers. For example, one change was to insert a new provision so that landlords can give written notice to their tenants requiring them to restrain their pets during inspections. This was raised as a health and safety issue for people conducting the inspections and it is a concern that can be easily addressed, and we have.

It is also important to acknowledge the long list of South Australians who provided us with their stories about renting with their pets. These lived experiences must be front and centre in our consideration on how we legislate to address this problem. I would like to put a few of these on the record. Diana's story goes like this:

> While my kids were growing up, we had a King Charles spaniel and we had to hide her, as most places would not allow animals. My story right now is my kids are all grown up and moved out of our family rented home. I stayed with my son for 18 months trying to find a place that would allow me to have a cat. During eight months of hard looking daily, not one came up. I would like a cat and a dog or two cats. They prolong life, they reduce stress and they have every right to have a home like humans do. There are a lot of mental health issues today and pets help to make changes in this.

Kate tells us her story:

> I'm trying to get into the rental market from my parents' family home. We are finding it extremely difficult finding a house that will even consider pets that suit us, our price and in an area that is suitable. All currently have turned us down as soon as we have said we have a golden retriever. She is family, she is my child. Other people can have their kids in a rental home, why can't I have my dog, who is my child, with me? I shouldn't have to give her up to have a roof over my head. You wouldn't abandon a child, why are people expected to abandon pets?

Maria's story:

I currently live alone and have a pet dog who I might have to give up because my lease is up in February and my rent is too high to renew. There is a serious lack of houses that are near to my work that allow pets that are at a price I can afford on my own. My other option is to try and hide my dog and risk being evicted if she was to be found, which isn't a good option either. I have a high-stress job and coming home to a pet greatly reduces that and makes my life more enjoyable.

Holly tells us:

I moved to Adelaide from the Eyre Peninsula for uni and had to leave my dog I've had for 15 years behind with my parents. My mum has since become very ill and is currently recovering from electroconvulsive therapy, so she is not always up to looking after an elderly dog at the moment. I have always struggled with depression and anxiety and my dog has been my anchor during dark times. I have recently been diagnosed with PTSD and I am desperately missing having my dog during this period of intense therapy and medication changes. She is a well-trained, elderly miniature poodle who doesn't even bark because she is deaf. I would love to be able to have grounds to negotiate with my landlord about having her live with me.

The final story I would like to tell is from Emma:

A few rentals back I was in a nice little unit in the north-eastern suburbs, great rental agent and really lovely landlords. But when I asked during my second year of renting if I could get a cat, as I was lonely and deeply missing having a pet as I had not been able to have one at my previous rental, I was told no in no uncertain terms. There was no room for negotiation or discussion. It was an absolute no, and led me to searching for a new rental that would allow a pet.

Thankfully, I've been very lucky since then to have found rentals that have allowed a pet because I honestly don't know what I would do if I had to give up my cat in order to have a home. It wouldn't feel like a home without her. I honestly don't understand why landlords are so opposed to tenants having a pet (or two), I mean, we already have to pay a substantial bond when we move in so if there was any damage it's covered.

I mentioned last year that I have a petition on my website which calls on the South Australian parliament to support laws that make pets welcome in rental properties. When I last introduced this bill, there were just over 400 signatures from South Australians. The number currently stands at over 1,300. The Greens are not alone in the campaign to make it easier for people to rent with their pets. Shelter SA has long campaigned to allow renters to have pets, as has the rental organisation Better Renting. Joel Dignam, Executive Director of Better Renting, in a media release yesterday commented that rental laws should be changed so that renters can have pets as easily as home owners. Mr Dignam said:

This proposed reform would mean that landlords would need a fair reason before they can block their tenants from having a pet. This is a positive step. If you rent your home, it's your home, and the law should reflect that.

Unsurprisingly, the RSPCA have also been calling for our laws to be reformed. In a media release yesterday, RSPCA South Australia's Animal Welfare Advocate, Dr Rebekah Eyers, commended the real estate industry for encouraging landlords to offer pet friendly properties but said that this approach had not worked. Dr Eyers said:

The only way to fix this serious human and animal welfare issue is through legal reform.

South Australia needs to catch up with modern thinking around pets in rentals, and align with Victoria, the ACT and the NT. They all have laws designed to give renters with pets greater access to secure housing.

The media release reflects on the distress experienced by RSPCA staff as well as the pet owners and the pets. It continues:

For an organisation focused on rehoming of animals to responsible owners, seeing the bonds between good owners and their pets torn apart is distressing for RSPCA staff. Cher Long, who works in the organisation's strays and surrenders area, is concerned for the emotional wellbeing of people forced to surrender animals in these circumstances.

'I can't count the number of owners I've comforted as they part with pets they adore, simply because they can't find anywhere to rent that allows animals,' Ms Long said.

'These are good people, good pet owners—yet they're being knocked back just because their family happens to include a dog or a cat. And the animals are suffering too, because they suddenly find themselves living in an unfamiliar environment without their owners.'

Pets play such an important part in our lives and have a huge positive influence. They improve our lives in so many ways. Owning a pet has been shown to have psychological benefits for child development and for adults and a positive impact on our health and wellbeing. Basically, pets make us happier and healthier. So let's change the laws to make pets welcome in South Australia. Finally,

I commend the bill to the chamber. I seek leave to include an explanation of clauses into *Hansard* without my reading it.

The PRESIDENT: Before we deal with that, the Hon. Mr Parnell, have you been fortunate enough to have the explanatory clauses drafted by parliamentary counsel?

The Hon. M.C. PARNELL: I consulted just a few minutes ago with my Chief of Staff, who advised me that she drafted them but she ran them past parliamentary counsel and they had no problem with them. It is only two pages, and I could read it.

The PRESIDENT: My advice would be that you seek leave to table the explanatory clauses rather than insert them in *Hansard*.

The Hon. M.C. PARNELL: I seek leave to table the explanation of clauses.

Leave granted.

Debate adjourned on motion of Hon. N.J. Centofanti.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (REGULATED TREES) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:29): Obtained leave and introduced a bill for an act to amend the Planning, Development and Infrastructure Act 2016 and to make a related amendment to the Development Act 1993. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:30): I move:

That this bill be now read a second time.

This is a simple bill that it is virtually identical to one that passed the Legislative Council back in 2017. It seeks to bring some common sense to the law around significant trees in South Australia. In a nutshell, the purpose of this bill is to prevent the unnecessary or premature removal of regulated or significant trees.

The catalyst for the bill last time was the removal of a large number of significant trees from the site of the former Glenside Hospital. The developer in that case was so keen to have a clear slate to work from that they applied and were granted permission to clear 83 regulated trees even though they did not have any firm plans for the housing estate they wanted to build. As a result, it was impossible to know whether or not some of those trees could have been saved and incorporated into the development.

It makes much more sense to consider these matters holistically; in other words, deal with the tree removal application at the same time as the application to build the new housing. The operative provisions of this bill are that a significant or regulated tree removal application cannot be granted unless the replacement use or the replacement buildings have also been approved. It is that simple. No more clearing of significant trees and then worrying about what to replace them with later. The two decisions need to be dealt with together or the tree decision must be made after the building decision and not before.

The current situation is very poor planning practice and it brings the whole system into disrepute. I will add that there is one clear exception that we need to consider that is included in this bill, and that is the situation where a tree needs to be removed because it is dangerous. We know that as trees get older they can shed branches, they can become unstable and they may need to be removed to protect public safety or to protect buildings.

In those situations, of course an approval can be given because it is not a case of the tree being in the way of future development, it is a case of the tree being dangerous, which is why it needs to be removed. Back in 2017 when this bill was put to a vote, the Liberal Party supported it. The Hon. Michelle Lensink on behalf of the Liberal Party called it 'a sensible proposal' and therefore her party supported it.

Members can check the *Hansard* on 1 November 2017 if they like, which will confirm that the bill passed the Legislative Council with majority support including the Liberal Party. But the then Labor government did not support it. To be honest, I do not think they understood it. The Hon. Justin Hanson was rolled out by the Labor Party, although sacrificed might be a better word, to make one of his more memorable contributions. The honourable member delivered a second reading speech for the ages that will no doubt be regarded as one of his career highlights. He said:

> This issue has been the subject of considerable debate and the government believes we have the balance right as it stands, so we will not be supporting this particular bill.

That is it, a very succinct second reading speech. I am not going to hold the Labor Party to that position because now the Labor Party is unencumbered by ministerial responsibility they will be able to actually read the bill and have a look at it with fresh eyes. I also do not hold the Hon. Justin Hanson personally responsible as I expect he just got a text message from the Attorney-General saying, 'Just oppose it without offering any sensible argument.'

I am bringing this bill back now and I expect that this time the 'sensible measure' as the Hon. Michelle Lensink described it, should pass both houses of parliament. I commend the bill to the chamber.

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

Motions

JUSTICE REFORM INITIATIVE

The Hon. M.C. PARNELL (16:34): I move:

That this council—

1. Notes—

   (a) the launch this month of a new law reform campaign known as the Justice Reform Initiative;

   (b) that more than 100 eminent Australians, across all sectors of society and across political party lines, have joined their voice to the cause of ending Australia's dangerously high reliance on gaols and urging governments to focus instead on more effective alternatives to incarceration;

   (c) that Australia's prison population has grown to more than 43,000—up from under 30,000 only eight years ago—and that this comes with a $3.6 billion price tag to Australian taxpayers every year; and

   (d) that, despite clear evidence pointing to the harm done to the individual and the community by incarceration, we still put people in gaol for relatively trivial offences.

2. Calls on all members of parliament to read the Justice Reform Initiative's briefing note entitled 'The state of the incarceration nation—a briefing to Australia's members of parliament' and to keep an open mind to the evidence with a view to reforming the criminal justice system to minimise repeat offending, better look after the victims of crime and ultimately make our communities safer and stronger.

I have introduced this motion today to support the work of the Justice Reform Initiative. The Justice Reform Initiative is an alliance of people from across the political spectrum who share a longstanding professional experience or knowledge of the justice system and believe that there is an urgent need to reduce the number of people in Australian gaols. The objective of the project is to present a strong, evidence-based case for law reform to state and federal governments. That evidence shows that current approaches and the current trajectory are leaving a very real toll on people and communities.

The Justice Reform Initiative is supported by more than 100 of our most eminent Australians, including two former governors-general, former members of parliament from all sides of politics, academics, respected Aboriginal leaders and former senior judges, including High Court justices. I am not going to read a list of 100 names, but just to give the council a flavour of the calibre of the people who are behind this campaign I will point out that the two co-patrons in chief are the Hon. Sir William Deane, former High Court Justice and former Governor-General of Australia, and the Hon. Dame Quentin Bryce, former Governor-General of Australia.

The initiative has a number of national patrons, including the Hon. Elizabeth Evatt, former Chief Justice of the Family Court of Australia; the Hon. Mary Gaudron, former Justice of the High Court; the Hon. Michael Kirby, again of the High Court; Dr Jackie Huggins, the former Co-Chair of Reconciliation Australia; Professor Patrick McGorry; Arthur Moses; and Mick Palmer. These are all names that are household names of eminent Australians.

The initiative further has a list of South Australian patrons. I think it is important, in the South Australian parliament, to just quickly read this list to you, in alphabetical order: the Hon. Rev. Dr Lynn Arnold, former Premier of South Australia; Dr Andrew Cannon, former Deputy Chief Magistrate; the Hon. Robert Hill, former federal minister and former Australian Permanent Representative to the United Nations; the Hon. Dr Robyn Layton, former Supreme Court Judge; Professor Rick Sarre, former head of the School of Law at the University of South Australia; and the Hon. Chris Sumner, South Australia's longest serving Attorney-General.

I had not seen him for many, many years, and he popped into the Legislative Council today just to check that we were still conducting ourselves appropriately. I took the opportunity to say to him that I would be mentioning his name in the course of a speech this afternoon and he reaffirmed how important this campaign is. The final patron—and I will be criticised if I leave it off—is Penny Wright, former Senator and current SA Guardian for Children and Young People. Each state has 10 or a dozen patrons and they are all people of similar calibre.

The catchcry of the Justice Reform Initiative is 'Gaoling is failing'. Past governments of both political persuasions have been responsible for more than doubling the Australian gaol population over recent decades. The Australian imprisonment rate per 100,000 of adult population more than tripled, from 66 in 1985 to 223 in 2019.

What these statistics tell us is that it is now time to critically examine whether there is a better way. This examination is not something that is unique to Australia. Another country that is an outlier, like Australia, in terms of incarceration rates is the US. In many parts of the United States, Democrats and Republicans are learning to work together to support alternatives to incarceration. I have spoken in this place before about the Justice Reinvestment strategy that saw legislators in states like Texas come to the conclusion that building more and bigger gaols was not the answer and was also really expensive.

In Australia, even the Institute of Public Affairs is now coming around to the same conclusion, not because they are a bastion of lefty progressives but because they know how to count money. They are not an organisation that I often quote, but the IPA found in its 2017 justice project that Australia has the fifth most expensive prisons in the OECD and the seventh fastest prison spending growth in the OECD.

My motion urges all members of parliament to read the Justice Reform Initiative's briefing note to Australian MPs entitled, 'The state of the incarceration nation'. That report provides clear evidence that gaoling is failing. It is failing as a deterrent, it is failing victims of crime, it is failing the most disadvantaged, it is failing Indigenous Australians, it is failing people with mental illness or cognitive disability, it is failing women, it is failing young Australians, it is failing in terms of rehabilitation and it is failing Australian taxpayers. I would like to explore each of these points very briefly.

Gaoling is failing as a deterrent. The evidence is that rates of reoffending are actually increasing. Only one-quarter of inmates are entering adult prison for the first time and more than half return within two years. Overcrowding is making it difficult to provide proper training and support programs to help people leaving gaol from reoffending and can actually make them more likely to commit further crimes. The Justice Reform Initiative's briefing paper provides all the statistics members need to show how the revolving door of prison is working in practice.

Gaoling is also failing the victims of crime. This might seem counterintuitive but victims of crime often say that they are not helped by the tough on crime rhetoric. They say, to the contrary, that they are helped when they witness the introduction of programs that address the causes of offending. There is strong support amongst victims for innovative strategies of restorative justice that help prevent reoffending.

Gaoling is failing the most disadvantaged. The number of people in prison has increased by nearly 50 per cent since the year 2000. Statistics show quite clearly that people from disadvantaged or marginalised groups are far more likely to come into contact with police. Intergenerational poverty and lack of education and opportunity cause more and more young people from these communities to turn to crime. Incarceration at such an early age is habit forming.

Gaoling is failing Indigenous Australians. In 2018, Aboriginal and Torres Strait Islander people accounted for 3 per cent of the total population but 28 per cent of the adult prison population. An even grimmer statistic is that only 5 per cent of young people aged between 10 and 17 are Aboriginal and Torres Strait Islander people but they represent 59 per cent of young people in detention.

It is nearly 30 years since the Royal Commission into Aboriginal Deaths in Custody. Although governments accepted almost all of the commission's recommendations, many of them, such as imprisonment being a last resort, have not been implemented. Governments have also failed to adequately address the underlying systemic issues, which the royal commission identified as the cause of the disproportionate rate of Indigenous incarceration.

Gaoling is failing people with mental illness or cognitive disability. The proportion of offenders with a history of mental illness is over 50 per cent and that figure is even higher for young people in custody. Almost 90 per cent of young people in custody have a past or present psychological disorder.

The estimates of prisoners with intellectual disability or borderline intellectual disability are as high as 20 per cent. All these people have limited access to appropriate mental health or other critical support while they are in prison and most will be released back into the community in a relatively short period of time. In New South Wales, for example, over 20,000 people are released from prison every year.

Gaoling is failing women. The fastest growing cohort of Australia's prison population is women and a disproportionate number of those women are Aboriginal or Torres Strait Islander. Most have committed non-violent offences and many are themselves victims of horrific domestic abuse. One immediate consequence of incarcerating these women is that they are separated from their children, who are thereby made victims of the same systemic failure.

Gaoling is failing our young Australians. Sadly, most of the young people in Australia's juvenile justice system come from backgrounds where they have already often suffered from severe neglect or abuse and/or had been placed in out-of-home care. This was clearly demonstrated by the royal commission into the Don Dale centre in the Northern Territory. The children in these centres, who can be as young as 10, have often had the hardest of young lives and they need family and community support, education and life opportunities, rather than being locked up.

Gaoling is also failing in terms of rehabilitation. It is in the interests of everybody in the community that repeat offending be radically reduced by transformational community programs that improve pathways for people as they leave prison, including through access to education, training, genuine work opportunities and by addressing homelessness.

Sadly, under current arrangements, in every part of Australia these critical community and support programs are not operating effectively, if at all. One corrective services commissioner has confirmed that 70 per cent of the prison population is functionally illiterate. Short-term prisoners, including those on remand, are mostly not eligible for such programs in any event.

Finally, gaoling is failing Australian taxpayers. Australia now imprisons more people than at any time since 1900 in both total numbers and per capita, the cost exceeding $3.6 billion annually or $110,000 per prisoner per year. Our incarceration rate is above all Western European countries and Canada, among many other countries. Sadly, instead of reducing crime it has led only to higher rates of reoffending.

Successful multipartisan reform initiatives internationally show us that there is another way, and it is time for governments to listen and accept the evidence for reform. It is time to admit that whichever way we look at it, gaoling is failing. Of course, that is not to say we will never need gaols,

or to deny that some crimes are so abhorrent that society will demand incarceration—often for a very long time.

I would be happy to see Brenton Tarrant, the Christchurch mosque mass murderer, remain in gaol until he dies. That was his sentence, life without parole; the only person to have received that sentence in New Zealand. I think that reflects community standards.

However, the explosion of prisoner numbers in Australia has not been caused by a spike in mass murderers, or even violent crimes in general, it is overwhelmingly people for whom other options should be available, and would be available if we took seriously what these 100 eminent Australians are saying to us.

The last thing I want to say is that the timing of this motion, on the same day we are debating yet another two bills designed to keep more people incarcerated for longer, shows that we do have a long way to go. The law and order auction, the contest to see who can be the toughest on crime, has got us precisely to where we are today. Now is the time to hit the reset button.

I urge Liberal and Labor members, in particular, to listen to the elder statespersons in their parties and heed the lessons from their experience. I commend the motion to the house.

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

PLANNING REGULATIONS

Adjourned debate on motion of Hon. M.C. Parnell:

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

(Continued from 9 September 2020.)

The Hon. C.M. SCRIVEN (16:47): I do have a feeling of déjà vu, and I am sure I am not the only one in this chamber who does. I should mention that I am the lead speaker for the opposition in support of this item.

We have seen this come here a number of times now and I suspect we may continue to see it come here a number of times, and I note that the Hon. Mr Parnell indicated that is indeed the case. However, we know that not everyone is such an avid follower of *Hansard* as we are, so I will again put on the record a number of points.

Labour supports this motion to disallow the general regulations made under the Planning, Development and Infrastructure Act 2016 made on 23 July 2020 and laid on the table of this council on 8 September 2020. We support the disallowance because these regulations would allow the Minister for Planning to use funds from the Planning and Development Fund to prop up failed planning reforms.

As we have said before, under the Planning, Development and Infrastructure Act 2016 applicants who create new developments are required to pay into the Planning and Development Fund. They pay in moneys to enable projects to be undertaken to improve the public realm. Money paid into the fund is derived from cash payments in lieu of open space for development, involving the division of land into less than 20 allotments and strata and community titles.

The key point is that the fund is for projects to make streets and suburbs more liveable by developing reserves, planting trees, constructing water-harvesting projects and building playgrounds, to name a few. Instead, this government wants this money to be diverted to prop up the mismanaged planning reforms and ePlanning system.

So far, that reform process has been plagued by a series of crises that has led to massive staff resignations, missed deadlines and massive budget blowouts, so it is not surprising that the Marshall Liberal government wants to cover up its failure and is trying to raid other budget lines such as this one. But in this case the fund is designed to improve the quality and the amenity of our communities. These funds are to improve the conservation, enhancement and enjoyment of public open spaces and to provide communities access to quality, green public open space for positive health and wellbeing outcomes. It should not be plundered.

The Hon. Mr Parnell reflected in a very timely way on how much COVID-19 and restrictions that have been placed upon us have made these open spaces, these green spaces, even more important and even more appreciated by members of our state. Certainly, I have heard a number of people who live in the city talking about how, for the first time in some cases, it has really been brought home to them, either where there is a lack of public green space or, where it exists, how important it is to them and how much of a difference it has made during the months that we have been dealing with COVID-19.

Labor will not allow the open space fund to be plundered by the planning minister to prop up the budget shortfall in the development and implementation of the planning code. We do not want to see that happen and that is why we will yet again support this disallowance.

The Hon. R.I. LUCAS (Treasurer) (16:51): I rise on behalf of government members to oppose the motion. The proposed motion to disallow the regulations will throw away regulations critical to the operation of the state's planning system. The regulations commenced operation in regional areas of the state on 31 July 2020, and will apply to the whole of South Australia at the commencement of phase 3 of the Planning and Design Code.

The regulations build on the initial set of general regulations also disallowed through a motion of the Hon. Mr Parnell on 4 December 2019. Whilst largely procedural or technical in nature they, importantly, prescribe additional referral bodies to a line of policy contained in phase 2 of the Planning and Design Code, correction of procedural gaps and correcting references to specific code provisions. In effect, these regulations make the system work as intended.

It is noted that Mr Parnell is particularly concerned with variation 25 relating to the Planning and Development Fund. Regarding that fund, $25 million has been allocated to a diverse range of projects, from playgrounds, biodiversity trails, main street and Linear Park upgrades. There are a number of beneficiaries to the new planning and development system, including the general community, development industry, local councils and the state generally. As such, the funding strategy of the program always included a contribution from the Planning and Development Fund. This was a decision of the previous government.

Members would be aware that the Planning and Development Fund can be used for a range of purposes as set out in section 195 of the Planning, Development and Infrastructure Act 2016. The act envisages regulations that set out additional circumstances in which the fund can be used. The variation regulation ensures that a portion of the fund can be used to ensure the critical elements required for the implementation of the act to be developed on time, ensuring that all South Australians gain the benefit of a new and more efficient planning system.

These regulations are sound and are based on extensive consultation, particularly with government agencies. They ensure the development assessment system is now a comprehensive and efficient system which seeks to benefit all users across South Australia. For those reasons, I am advised by the minister that the government opposes the motion.

The Hon. J.A. DARLEY (16:53): For the record, I will be supporting this motion.

The Hon. F. PANGALLO (16:53): SA-Best will be supporting the motion.

The Hon. M.C. PARNELL (16:53): Can I first thank the Hon. Clare Scriven and the Treasurer for their contributions, and also my crossbench colleagues. We do not need to spend a long time on this, it is exactly the same disallowance motion that has previously passed this council. The message for the government is very clear: the open space fund should not be raided for administrative purposes.

Since we last disallowed these regulations we have had a change in minister. I did reach out to the new minister and I keep that offer on the table. The Treasurer has pointed out that there are a number of things the government believes will be bad outcomes if the whole of these regulations are disallowed. I would again remind the chamber that it is the only tool we have. We cannot pick and choose which bits of the regulations to disallow; it is all or nothing.

My invitation to the government is very clear: bring these regulations back, by all means, but not with regulation 25 that allows for the raiding of the open space fund. Take that out, and I think

you will find that the regulations will pass through this chamber uncontested. With those brief words, I look forward to the ongoing support of this council in again disallowing these regulations.

Motion carried.

PARLIAMENT WORKPLACE CULTURE REVIEW

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

That this council—

1. Notes that on 19 February 2020 this council resolved that the President invite the SA Equal Opportunity Commissioner to make recommendations for reforms to facilitate the handling of harassment in this parliamentary workplace;

2. Acknowledges the resultant offer from the Equal Opportunity Commissioner in her correspondence of 13 March 2020 that was tabled on 24 March 2020 and outlined a proposal for a four-month review process of the workplace culture of the South Australian parliament;

3. Notes that the date in the proposal offer for a review to have been undertaken and reported back to the parliament was 31 August 2020, so this project has not only not yet been initiated but its original completion date has now passed; and

4. Requests the President urgently progress this SA parliament workplace cultural review project under the auspices of the Equal Opportunity Commissioner, with a view that it report back no later than the first sitting week of 2021.

(Continued from 9 September 2020.)

The Hon. R.I. LUCAS (Treasurer) (16:55): I thank the Hon. Mr Maher for allowing me to speak before him because I have another meeting to get to in a few minutes. I rise on behalf of government members to oppose the motion. The original motion, which I think was back in February, the government opposed for the reasons that we outlined at that particular time. As a result of the successful passage of that resolution, there was correspondence between the then President and the commissioner. We have all been provided with a copy of the commissioner's response—I think now she is the former commissioner perhaps or soon-to-be former; I am not sure whether she has actually left or not.

The Hon. T.A. Franks: She's there for another three weeks.

The Hon. R.I. LUCAS: So she is still there, I am advised by my colleague. In that particular letter—I will not go through all the detail of it—she respectfully declined the request of the majority of the Legislative Council to investigate the specific instances of the alleged harassment, victimisation and inappropriate behaviour committed by the member for Waite, Mr Sam Duluk MP.

In relation to the second broad area, in summary, she said she was pleased to accept the recommendation to make recommendations for reforms, but nevertheless placed that acceptance with some caveats and they are as follows:

> I accept this invitation on the understanding that I am afforded the full cooperation of the authorities of both houses of parliament. I understand this will require that you consult with the Speaker of the House of Assembly prior to confirming your acceptance of my terms.

She also then indicates that she wants to be provided with the transcripts of any statements made during the private investigation conducted by Mr Paul Hocking. I interpose that that would also be a decision of the Speaker in another chamber. Mr President, as you would be aware, you have no jurisdiction over that particular investigation. She also requested that she wanted confirmation in writing that her final report would be tabled in parliament. I assume that would mean in both houses of parliament.

The kicker at the end was an overview for the project activities, time frames and deliverables outlined in the attached proposal. 'The cost for undertaking this work is $152,873, excluding GST,' and then there is a further explanation of that cost. That would obviously be an issue for, I assume, both presiding members in relation to their budgets as to whether they were prepared to jointly allocate $152,873, excluding GST, for such an investigation.

Ultimately, this motion, in our view, cannot go anywhere unless there is, in the terms of the commissioner's request, a similar or equivalent motion passed by the House of Assembly.

Mr President, as you are aware and as all members are aware, there has not been a similar motion or request passed by the House of Assembly. In the absence of that, a request for you to proceed with this, in our respectful view, fails on the basis that, even according to the restrictions placed by the commissioner, it fails the test of not having the authority of both houses of parliament to be able to proceed.

I think that is the threshold question. There would need to be an equivalent motion passed in the House of Assembly for the commissioner to be willing to commence the requested investigation. In the absence of that, it is clear that the commissioner is not prepared to proceed with an investigation into the parliament. If that initial threshold was met, which it has not been, then there would be separate decisions: one for the Speaker in relation to the request for the transcripts from Mr Paul Hocking and, secondly, there would then be a joint decision for the presiding members—the President and the Speaker—to allocate some portion of their budgets towards the $152,000 cost of the proposed inquiry.

For those reasons, the government, for the reasons we outlined back in February, does not support this proposed investigation. I think the letter from the commissioner now gives further justification as to why such an investigation cannot proceed in the absence of the stipulated requirements from the commissioner before she is able to proceed with such an investigation. For those reasons, the government does not support the motion.

The Hon. K.J. MAHER (Leader of the Opposition) (17:01): I rise to speak on this motion and indicate from the outset that the opposition will be supporting it. Following disturbing reports about the behaviour of the member for Waite, Mr Sam Duluk, Labor moved a motion in this place back in February. The motion required the President of the Legislative Council to request an investigation by the equal opportunity commissioner of incidents of harassment, victimisation and inappropriate behaviour committed by the member for Waite in December 2019.

The Greens moved an amendment to the motion that was supported by the opposition. The amendment invited the equal opportunity commissioner to make recommendations for reforms to facilitate the handling of harassment in the parliamentary workplace. As parliamentarians and as a workplace we should seek to set an example for the wider community. We are accountable to the public and to each other. We must act accordingly and ensure that inappropriate behaviour is called out and people held accountable for their actions.

It has been many months since the commissioner offered to undertake this review project. It has been so long that the equal opportunity commissioner has since accepted another posting in Melbourne, although I trust a newly-appointed commissioner will be more than capable of progressing this matter. It is often said that justice delayed is justice denied, and it is time this matter was resolved. Parliament must be a place of equal opportunity and safety and free from harassment. The opposition supports this motion and commends the honourable member for bringing it to this chamber.

The Hon. T.A. FRANKS (17:02): I rise to acknowledge both speakers today and thank the opposition for its support of this motion. I note that this motion was not necessarily a Greens' motion as such, it was a motion moved by a member of parliament who has had enough of the culture of this place, which belongs in another place and time and not in this century and can no longer be tolerated. The object of this motion was following up on what I thought was an amendment to a previous motion to take a single issue, but to identify that this is a systemic problem.

It is a little rich for the Treasurer to stand here and say that a concurrent motion would need to be moved in the other place. If the government does not have the ability to move a concurrent motion in the other place, what do they have the ability to actually achieve within this government? A motion is the simplest, easiest possible achievement this government could undertake. In fact, it could suspend standing orders this very hour and pass such a motion should it so choose.

What the Treasurer has actually said today is that this government chooses not to act, chooses not to take the simplest measures to ensure that we have a workplace free from sexual harassment, archaic behaviours and a culture that benefits those who perpetuate such behaviours by looking away and feigning incapacity to act. A simple motion in the other place in this next hour is what I would expect from this government right now. What we are getting is a complete abrogation

of their duties to ensure that this parliament of our state has the highest standards of our state in terms of a workplace instead of possibly one of the lowest and most retrograde workplace environments in this nation.

I cannot actually express how deeply disgusted I am with the response today from the Treasurer and how deeply disappointed I am in this parliament's failure, through its leadership, to act on this matter. We have had months and months and months with just this particular part of the debate. We have not had just years but decades of extraordinary unacceptable behaviours that have driven people out of their workplaces, that have driven people to quit their jobs, that have left people unable to take recourse that they would take in any other workplace in this nation. It is not good enough for the Treasurer to stand here today and say he does not even have the ability to move a motion in the other place.

I am sure he will get the full support of the opposition even if he could not convince some of his colleagues and I am sure some would cross the floor to finally have a workplace that is indeed one that all would want to be working in or would want to send their children to work in. I note that the Treasurer called the price tag that the equal opportunity commissioner associated with the four-month extensive undertaking that she and her office have offered to do for us 'the kicker'—$152,000 is apparently a kicker. Apparently, when it comes to workplace harassment, sexual assault—harassment that is unacceptable in any other workplace in this nation—it is a little bit too much to actually put some money behind eradicating it once and for all and changing the culture.

I am deeply disappointed that the Treasurer has provided that government response today. I hope this motion will pass the Legislative Council and it will sit there waiting for the other place to move that concurrent motion. I am sure it could come from a number of sources but indeed the support could also come from many more sources than it has done today.

Motion carried.

NUCLEAR WEAPONS

The Hon. I. PNEVMATIKOS (17:08): I move:

That this council—

1. Acknowledges the 75th anniversaries of the atomic bombings of Hiroshima and Nagasaki, which occurred on 6 and 9 August 2020, respectively;

2. Notes that the coronavirus pandemic starkly demonstrates the urgent need for greater international cooperation to address all major threats to the health and welfare of humankind, including the threat of the use of nuclear weapons;

3. Notes that close to 14,000 nuclear weapons are held between nine nations, presenting an unacceptable risk to humanity;

4. Notes the concerning trend in weakening or undermining arms control agreements by nuclear-armed states, including the Iran deal, the Intermediate-Range Nuclear Forces Treaty and the Open Skies Treaty;

5. Notes the substantial progress of the 2017 UN Treaty on the Prohibition of Nuclear Weapons (TPNW), which comprehensively outlaws nuclear weapons and provides a pathway to elimination, towards entry-into-force; and

6. Urges the Australian government to work towards signing and ratifying the TPNW, in line with our international obligations to pursue the elimination of these weapons of mass destruction.

This year marks the 75th anniversary of the atomic bombing of Hiroshima and Nagasaki. Even before the outbreak of war in 1939, a group of American scientists began working on developing these weapons in the fear that fascist regimes in Europe already held these types of weapons—frighteningly similar to recent times.

Throughout the period of the Second World War, these weapons were tested on American home soil and prepared for their inevitable use. By the time the first successful bomb was tested, the allied powers had already defeated Germany in Europe. Japan, however, vowed to fight to the end in the Pacific and rejected the allied demand for surrender.

Atomic bombs were dropped on Hiroshima and Nagasaki on 6 August and 9 August respectively and signalled the end of Japan's involvement in World War II. Not only did these bombings have a devastating instant impact, killing between 90,000 and 140,000 people in Hiroshima and 60,000 to 80,000 people in Nagasaki, but 300,000 survivors later died from the effects of the bombings.

Radiation from the atomic bombs has had a devastating effect on the environment. Plants, wildlife and animals also suffered as a consequence, and some of those consequences are still impacting today. America's decision to drop these atomic bombs has tarnished history. Seeing the complete devastation of lives, infrastructure and environment that these weapons caused, it is hard to believe that this kind of warfare was used in modern history.

The International Campaign to Abolish Nuclear Weapons (ICAN) is a coalition of non-government organisations in more than 1,000 countries promoting adherence to and implementation of the United Nations Treaty on the Prohibition of Nuclear Weapons. Since its international campaign launch in 2007, ICAN has gained worldwide recognition for its campaign to stigmatise, prohibit and eliminate nuclear weapons.

In 2008, the then UN Secretary-General joined the call to ban nuclear weapons and called on countries to implement existing legal obligations by negotiating a nuclear weapons convention. Since this recognition from the United Nations, ICAN has been fearlessly campaigning governments to recognise that nuclear weapons must be banned. They have gained support from the world trade union movement, the World Council of Churches, the Dalai Lama, thousands of grassroots activists, non-government organisations and politicians. This collective action has led to the Treaty on the Prohibition of Nuclear Weapons.

More than 135 nations attended the negotiations in March 2017, forming the legally binding document. The treaty prohibits nations from developing, testing, producing, manufacturing, transferring, processing, stockpiling, using or threatening to use nuclear weapons, or allowing nuclear weapons to be stationed on their territory. Nations holding such weapons are to either remove them by a certain deadline or destroy them in accordance with the legally binding time-bound plan. Nations assigned to the treaty are also obliged to provide assistance to all victims of the use and testing of nuclear weapons and to take measures for the remediation of contaminated environment.

Recognised for their incredible advocacy work, ICAN received a Nobel Peace Prize in December 2017. This recognised their work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and their groundbreaking efforts to achieve a treaty-based prohibition of such weapons. Although their win was a great milestone, ICAN has not given up the fight and recognises that current unrest and geopolitical tensions are again surfacing, creating much concern in terms of mobilisation of atomic weapons.

Fittingly, on Monday this week we celebrated International Day of Peace. Leaders from around the world were encouraged to join the treaty to sign and ratify the agreement. Nearly two-thirds of the UN membership participated in the negotiation for the treaty and 84 have signed it. As of Monday, 45 countries have ratified the treaty. The treaty will come into force 90 days after the 50th ratification.

Recent tensions have pushed ICAN and world leaders to urge world leaders to sign the treaty. Fifty-six former prime ministers, presidents, foreign ministers and defence ministers from 20 NATO countries, plus Japan and South Korea, released an open letter on Sunday imploring leaders to join the treaty.

The letter noted the risks of nuclear weapon use has escalated in recent years whether by accident, miscalculation or design. In 2018, President Trump began discussion with the Security Council and his administration about resuming nuclear weapon testing. Further, he made comments regarding the United States' disinterest in remaining in the arms control treaty with Russia.

These acts were nothing more than a show to Moscow and Beijing that the United States could rapid test nuclear weaponry. The threats were used as a mechanism to negotiate and pressure countries into aligning with the United States. Weapons of mass destruction should never be used to threaten other nations.

Threats to restart nuclear testing has significant ramifications for each state, and makes many anxious for how this power play may turn out. In response to the United States' threats to resuming nuclear testing, ICAN has heeded the call to action and has been advocating for the US to stop deliberations and for other countries to renew their commitment to pursuing nuclear disarmament.

As do all other states, Australia must hold those acting out of line accountable. Australia has the power to do this by progressing toward the ratification of the Treaty on the Prohibition of Nuclear Weapons. Motions such as this have been put to almost every other jurisdiction in Australia. It is a strong show of the support ICAN has and the fantastic mobilisation of activists who have been working in Australia.

As the treaty is incompatible with Australia's ongoing support for the retention and potential use of US nuclear weapons on its behalf, Australia is still yet to sign or ratify this treaty. It did not participate in negotiations with the UN in 2017 and therefore did not vote on its adoption. This chamber must recognise that this is a serious step backwards to achieving peace and justice in international relations. I urge you all to support the motion and to support the disarmament of nuclear weapons.

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

CORONAVIRUS

Adjourned debate on motion of Hon. M.C. Parnell:

That this council—

1. Notes the significant impact that COVID-19 has had on the people of Australia, our society and our economy;

2. Acknowledges the substantial policy shifts by the Australian and the South Australian governments in response to the current crisis, towards a fairer, more compassionate and cooperative approach;

3. Recognises that we are now at a crossroad, giving us the choice to either go back to business as usual or take this opportunity to forge a new path for our collective future and Build Back Better;

4. Notes that, as South Australian legislators as well as leaders, we have the ability as well as the responsibility to put people, communities and the planet at the centre of all decisions, giving everyone a fair go; and

5. Calls on the Marshall Liberal government to continue to show South Australians that they matter by making choices and decisions that reflect care for each other, communities and the planet and investing in a renewed economy that works for people so that every one of us can thrive.

(Continued from 17 June 2020.)

The Hon. T.A. FRANKS (17:17): It is no surprise that I rise to support the motion of my honourable Greens colleague the Hon. Mark Parnell. Indeed, it is quite right to observe that the significant impact that COVID-19 has had on our society actually also opens a great opportunity to see things differently, to recognise the structural inequities that were previously invisible in our community. We had a gender equality crisis before the pandemic, and unless we change our ways the pandemic will only widen that crisis.

Before the crisis of the pandemic started, women in Australia were already experiencing greater job insecurity than men. They were already more likely to be in low paid or highly precarious jobs than men. They were already more likely to be in poverty than men, to retire with less superannuation and to take on more of the unpaid care roles and the domestic and often invisible labour of the home.

Since the pandemic hit, little has changed; it has simply gotten worse. Women have lost their jobs at a higher rate than men under the pandemic. They are experiencing greater levels of underemployment than men and they have taken on the lion's share of the burden of household and caring work during the COVID restrictions and lockdowns.

Women such as nurses have been the heroes on the frontline. Those in our retail stores, more often than not women, have been seen as the essential workers that they are as a result of this

pandemic. Teachers, told that their workplaces were somehow magically free of the threat of COVID, were indeed at the very forefront of the fight against this pandemic.

Indeed, teachers, I think, for many parents who had to take on home-schooling duties, have found a new value to their roles with that greater understanding of what it is they contribute. Yet, teachers, nurses and early childhood educators continue to be some of the lowest paid of those professions. The pink-colour recession of the pandemic is indeed ahead of us, unless we change our ways.

That is why I urge the government in both the state budget but also at a federal level to ensure that as we talk about rebuilding we do build back better and that we build back fairer. When we talk about construction jobs and when we talk about industries that are largely men we are leaving many of these women behind, yet under the COVID pandemic we saw, front and centre, their worth, the importance of this usually invisible area of employment and indeed unpaid labour in our society. The very social fabric that we need to build back our communities is within these feminised industries and is with particularly the unpaid labour of women.

So as we talk about construction jobs, I do hope that there will be a gender parity here: that we will also look at the construction and the care of those caring industries, typically underpaid, already structurally more precarious, already very vulnerable to poverty, and that we do build back better and build back fairer by ensuring that there is a gender lens on our COVID recovery spending and on our investment in a better future.

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

Bills

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

Committee Stage

In committee.

(Continued from 22 September 2020.)

Clause 1.

The ACTING CHAIR (Hon. D.G.E. Hood): We adjourned at clause 1 and we remain at clause 1. Are there any further questions? Minister, did you wish to make a statement?

The Hon. S.G. WADE: I would like to make some comments. Given the time since the committee last met, I have not been able to get formalised responses to all the questions taken on notice, but I might start with some that have already come through.

The first is in relation to the question: 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 answer I have been given is that the state government has recently advised the commonwealth that, in the coming weeks, we are seeking to increase our medi-hotel capacity to around 800 people per week. This will be broadly allocated over three cohorts and be flexed and reassessed based on local South Australian requirements.

The first cohort is international arrivals, which will be 600 people per week and which represents an increase of 360. Domestic arrivals from high-risk areas will be 100 people per week and capacity for community outbreaks will be 100 people per week. The increases in capacity will allow South Australia to quarantine 600 international arrivals per week, which more than doubles our current capacity.

I was asked a question in relation to officers using force to detain somebody and whether they would be afforded immunity. The advice I have been given is that the immunity provisions under either the South Australian Public Health Act or the Emergency Management Act would cover injury that arose in those circumstances.

The Hon. F. PANGALLO: Just to go to clause 3, which looks at the transition from emergency response to the Public Health Act, can I ask the minister why it has been necessary to do this?

The ACTING CHAIR (Hon. D.G.E. Hood): If I can just intervene, Hon. Mr Pangallo, your question is specific to clause 3. We are dealing with clause 1. You could ask a more general question now and we can deal with the specifics as we go through the clauses.

The Hon. F. PANGALLO: Specifically, why is it necessary for the government to transition from emergency response to the Public Health Act?

The ACTING CHAIR (Hon. D.G.E. Hood): I think that really is an issue for clause 3. You will have time to ask the question then.

The Hon. F. PANGALLO: Thank you, I will do that.

The Hon. T.A. FRANKS: Point of order: we asked questions yesterday and we do not have most of the responses back, and I imagine it will take another 24 hours, potentially, to answer that question. If we wait until we get to clause 3, that could be tomorrow, in which case, are we going to sit on Friday?

The ACTING CHAIR (Hon. D.G.E. Hood): It may not be that we will not get to clause 3 tonight. I am happy for the Hon. Mr Pangallo to ask that question in a more general way if he can, but it was quite specific to the clause. Would you like to have another go, Hon. Mr Pangallo?

The Hon. F. PANGALLO: Thank you, Mr Acting Chair. Yesterday, I raised a number of issues regarding the powers of restraint and the minister could not answer or give me a detailed answer about who the types of persons would be who would be able to get these powers under this transition.

It has just not been explained who they would be. He used an example of a hospital guard, for instance, but would they be public servants, or council employees, or medical staff? There needs to be a proper explanation about who will be empowered to take this over once it shifts to the Public Health Act to do it. I point out that they will be given extraordinary powers I imagine, similar to what the police now have.

The Hon. S.G. WADE: As I understand it, the honourable member is referring to clause 3 of the bill. Clause 3 of the bill makes provision for the circumstances where we move from a major emergency to a public health emergency. It does not change the fundamental structure of authorised officers. What it primarily seeks to do is preserve the directions in place in the event that we move from a major emergency to a public health emergency.

I remind honourable members that at the beginning of the pandemic the government's response was, in the first instance, put in the context of a public health emergency. Very shortly after—my recollection is that it was a week later—the State Coordinator issued a major emergency declaration under the Emergency Management Act. So just as we had a transition into the government's response from a public health emergency to a major emergency, we may well have a transition out from a major emergency to a public health emergency.

My understanding is that the work that clause 3 has to do is to preserve the directions that have been put in place under the Emergency Management Act as the response leaves the major emergency declaration. As I said, my understanding is that the structure of authorised officers and people who assist them will continue with this act, as amended through the amendment bill, as it has up to this point.

The Hon. F. PANGALLO: Has the government been advised by or consulted with SA Police in relation to this transition?

The Hon. S.G. WADE: To be frank, under the Emergency Management Act the major emergency is declared by the State Coordinator, and the State Coordinator is also the Commissioner of Police. There are some provisions under the Emergency Management Act where the State Coordinator, who is also the Commissioner of Police, has to consult other people such as the Chief Public Health Officer, but the renewal of the major emergency every 28 days is done with the advice of the State Coordinator, who is the Commissioner of Police.

The Hon. F. PANGALLO: What the minister has not made clear here is that if there is a transition and then suddenly SA Health has authority and appoints authorised officers, will those

officers be police specifically or only, or will there be others? Will there be other authorised officers? It is just not clear who will actually be empowered in this transition. Will it still be the police?

The Hon. S.G. WADE: I make the point that this is about the preservation of directions. If we do move into a public health emergency—and, to be frank, I am not convinced that we will because this act seeks to ensure that the state is as nimble as it can be—if we choose to leave a major emergency and go into a public health emergency, the police may well still have a role.

I would like to stress that before we went into a major emergency we were in a public health emergency and it was not as though the police were not engaged. The police were already taking on tasks. In fact, I can specifically recall the police being involved in a response to a person who was suspected of having COVID-19, with concerns about compliance, and that was in February, well before we went into a major emergency, so the police do have an active role in relation to the public health incidents. They certainly did earlier this year and I would expect that they would when coming out of a major emergency into a public health incident.

The Hon. F. PANGALLO: I understand that the police will have a role. There is no question about that, but where this legislation is going there will be others who will have a similar role to that of police. What I was suggesting earlier was: has the government consulted with the police, particularly in view of the powers that are going to be bestowed on these so-called authorised officers?

We are talking about powers of restraint, using reasonable force and, under the current Emergency Management Act, they would be able to enter and break into any building, structure or vehicle. I know that the police are going to be involved, but what you are suggesting here is that SA Health can also appoint other authorised officers to do the work that police are currently doing and are empowered to do. Who are these people going to be?

The Hon. S.G. WADE: The honourable member is fundamentally mischaracterising the role of authorised officers. Authorised officers are in the Public Health Act and always have been. Those functions existed under the Public Health Act before the COVID bill. The COVID bill strengthens the powers of authorised officers and also allows them to be supported by other people. There is no fundamental change in that structure.

My advice confirms that there is no fundamental change in the powers of police, authorised officers and other people who work with them. Clause 3 in particular is about making sure that any transition to a public health emergency is smooth.

The Hon. F. PANGALLO: So what the minister is saying is that those current authorised officers may be with SA Health. I will point out to the minister that yesterday he gave me an example of a security guard at one of the hospitals. Can the minister confirm then that there are authorised persons (public servants, citizens who work for SA Health) who have the same powers that police have in terms of restraint, using reasonable force, entering property—all the powers that are listed in the Emergency Management Act?

The Hon. S.G. WADE: Authorised officers, under the Public Health Act, as I said earlier, predate the pandemic; it is part of the Public Health Act. In the context of a major emergency, police have the primary responsibility for restraint and detention, but the Public Health Act does have capacity in that regard; it did before this pandemic. This act does not change that fundamental dynamic.

The Hon. F. PANGALLO: Under this transition, does that then mean that those officials, other than the police, will have the same powers as police? That is all I am asking.

The Hon. S.G. WADE: To make it clear, these powers are under the Emergency Management Act and the Public Health Act. The powers of police under the Police Act and other state statutes are not afforded to these people. That is one of the reasons, for example, that South Australia moved to a major emergency, particularly when we were going towards border controls.

The Hon. F. PANGALLO: But why did the minister say that these people would have the power of restraint and using reasonable force?

The Hon. S.G. WADE: The honourable member yesterday asked me a question about the definition of reasonable force. I responded to that. I made no assertion about who was going to use what powers.

The Hon. F. PANGALLO: I beg to differ, minister, because I asked you for a specific example and you said a hospital guard. Then I said, 'Well, what are you going to do? How are they going to be restrained? Do you have a padded cell at the hospital?', which you could not answer yesterday. I will put it this way: have police spoken with the government about their current role in administering this act and expressed a view that perhaps others need to be involved in the enforcement of these laws, because perhaps their resources are being tied up and they are being restricted in what their core duty is, which is fighting crime?

The Hon. S.G. WADE: I am not aware of any request from police to change powers to save on their resources, as the honourable member suggests. As I said, authorised officers are a well-established element of the Public Health Act, and the Emergency Management Act structure is also maintained.

The Hon. T.A. FRANKS: I was interested in pursuing the use of the detention powers, and I was after the number and duration of the orders of detention. I know there has been mention of some cases, but I am after the number of orders, the duration, the circumstances or conditions of that detention, the reasons given to justify the detention and the support provided to anyone who was subject to those detention powers, including what legal representation access they were afforded.

The Hon. S.G. WADE: Clearly, I will need to take those questions on notice.

The Hon. T.A. FRANKS: I am interested also in the medi-hotels and what training has been provided to security guards.

The Hon. S.G. WADE: We are happy to move on to questions on medi-hotels. Did you say you wanted to ask about security guards and their training in medi-hotels?

The Hon. T.A. FRANKS: Yes.

The Hon. S.G. WADE: I am advised that the security officers would be licensed with a security agent's licence and therefore the obligation is there. In terms of deployment at a medi-hotel, they would receive training in relation to PPE from Infection Control within SA Health. I am advised they also receive restraint training.

The Hon. T.A. FRANKS: Who provides that training, how long is that training undertaken for and is it paid or unpaid training?

The Hon. S.G. WADE: I am advised that the restraint training is provided by a private training organisation called CPI. It is delivered in two modules, primarily online, and we understand it would take about two weeks for a person to undergo that training.

The Hon. T.A. FRANKS: And the PPE training?

The Hon. S.G. WADE: I am advised that the infection control training by SA Health takes about an hour and there is refresher training provided. I am advised that before the one-hour session they engage in a pre-learning package.

The Hon. T.A. FRANKS: Paid or unpaid was part of the original question.

The Hon. S.G. WADE: I am advised that it is paid.

The Hon. T.A. FRANKS: With the restraint training that is some two weeks in duration, did all security guards undertake that training prior to working in our medi-hotels or as they went?

The Hon. S.G. WADE: I apologise, there was a misunderstanding. The security agent's licence comments and PPE training relate to the security officers in medi-hotels. The restraint training is limited to only security officers who work in hospitals.

The Hon. T.A. FRANKS: I will stick with the medi-hotels for the moment. There is infectious control training provided, paid, for security guards who are appropriately licensed in all cases, I take

it. Please correct me if I am making any incorrect assumptions. In terms of the situation that has occurred, that has been made public today, where a security guard was not wearing the appropriate PPE while a swabbing of at least two people was undertaken within the medi-hotel, what action was taken and was the security guard appropriately trained prior to that incident? Has that security guard received counselling? Are they still in the job? What have been the implications there?

The Hon. S.G. WADE: I am afraid that the officer with me tonight is not aware of the details of the case, and I am only aware of the details that Professor Spurrier made public earlier this afternoon. In terms of the particular person, my understanding is that they are now in a medi-hotel themselves.

The Hon. T.A. FRANKS: Will they be required to pay for that medi-hotel?

The Hon. S.G. WADE: My understanding is no.

The Hon. T.A. FRANKS: Do they have close contacts, such as family and so on, who are also now required to be either isolated, quarantined or in a medi-hotel?

The Hon. S.G. WADE: I do not have those details but I will certainly get them for the honourable member.

The Hon. T.A. FRANKS: Returning to the restraint training, does that include chemical restraints or is it simply physical? What is the nature of the physical restraints that the training is provided for?

The Hon. S.G. WADE: I think it is important to stress that restraint training is a standard feature of training security officers who work in hospitals. The training is particularly focused on minimising the use of restraint. It is about de-escalation. It is really important in the healthcare environment that people feel that hospitals are a safe environment and that, no matter what issues they present with, they will be supported to get care.

Many patients are agitated. To be frank, many other patients are disrespectful to health professionals. Both clinical staff and security officers will confront a wide range of circumstances. The restraint training in SA Health hospitals is primarily around the MAPA program. MAPA stands for the management of actual or potential aggression, and it is substantially focused on de-escalating so that we can minimise the use of any other form of restraint.

The Hon. T.A. FRANKS: Chair, I did indicate to the Treasurer that my other questions were around COVID safe plans, COVID management plans and COVID marshals and exemptions as well. I just make that clear. I assume they are not in your jurisdiction, although I stand to be corrected.

The Hon. S.G. WADE: Could I suggest that this might be a good time to adjourn and then we can come back to those issues after dinner.

Sitting suspended from 18:01 to 19:45.

The Hon. S.G. WADE: As so often I am forced to do, I thank the council for its patience. I would also like to thank the Hon. Frank Pangallo for his patience. He took the opportunity in the dinner break to clarify with me his particular concerns, so I hope that my formulation of the questions and the answers can mean that we are all better informed. I will ask a series of questions and offer the council an answer and hopefully we can then discuss any implications of it.

The first question is: on what basis would we move from a major emergency to a public health emergency? It is the determination of the State Coordinator whether to declare an emergency under the Emergency Management Act and to revoke that declaration. It is a determination of the Chief Executive of the Department for Health and Wellbeing, with the approval of the minister, whether to declare a public health emergency or revoke a declaration. The nature and extent of the situation and the necessary powers required to address it determine whether the South Australian Public Health Act or the Emergency Management Act is the most appropriate statutory framework to address the situation.

The next question: what is the difference between a public health emergency and an emergency under the Emergency Management Act? A public health emergency relates to the spread or potential spread of human disease whereas an emergency under the Emergency Management

Act may relate to a range of causes, including human disease. Largely, the scale of the emergency and the powers and resources required to address it determine whether an emergency is declared under one act or the other.

Clause 3 of the COVID-19 Emergency Response (Expiry and Rent) Amendment Bill 2020 preserves the COVID-19 related powers in the context of a continuing public health emergency. It is a temporary measure to provide appropriate cautious protections while the public health incident is continuing. The effect of clause 3 is to preserve the provisions of the COVID-19 Emergency Response Act 2020 in the event that the current COVID-19 emergency is transitioned from a major emergency under the Emergency Management Act to a public health emergency under the South Australian Public Health Act 2011, what I will from now on call the Public Health Act.

Without clause 3, if we were to transition from a major emergency under the Emergency Management Act and move to a public health emergency under the Public Health Act, the range of benefits under this act would lapse. These benefits include matters such as rent relief, electronic payments and electronic meetings. The temporary enhancements to the Public Health Act would also be lost.

The power to detain under the Public Health Act was extended in March this year in the South Australian Public Health (Controlled Notifiable Conditions) Amendment Bill. Those changes were permanent—in other words, were direct amendments to the principal act—and will continue whether this bill is passed or not. That bill, being the South Australian Public Health (Controlled Notifiable Conditions) Amendment Bill, provided the Chief Public Health Officer with greater capacity to rapidly respond to and contain public health risks related to infectious diseases while maintaining appropriate protections for individuals such as case reviews and the capacity to appeal to the courts.

The amendments allowed a more timely and rapid response for the Chief Public Health Officer to detain a person engaging in conduct that presents a risk to the public and also allowed detention in urgent circumstances where there had been no prior breaches or noncompliance or the service of a direction. Of particular significance at the time, the bill amended section 77(1) of the South Australian Public Health Act to provide:

> (1) The Chief Public Health Officer may make an order under this section if—
>
> (a) the Chief Public Health Officer has reasonable grounds to believe that a person…
>
> (iii) could have been exposed to a controlled notifiable condition…

That was an amendment to the power to detain, and it changed the threshold at which the Chief Public Health Officer was able to make an order.

My recollection, as a person who was involved at the time, is that the circumstance that was particularly exercising the minds of the government was a situation like the *Diamond Princess*, where it may not be possible to show that a person had been exposed to a controlled notifiable condition but the Chief Public Health Officer certainly had reasonable grounds to believe that a person could have been exposed to a controlled notifiable condition.

So when we are in a pandemic, trying to fly a plane while we are building it, I believe that was a very responsible amendment, particularly when here today, six months later, we have only had four deaths in South Australia, two of which were overseas acquired. So I believe that the parliament acted very responsibly in extending the powers of the Chief Public Health Officer to detain. Those powers have served us well.

The power of the Chief Public Health Officer in relation to detention was further enhanced by the COVID-19 Emergency Response Act, which this bill seeks to extend. That act amended section 77 of the Public Health Act to allow the Chief Public Health Officer or an authorised officer to:

> restrain the person and otherwise use force in relation to the person as reasonably required in the circumstances…

The section as amended goes on to provide that 'the CPHO or an authorised person may…be assisted by such persons as may be necessary or desirable in the circumstances'. That change was to expressly provide that the Chief Public Health Officer or their delegate could use reasonable force

to enforce detention orders made under the act. The bill before the council does not introduce the power to use reasonable force; it merely preserves it.

Going to the next question: does this amendment bill fundamentally change the powers that public health officers already have? I would say no. The provisions under the South Australian Public Health (Controlled Notifiable Conditions) Amendment Act 2020 are ongoing amendments to the Public Health Act. The provisions under the COVID bill are merely preserved.

The next question: what exact provisions of the COVID act would be used in a public health emergency? All provisions provide the capability to quickly and effectively respond to public health risks. The provisions of the COVID act that amend the Public Health Act would be of particular use in the event of a declaration of a public health emergency.

To restate a question that I have already tried to answer: does this bill expand the power of public health officials? This bill does not expand the powers of the CPHO or authorised officers. I would reiterate again that under section 47 of the South Australian Public Health Act 2011, authorised officers have and have had a range of powers to enter and seize. The powers of restraint and detention are also longstanding. What we have done in both the South Australian Public Health (Controlled Notifiable Conditions) Amendment Act and in this bill is to finetune and increase the capacity for public health officers to use them.

Question: will these powers be used by officials other than police? The answer is the powers under the Public Health Act will be used by authorised officers. Under the Public Health Act, authorised officers include officers of the Department for Health and Wellbeing and also officers of local government authorities.

The next question is: why does the government seek to give powers that are predominantly for law and order to respond to what is a health issue? I put it to the house that it is well established in public health practice that public health officers may from time to time need to restrain or detain a person with an infectious condition or who could have been exposed to an infectious condition.

The Hon. F. PANGALLO: I wish to thank the minister for the responses.

The ACTING CHAIR (Hon. D.G.E. Hood): Are there any other questions on clause 1?

The Hon. M.C. PARNELL: I do not have questions of this minister. My understanding is that we were going to put most of the questions at clause 1 in relation to other aspects of the bill as well. I had a couple of questions in relation to the planning aspects and I understood an adviser was around for that.

The ACTING CHAIR (Hon. D.G.E. Hood): The Hon. Mr Parnell, I understand you have some questions.

The Hon. M.C. PARNELL: I have a couple of questions, and would like to start by continuing with the very final question of last night. The minister answered it, but I was going to tease it out a little bit more. The question was in relation to the ability of government boards to conduct their business by Zoom or electronically rather than face-to-face.

My question, which the minister answered but which I will explore little bit further, was that when it comes to the law—and I am paraphrasing here—basically you can pass a law that says 'Zoom meetings are now allowed', and it is up to each of the bodies as to how they take advantage of that or not, as it suits them. Each individual body would decide for themselves.

The question I want to have one more go at is regarding the issue of guidelines. It strikes me that, yes, legally it is probably right to say that the power exists to have remote meetings, and it is up to each agency to decide. My question is about whether any guidance could be given.

Often the process used in government is circulars issued by the Department of the Premier and Cabinet. It was put to me that this topic, whether or not to meet face-to-face or to meet remotely, might be a suitable subject for such a circular or for some other form of advice. Whilst that would not change the law, it would give those bodies some indication of what policies they should apply in deciding whether they were comfortable going back to face-to-face or whether they wanted to do things remotely.

I think we have all experienced the fact that there are some bodies who so like not having to come into the meeting room that they would love Zoom meetings to be continued in perpetuity. In fact, the advice we got from the Attorney-General in relation to parliamentary committees was that—and again I am paraphrasing—'This has worked really well, we might make this permanent.'

I understand that the idea there was that country members, in particular, who were on a committee could participate from the country rather than having to come back to Adelaide for the meetings. So I sort of get that. My question is whether the minister had any further advice as to whether it was possible or feasible for advice to be provided to all these government boards, committees and agencies as to how they should appropriately handle the powers they have been given and which are, by this bill, to be extended.

The Hon. R.I. LUCAS: In response to that specific question, as to whether there could be a DPC circular or possibly a Commissioner for Public Sector Employment determination, I am just not sure—it certainly would not be a Treasurer's Instruction, because they seem to be instruments of guidance that sometimes apply, although Treasurer's Instructions actually have the force of law.

I guess my 'off the top of my head' response is that I cannot imagine it would be impossible for one of those other instruments to be used. It is not something the government has initiated in its arsenal in the first few months. I am happy to take up the issue with the Attorney-General, who has carriage of this bill. In terms of the DPC circular, that is actually an issue for the Premier.

My initial response—particularly given the example the honourable member has framed; I think it was the State Planning Commission or a planning body—and without having had the chance to consider it, is that there are any number of different government boards and agencies. The SA Water board, for example, clearly does not take public evidence or whatever else it is. So how would you actually craft a general guideline?

I suspect the State Planning Commission might be in the minority of the government boards and committees because, based what the member has said, it has had a practice, not required by law, to allow people to attend or whatever it is. Most of our boards and committees do not have an audience, they are a board or a committee of a governance nature, etc. So how would you actually craft something which might apply to the specific bodies the honourable member has phrased when, in the main, the sort of body that might be needing to get guidance would be bodies that do not normally operate in that fashion?

Nothing is beyond the wit and wisdom of members of the legal fraternity, so I am sure that if enough time was devoted to it there might be guidance. Whether it was the sort of guidance that supported the view the honourable member has, and those whom he represents, as opposed to the view that either the body had or, indeed, the government might have, I could not venture an opinion at this stage. I think the honest answer to the question is, yes, it is probably possible to utilise a guidance through a DPC circular or something like that in relation to it.

I am happy to raise the issue but I do not want to raise the member's expectation that on behalf of the government I have given a commitment this evening to do it. I am prepared to have the issue raised and it may well be that it is the sort of issue that if the Minister for Planning—in the planning area—happened to have a view that was not dissimilar to the member's, it might not need to be a DPC circular, it might need to be a view that she expresses in terms of the way she thinks they should operate.

I do not know what the degree of independence of the State Planning Commission is from the Minister for Planning. I do not want to suggest that it is entirely inappropriate for the minister to involve herself in this particular matter or not, this is not an area that I am very familiar with. I am happy to give a general response in that I will take the issue up with the Deputy Premier and the Premier, who would be the two ministers engaged, but I hasten to say that I am sure the member will not take it as a commitment from the government to do something other than at least consider the issue.

The Hon. M.C. PARNELL: I thank the Treasurer for the answer and I absolutely accept the terms on which he has given it. I guess the context will not necessarily be lost on people but having spent the best part of the last 20 or something years trying to increase the public accountability of

some of these agencies, particularly in the planning field, and having secured the ability for people to turn up at meetings and for journalists to come along to State Commission Assessment Panel meetings, only to find them cruelly undone by a virus. My hope is that they will get back to not just business as usual but to an even more open regime later. However, I will leave that matter there. I am satisfied with those answers.

The specific amendments that were made in relation to planning applications, if you like, or development applications, consisted of two main issues: one was that certain types of development have to be referred to local councils, and the local councils were given less time to comment—that was one change. The other one was that the types of developments that have to be referred to local councils were reduced by increasing the dollar threshold that triggered consultation.

The types of developments we are talking about are what are known colloquially—not accurately but colloquially—as section 49 Crown developments. Historically, these have been government projects but in more recent years a lot of private enterprises are taking advantage of the government process. They are, as I have described it, hanging on to the skirts of government to try to get a faster track, more certain approval process.

That is background to the information that we were provided with when we asked the question, 'How have these laws been used?' and the government has provided us with a chart which suggests that there were 75 development applications from 15 May to 8 September that—the words they use are 'benefitted from' these changes. In other words, the consultation period was shorter and there were less applications referred to local councils.

My first question is: of the 75 applications, what proportion of them were actually government projects and what proportion were actually private sector projects that were caught within the definition of section 45 and processed as if they were government projects?

To give another example, a classic example would be a new gas-fired power station. Because it is regarded as infrastructure, because the government used to build all the infrastructure, then private gas-fired power stations are processed under section 49. I just want to know, of those 75 how many were government projects and how many were private sector projects?

The Hon. R.I. LUCAS: The honest answer is we have no flipping idea. We are very happy to take the question on notice and provide the member with a reply. The best initial response, I suspect, from the way the member has framed it, is it is likely the majority are what you would call government projects. Clearly, you are interested in the number that are in the alternate category, so I am happy to take it on notice and advise the member as expeditiously as I can. It is a figure we will be able to get, but we do not actually have that with us.

The Hon. M.C. PARNELL: I thank the minister. I am happy for him to take that question on notice. It need not stand in the way of this bill. The second related question is on the effect of the COVID law, which was to reduce from four weeks—I think it was 28 days—down to 15 days the time that councils had to make comment on these applications. My question is: given that shorter time period, was there an increase in the number of councils that had nothing to say in that they did not reply in time? Generally, with a time limit, if you do not have your say by the due date, you are deemed to not have anything to say. How many situations were there where councils just could not achieve the new, shorter time frame and therefore said nothing?

The Hon. R.I. LUCAS: Again, we do not have the information with us. We are happy to take it on notice. However, at least some initial anecdotal information is that officers are unaware of councils or others who have complained afterwards, saying but through lack of time they would have. At least anecdotally there is no evidence of people saying, 'Hey, if we had have had the normal time. We are very grumpy,' etc. That does not mean that there are not people who are disgruntled and just accepted it. We can get the number for the member, and I am happy to take that on notice for him.

The Hon. M.C. PARNELL: The other statistic that was provided to us was the number of development applications that previously would have been referred because they were worth $4 million. When the referral amount was raised to $10 million, there were a number of projects that would have been referred under the old system but are no longer referred under the new system. I think that is my understanding of it.

There were two projects that were identified. One was the Women's Memorial Playing Fields upgrade worth $7.265 million. The other was the redevelopment of the Playford International College in Elizabeth. One is a school and one is the women's playing fields. I just wanted to put that on the record as a strong supporter of the Women's Memorial Playing Fields. I am very glad that they have received the money that Mr Parker and others have been fighting for for many years.

It is an area that I know well. It is in my neighbourhood, and I am very glad that it is going through. I am not saying I am necessarily happy that it did not go through the same consultation it would have normally gone through. I think one can support a project and support community engagement consistently. I just make that as an observation.

The final question I have is: in the 14 pages of information the Attorney-General's office has provided, there are some annotations in relation to some sections which, if I paraphrase, say, 'This is working really well. We might keep it going after COVID.' They have said that in quite a few places. They have not said it in relation to these changes under the Development Act or the Planning, Development and Infrastructure Act, so can the minister give an assurance that there is no current intention—I think that is probably the strongest I can put it—that this relaxation of public consultation will continue beyond COVID?

The Hon. R.I. LUCAS: My advice is that there is no intention to continue post-COVID. I have not read all of the 15 pages of answers that have been sent to the members, but, as the member has characterised them, what I can provide by way of context is that the national cabinet, in particular driven by the federal government, has asked of all jurisdictions—and this has come through CFFR as well, which is treasurers—what things have we learned and adapted to in COVID that would make sense to continue after COVID?

All jurisdictions have been asked, particularly in the broad context of reducing red tape and deregulation, by the national cabinet to look at the changes that have occurred during COVID and which of those would make sense to continue. I suspect that is why some of the phrases to some of the changes have indicated along the terms the member has indicated; that is, this has gone so well we may well continue.

There have been no final decisions in these areas because we have just been asked as jurisdictions to consider what has worked and what has not worked, and we might all have different views as to what has worked, depending on your perspective. That would be at least the context within which you may have received commentary from officers, which has indicated that this is potentially in that particular category.

The Hon. M.C. PARNELL: I do not have any further questions in relation to the issue. I will just make the observation that the assumption in this particular area seems to be that anything that allows a development to be approved faster must, by definition, be good. That is why you reduce time frames: it makes things happen faster.

My agenda has always been for things to be done properly, which sometimes takes time. So, nervousness should be understandable in that, if it works really well, you reduce consultation with local councils or reduce consultation with the community or you do not have pesky journalists turning up to meetings. If that is all going swimmingly from an agency's point of view, you can understand the temptation that might be there to see whether we can keep some of that going permanently. I accept the minister's answer, and I have no further questions on this topic.

The Hon. R.I. LUCAS: Whilst we are changing officers, as the member knows planning legislation is not my forte, but being a member of CFFR has meant that the issue of planning reform has certainly actively been discussed at the national level as a result of the national cabinet. I alert the honourable member—I am sure his officers probably already are—to the fact that the Productivity Commission has done considerable work in terms of planning reform and has now produced, and I think released only last week, an analysis they did on commercial land zoning reform as already evidenced and practised by the Labor government in Victoria, which they are holding up as a role model of good planning reform.

The Productivity Commission are looking at other planning reforms in other jurisdictions. Their viewpoint might not be the perspective the honourable member is viewing it from, and I accept

that, but from the viewpoint of productivity reform the Productivity Commission—and this is its role—has been looking at what it deems to be good practice or best practice and producing cases for public exposition and discussion. Each of the jurisdictions are being asked to consider whether or not they measure up to what the Productivity Commission has said is best practice.

I accept that all jurisdictions might not have the same perspective as the Productivity Commission, but it is going to be an active part of debate in the coming months and years because, post-COVID, all the debate will be about productivity improvements, how we can generate jobs growth and economic growth to recover from the impacts of the global pandemic. The Productivity Commission and productivity reform will be an active part of that public debate. Planning reform is a part of that area.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. F. PANGALLO: By leave, I move my amendments in an amended form:

Amendment No 1 [Pangallo–1]—

Page 2, line 23 [clause 4(2), inserted paragraph (b)]—Delete '28 March 2021' and substitute:

3 January 2021

Amendment No 2 [Pangallo–1]—

Page 3, line 3 [clause 4(3)]—Delete '28 March 2021' and substitute:

3 January 2021

As I indicated in my speech—and I will not go into it at great length again—South Australia has done a fantastic job, as we know, and all credit goes to the Marshall government and also the state Transition Committee and the State Coordinator in essentially keeping South Australia COVID free from transmissions for several months.

As we have indicated and as I have pointed out, we have had only four deaths and something like just over 460 active cases reported in South Australia. We have had a great number, almost the same number, that have recovered. South Australia really leads the world, in some regard, in the way it has managed this pandemic. We still find ourselves in a situation, of course, where borders are closed to Victoria; good news that the people from New South Wales are able to come here.

As I indicated, South Australia has done a tremendous job, to the point where we have had only two active cases reported, I believe, today, and they were from travellers and they are in quarantine. We have managed to stay on top of this pandemic for the best part of six months. All due credit to the government, the agencies that have been involved and, of course, the people of South Australia for following the precautions, the conditions and the restrictions that have been imposed upon them. They were quite harsh, in some cases, at the beginning of the pandemic, but they were quite necessary at the time, and it has resulted in the position that the state now finds itself.

So here we are today, 23 September 2020, six months after the legislation passed. The initial understanding was that it would only be six months, but of course we were not to know that this pandemic was to keep lingering and reach the extent that it has globally and certainly in Australia, where it is at the moment, particularly in Victoria. However, South Australia remains in a very good position. I think it is quite fair to say that, despite those two cases we have in quarantine now, we are virtually COVID free, and South Australians are probably expecting that we would make a transition to easing restrictions even further by the time Christmas comes around.

Because we are in such a good position, the feeling is that we need not extend it a further six months. I do not think that is necessary. We can extend it a further three months; there is that provision for the government to roll things over every 28 days. I just think that six months is far too long. Three months is adequate. We can come back and do this again in the last sitting week in December if we need to extend it for another three months, six months, or whatever, if things deteriorate. My expectation is that things will actually get better.

I am an optimist, and I think that with the way that South Australians have handled this and the way we have travelled that things are continually improving. It would be unfortunate for many businesses that are currently still holding out for restrictions to be eased even further. They want some decisions that are going to be made soon because when JobKeeper runs out we could find ourselves with a tsunami of economic problems, particularly for those with a small business.

That is part of the reason why I have actually changed the amendment to 3 January because that aligns with the federal JobKeeper date. Three months I think is adequate notice at this point. We can come back and extend it if we need to. My firm belief is that we are travelling quite well at the moment. We do not need to go further than need be. Many businesses have contacted my office who have been concerned, particularly with residential tenancy leases and commercial leases, that it is putting a huge burden on some of the smaller landlords and investors. I know that probably some members in this room may not have much sympathy for investors and landlords, but they are suffering as much as anybody else in the community.

As a result of that, businesses are also suffering because of the current restrictions that are in place and hoping that they will be lifted—places like cafes and hotels, wedding function centres, people attending funerals, weddings and whatever. It has had quite a considerable effect on South Australians, and I point out that it has even affected one of my own staff members. My Chief of Staff, Sean Whittington, had planned to marry earlier in the year but had to put that off. He has now opted to get married early next month because they are so unsure when these restrictions would be eased enough to have a greater number of people than are allowed. That is just a small indication of the impact it has had on people.

I have missed several funerals this year of close family and friends because it was difficult because of the restrictions that were imposed. We had a situation earlier in the year, and I advocated strongly for restrictions to be lifted on visitations to aged-care homes. I made representations to the federal minister and also to the Premier, and I am glad that the Premier and the federal minister took notice of that.

In short, I do not think that we need to extend it any further than 3 January at this point. We can always come back and address it and extend it if need be. I think it is time that we started to look at bringing the government back in control of the situation. Since March or April this year, much of the heavy work has been taken up by the Transition Committee, the State Coordinator and the Chief Medical Officer, who have done a fantastic job, but we are getting to a situation now where we are well on top of this pandemic in South Australia.

We will continue to do that because of what we have learned from it and from what the various agencies have learned from it. We have effectively managed to suppress it, and I think it is high time that we start to ease the government back into doing what it was elected to do: govern and run control of the state, rather than leave it to the others who were put in because of the emergency measures.

The Hon. D.W. Ridgway: To the experts.

The Hon. F. PANGALLO: Well, the government of the day. I would not go as far as calling them experts at this point. I would certainly call SA Health, the Chief Medical Officer and Professor Spurrier experts. They are experts—

The Hon. D.W. Ridgway: They are experts, and so let's back them.

The Hon. F. PANGALLO: Definitely experts. But as I said, it is time that perhaps we started to ease the government back into control of the situation. I think it would be appropriate that this be done sooner rather than later. I think extending it another six months to 28 March is far too long. That is a year, and I think even South Australians would expect that their government would be able to resume control of the situation.

With that, I ask that honourable members support my amendment. As I indicated, it is certainly quite easy to come back in December, in the final week of sitting, to adjust that date. I think it is only appropriate that we do that.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–2]—

Page 2, line 23 [clause 4(2), inserted paragraph (b)]—Delete '28 March' and substitute:

6 February

This at clause 4(2) deletes '28 March' and substitutes '6 February'. Originally, I had moved for this bill to expire in a four-month period. This takes it a little further than 31 January to 6 February, which will be a Saturday, I believe the end of the first sitting week of the 2020-21 sitting schedule. This gives certainty for Christmas, particularly for people like renters and people who are most vulnerable in this situation. It also recognises the very hardworking staff, many of whom we have kept here this evening to answer our questions, who do deserve some level of respite. It also is enough time to allow for conversations to be held in the coming few months, knowing that we are well away from a date when we will have moved beyond the need for these extraordinary powers.

When we debated the bill back in March this year, I do not think that any of us thought that at six months we would not be looking back and reviewing what had happened rather than looking forward to extending the powers. I did not think that we would be here tonight extending for potentially a further six months these extraordinary powers given the nature of the pandemic; however, we know that it is for at least another six months and possibly longer.

Going forward, we can learn those lessons, as the Minister for Health and Wellbeing said of constructing the plane while trying to fly the plane, and perhaps build a better plane for the parliament in 2021.

I have noted some concerns about transparency of information, about appropriate procedures and processes that by their very nature had to be done in an ad hoc manner, but we can do better going into the future with these extraordinary powers still being in place. The date of 6 February allows us to have those discussions in a collegiate and cross-party way prior to starting the new year afresh, with a better structure in place for those oversights and protections.

The Hon. R.I. LUCAS: I thank honourable members for their smorgasbord of options in relation to the extension of the powers under the act. It remains the government's position that our preference would have been 31 March, as outlined in the act, but I am ever the pragmatist and I accept the fact that there is not support in this chamber for 31 March. So I indicate that the government will support the amendment moved by the Hon. Ms Franks for 6 February and for similar reasons, although I will add to them albeit briefly.

The alternative option of 3 January has significant problems. We are nearing the very end of September and the expiration of these particular provisions are in a few days' time—the middle of next week. If you are going to extend the powers, it makes good sense that you wait until the very end to decide whether or not you need to extend the powers.

If the cut-off date was to be 3 January and if we were to suffer a second wave—and we certainly hope not as we ease restrictions; as we go through our first period of pre-Christmas festivities, we hope we do not see complacency and the like—through the middle or the latter part of December, we would be confronted with the very unfortunate set of circumstances where sometime between Christmas and New Year's Day we would have to reconvene the parliament for a decision on whether or not to extend the 3 January date for the extraordinary powers.

As the Hon. Ms Franks alluded to, after this year—which has been extraordinarily difficult for a whole range of people in the community, in the parliament and everywhere—I think people will need some respite during the traditional holiday season. People will want to get together with their family and maybe be able to travel or at least plan to travel, whether it be within the state or interstate. To have a set of circumstances where those sorts of family events might sadly have to be curtailed because the parliament will have to be recalled between Christmas and New Year to make that decision is unacceptable.

Sure, the honourable member has indicated that in the early part of December we could make the decision, almost four weeks before the end of the period, but we may well not be in the position of knowing whether or not we are in the throes of a second wave in that particular period. There might be some warning signs. We might be hopeful of quarantining, as we have successfully done with the Barossa and Thebarton College and the like. We hope that if there are outbreaks, we

are able to quarantine and cut off the spread of the virus through the techniques that have been used.

So for the reasons the Hon. Ms Franks has given, 6 February is a reasonable compromise. It is not what the government would have wished but at least we could reconvene in that last week of January, when most of us will have concluded any break we are going to have, and be well and truly back at work. We would be in a position of making a decision, if we had to, about the extension of the power. The Hon. Ms Franks' amendment is a sensible compromise. In the interests of trying to get this bill through both houses in the next 24 hours, because we have to pass the bill by tomorrow, the government has changed its position and has indicated its willingness to support this amendment in the chamber tonight.

The Hon. M.C. PARNELL: I will clearly be supporting my colleague's amendment, but just a question of the Treasurer on this. One of the things I have been critical of over many years is that the crossbench is usually the very last to know what the sitting calendar will be for the forthcoming year. So looking at the dates, I see that the Australia Day holiday is on Tuesday 26 January—it is on 26 January most years, I recall—which means that the Monday is probably a long weekend. School goes back on the Wednesday, and the following week includes Tuesday the 2nd through to Thursday the 4th. Is the minister able to give us any indication on whether the sitting week of Tuesday 2 February to Thursday 4 February is likely to be on the next schedule, if in fact it may have already been written? Do we know we are coming back in that week? That is my question.

The Hon. R.I. LUCAS: If the member promises not to reveal it to anyone other than the 20 of us in this chamber and the 15 people who are listening or watching—

Members interjecting:

The Hon. R.I. LUCAS: Well, the Hon. Mr Parnell has a huge listening audience. The recommended program has not gone to cabinet.

Members interjecting:

The CHAIR: Order to my right! I am trying to listen to the Treasurer and he is telling us about next year's sitting program. You might want to listen.

The Hon. R.I. LUCAS: No, this is a secret discussion, secret members' business. It is highly likely, I am advised, that that will be a sitting week, but the decision has not been taken. Even if the decision was not to sit in that particular sitting week, in the event that it was not, then we would have to use the extraordinary powers that the Speaker has to reconvene, as we would have had to have done between Christmas and new year because we are clearly not sitting during that particular period if it was to be 3 January. As long as my secret is safe with you, it is highly likely that we will be sitting in that particular week the member has referred to, the week being the 2nd to the 4th.

The Hon. K.J. MAHER: I might just indicate, as I indicated in my second reading contribution, we were predisposed to supporting an amendment to reduce the time frame. As I said, in all our briefings with the government, when we asked, 'What is the reason it could not be three months?' we were not given reason at all that it could not be three months, let alone four months or longer. Given that we are sitting in the first week of December, whether it is three months or four months or 4½ months or five months, if we are to go beyond that, we can remedy the need to extend it in that first week in December, so I will indicate the opposition will be supporting the Hon. Frank Pangallo's amendment—the amendment in the amended form—to go to 3 January.

The Hon. J.A. DARLEY: For the record, I will be supporting the Hon. Tammy Franks' amendment.

The CHAIR: If the committee would just have a little bit of patience as my advisers work through the changes that we have here. The way we are going to proceed is that the first question will be that the words '28 March', as proposed to be struck out by the Hon. F. Pangallo and the Hon. T.A. Franks, stand as printed.

Question negatived.

The CHAIR: The question I now put to the committee is that the words '6 February', proposed to be inserted by the Hon. T.A. Franks, be so inserted.

The committee divided on the question:

Ayes 10
Noes..... 9
Majority..... 1

AYES

Centofanti, N.J.	Darley, J.A.	Franks, T.A. (teller)
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Parnell, M.C.	Stephens, T.J.
Wade, S.G.		

NOES

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

PAIRS

Ridgway, D.W.	Bonaros, C.

Question thus agreed to; the Hon. T.A. Franks' amendment carried.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks–2]—

Page 3, line 3 [clause 4(3)]—Delete '28 March' and substitute:

6 February

Again, this is consequential on the previous amendment, which deletes 28 March and substitutes it with 6 February.

Amendment carried; clause as amended passed.

Remaining clause (5) and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (20:53): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

CORONAVIRUS

Adjourned debate on motion of Hon. M.C. Parnell (resumed on motion).

The Hon. R.I. LUCAS (Treasurer) (20:54): I thank honourable members for their forbearance in allowing my brief contribution to this particular private members' motion to be adjourned so that I could at least participate in part of the Board of Treasurers teleconference. I will speak briefly to the bill; I am not sure who else spoke prior to the dinner break, other than the Hon. Ms Franks.

The motion that has been moved by the Hon. Mr Parnell is lofty in its goals and broad in its nature in an earnest endeavour, I think, to allow it to be all-encompassing and supported by all, and I am here to indicate that I think he has succeeded. As hard as I looked, I could not find anything too offensive to justify me speaking against the motion, so I will, on behalf of government members, indicate our broad support.

I suspect, as cleverly crafted as it is, that in some areas the words are broad enough to allow the Hon. Mr Parnell the particular perspective that he might want to bring to bear in relation to how we emerge from COVID-19 in a changed fashion. His views might be slightly different to the views of others and indeed the views of the government, and I think he has, in his drafting, been prepared to acknowledge that we can leave those debates to those specific issues.

Nevertheless, I believe the wording in the five paragraphs of his motion are sufficiently broad to encompass us all and certainly the earnest goal that we do learn lessons from what we are still enduring—I should use the present tense. It has been rightly described as a crisis and there are many lessons that we have learned and can still learn as we look at how we have adapted and coped with the COVID-19 pandemic and, just as importantly, how we emerge from the COVID-19 pandemic.

Clearly, from the government's viewpoint, we see critical issues as being jobs, jobs, jobs and jobs. We see the notion of being able to keep people gainfully employed with money in their pockets as being a very significant part of any solution, whilst recognising that there will ever be a small number—and we hope an increasingly smaller number—of people who, for a number of reasons, are unable to find gainful employment.

We believe that governments—state, federal and local—and communities need to do what they can to support those who are unable to either obtain or retain gainful employment. With those brief words, I indicate on behalf of government members support for the motion the Hon. Mr Parnell has moved.

The Hon. M.C. PARNELL (20:58): In summing-up, I would like to thank my colleague the Hon. Tammy Franks and thank the Treasurer for speaking to the motion. The Treasurer is absolutely correct in that I have crafted this motion in such a way that it avoids the words that we normally see in motions, such as 'condemn', because what I wanted to achieve in this motion is something that I think goes to the heart of our work, especially this year, and that is: how do we get through this difficult period and how do we make sure that the key values of looking after people and looking after the planet are at the fore?

The Treasurer is also correct in that people can have entirely different approaches as to how they look after people. There are some people for whom trickle-down economics, for example, and ensuring that the rich get fabulously wealthy and that that will trickle down to other people is the path to progress. I do not accept that view, but there are other people who will take a diametrically opposite view about what is best for people.

The key words in the motion were about how do we 'build back better'? I think around the water coolers, and now once again in the front bars, people are having conversations that relate to things such as homelessness. 'How was it that during COVID we got all of the homeless people of the streets? Why don't we keep that going?'

The Hon. J.M.A. Lensink: We are.

The Hon. M.C. PARNELL: The minister interjects, 'We are,' and that is exactly the sort of thing that I was seeking to elicit in this motion. Similarly, with social security. Whilst that is more the federal responsibility, people have seen that we can lift people out of poverty by paying more in terms of the social safety net, especially for people who are unemployed. I think it would be unacceptable to the vast majority of Australians to put the unemployment benefit—Newstart, JobSeeker, whatever name you want to give it—back to the poverty-guaranteeing levels that it was at before this coronavirus hit.

I am glad the motion will have support. I would have liked a few more members to have taken the effort to put some thought into what the pressing priorities post-COVID should be, but it is what it is. I have given every member the opportunity and I am at least pleased that it will be passed unanimously by the Legislative Council today.

Motion carried.

Bills

STATUTES AMENDMENT (SENTENCING) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (21:01): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, this Bill amends both the *Sentencing Act 2017* and the *Criminal Procedure Act 1921* to improve how the sentence reduction scheme operates within our criminal justice system. It responds to the recommendations made in the report by the Honourable Brian Martin AO QC following his 2018-19 Review of the Sentence Reduction Scheme.

The sentence reduction scheme is contained in Part 2, Division 2, Subdivision 4 of the Sentencing Act. The scheme was introduced by the former Labor Government through the *Criminal Law (Sentencing)(Guilty Pleas) Amendment Act 2012* and came into operation on 11 March 2013. The scheme adopted into legislation the principal that had previously operated as part of the common law: that is, an offender's sentence can be reduced if they plead guilty before trial. It did so by creating a 'tiered scheme', specifying the maximum percentage by which an offender's sentence can be reduced based upon the particular stage in the court process at which the guilty plea is entered.

When it was introduced, the stated purpose of the scheme was to tackle the problem of delays in the criminal courts in this State, to provide a fairer and more transparent scheme than existed at common law, and to ensure that the reductions received by offenders diminish rapidly for pleas entered later in the prosecution process.

Importantly, the scheme aimed to encourage guilty defendants to plead guilty *early* in the prosecution process, by linking the extent of the reduction available to a defendant directly to the stage of the court proceedings at which the plea is entered.

The earlier the plea is entered, the greater the reduction to be applied. This was intended to reflect the benefits that early guilty pleas provide to the community, the justice system and to victims of crime.

Mr President, let us be clear on one thing. The sentencing reduction scheme that currently operates in our state was developed by, introduced, and passed the Parliament by, the former Labor Government.

This is their scheme and it is their legacy.

The Government at the time openly stated that the *main* objective was to improve the operation and effectiveness of the criminal justice system by decreasing delays and backlogs in cases coming to trial.

Before I go on to speak about what the Bill seeks to remedy, I want to reflect on the words of the former Deputy Premier, the Hon John Rau SC, when he first introduced the legislation into the South Australian Parliament.

He said, and I quote:

'...the legislation should not result in the granting of unduly lenient sentences for offenders through excessive discounts' and further that,

'any perception that the bill will allow offenders to escape their just deserts and appropriate punishment by pleading guilty is mistaken'.

Mr President, those words should haunt the Labor members opposite, for we all know this prediction has not been borne out in practice.

In September 2018 Mr Brian Martin AO QC was appointed to conduct a review into the sentencing reduction scheme.

The Report, which was published in June 2019, made a number of recommendations suggesting appropriate amendments be made to the scheme. Some of those recommendations represent what could be described as 'technical' changes to the Sentencing Act and the Criminal Procedure Act, to ensure that the sentencing process operates more smoothly and fairly; whilst other recommendations represent more substantial policy changes.

Mr Martin recognised in his report a tension between two, often competing, public interests. These are, the public interest in 'the protection of the public through the imposition of sentences that will best achieve that objective' on the one hand, and the public interest in 'assisting victims and in economic considerations attached to the operation of the criminal justice system' on the other.

Mr Martin both examined data and received submissions from criminal justice sector stakeholders, members of the public, academics and victims.

The data he examined revealed that the scheme has encouraged a greater number of defendants to plead guilty early in the proceedings, but has not, on the whole, shortened the time taken to finalise serious matters.

A key theme to emerge during consultation was that victims feel devalued by the current scheme which is exacerbated by the extent of the available discount (up to 40 per cent for some offences). The significant reductions received by offenders are also out of touch with community expectations; which is particularly so when the offending is serious and there is a strong prosecution case.

Public sentiment was that a significant reduction being applied to a sentence that the court has otherwise deemed appropriate suggests that the offender is not receiving a punishment that matches their crime.

However, a number of criminal justice sector groups expressed support for the retention of the scheme in largely its current form from, on the basis that it provided certainty for defendants and thus greatly encouraged the guilty to plead guilty at an early stage.

The Law Society in its submission to Mr Martin, however, acknowledged that, even though the scheme appeared to be working well from a caseflow management perspective, if public confidence in the scheme is lacking then there is a case for reform.

Ultimately, Mr Martin concluded that the maximum discounts available to offenders for serious offences are too high, but that by making adjustments to the existing scheme, an appropriate balance could being struck between an affordable criminal justice system on the one hand, and public confidence in that system on the other. That is precisely what this Bill does.

Mr President, most of the Recommendations made by Mr Martin have been adopted in this Bill and all key Recommendations have been adopted; namely:

1. reducing the maximum discounts available for guilty pleas for all major indictable offences;

2. further reducing the maximum discounts available for guilty pleas to serious indictable offences including (amongst others) offences which result in the death of or serious harm to a person, and serious sexual offences;

3. retaining the discounts available in the Magistrates Court;

4. ensuring that Courts can apply a lesser discount if a guilty plea is entered in the face of an overwhelming prosecution case; and

5. ensuring that Courts can apply a lesser discount if a defendant:

- has shown no genuine remorse for his or her offending; or
- has intentionally concealed his or her crime; or
- has disputed the factual basis of a plea and a Court has not found in their favour.

Adoption of these Recommendations will ensure, firstly, that reductions received by defendants are more closely aligned with community expectations and, second, that courts can apply the reductions more flexibly than has been the case to date.

Turning to consider the Bill more closely, the most significant amendments are found in Part 3 of the Bill, which amends the Sentencing Act.

The scheme for reductions of sentences for guilty pleas to summary and minor indictable offences in the Magistrates Court is found in s 39 of the Sentencing Act. As recommended by Mr Martin, the reductions available under this provision are maintained at the current levels.

The scheme for reduction of sentences for guilty pleas in other cases—that is major indictable offences, and other offences finalised in the District and Supreme Courts—is found in s 40 of the Sentencing Act. The Bill amends this section so as to provide for two separate tiered schemes; one for 'serious indictable offences', and one for all other offences dealt with under s 40.

The Bill provides that a 'serious indictable offence' is defined as a 'serious offence of violence' for which the maximum penalty is, or includes, at least 5 years imprisonment, a 'serious sexual offence' for which the maximum penalty is, or includes, at least 5 years imprisonment, or any other offence prescribed by regulations for this purpose. 'Serious offence of violence' and 'serious sexual offence' are separately defined by reference to particular offences against the *Criminal Law Consolidation Act 1935.*

Defined in this way, 'serious indictable offence' will include, for example, offences of murder, manslaughter, causing death or serious harm by dangerous driving, rape, maintaining an unlawful sexual relationship with a child, unlawful sexual intercourse, aggravated indecent assault, and offences relating to the production and dissemination of child exploitation material.

For these serious indictable offences, the maximum reduction that a court may apply for a guilty plea will be up to 25 per cent, which has been reduced from the current maximum of up to 40 per cent.

The reductions available to defendants pleading guilty to serious indictable offences will be similarly reduced at each 'tier', such that a plea entered at the first Arraignment in the District or Supreme Court will attract a maximum reduction of up to 5 per cent. Currently, the applicable reduction is up to 15 per cent.

For other offences falling within the scope of s 40 of the Sentencing Act the reductions at each tier are, consistent with the Recommendations of Mr Martin, reduced by 5 per cent. Accordingly, a plea within 4 weeks of the first appearance will attract a reduction of up to 35 per cent (compared with 40 per cent), whilst a plea at first Arraignment will attract a reduction of up to 10 per cent (compared with 15 per cent).

In addition to this, both sections 39 and 40 are amended so as to provide that all sentencing courts *must* have regard to the following additional factors when determining the appropriate reduction in respect of any offence:

- First, whether the defendant disputed the factual basis for sentence and a hearing occurred in relation to that dispute, which was not determined in favour of the defendant;
- Secondly, whether the defendant intentionally concealed the commission of his or her crime and, if so, the period of time for which that concealment persisted;
    - An example of this might be a murder in which the offender has hidden the deceased's body and other evidence of the murder, and has told lies about the deceased having run away in order to hide the fact of their disappearance;
- Thirdly, whether any genuine remorse on the part of the defendant is so lacking that a reduction by the percentage contemplated would be so inappropriate that it would, or may, affect public confidence in the administration of justice; and
- Fourthly, whether the prosecution's case against the defendant is so overwhelming that a reduction by the percentage contemplated would be so inappropriate that it would, or may affect public confidence in the administration of justice.

The latter two factors—genuine remorse and the strength of the prosecution case—are expressed as mandatory considerations once a court is satisfied that the threshold has been reached; that is, where there is *so little* remorse, or the prosecution case is *so strong,* that the contemplated reduction may affect public confidence in the administration of justice.

This seeks to strike a balance between flexibility of approach on the one hand—that is, *enabling* a court to lessen the reduction in appropriate cases—and ensuring that courts are not overwhelmed with the task of having to make an assessment as to the strength of the prosecution's evidence in relation to *every* charge for *every* offender that comes before the court. Such a requirement would create an enormous burden for courts and may also serve to further traumatise victims of crime if, for example, a court determined that the prosecution case was 'weak', particularly if it relied largely on that victim's evidence.

Importantly, the Bill provides that a court should ordinarily make the assessment as to the strength of the prosecution case by reference to affidavits and other documentary evidence before the court. This is to avoid witnesses—for example, the victim in a sexual assault—being required to give evidence solely for this purpose. Such a situation would significantly negate the benefit of a guilty plea.

Mr President, the Bill also extends, in both the Magistrates Court and the Higher Courts respectively, the time within which defendants can receive the first 'tier' of reductions in very limited cases.

In his 2019 Review, Mr Martin received submissions to the effect that the strict four-week timeframe is too short for some defendants to properly instruct and receive advice from a lawyer. This is often particularly the case for Indigenous defendants living in remote communities, living itinerant lifestyles, or for whom English is not their first language. Such defendants may be many hundreds of kilometres from a lawyer, and may have very limited access to linguistically and culturally appropriate interpreters.

Similar submissions were received, and a similar recommendation made, by Mr Martin when he conducted a review of the scheme in 2015, which was mandated by s 9 of the *Criminal Law (Sentencing)(Guilty Pleas) Amendment Act 2012.*

Accordingly, the Bill amends sections 39 and 40 of the Act to provide that a court may apply the highest reduction if a plea has been entered

within 14 days of the expiry of the first tier, and the court is satisfied that the defendant was unable to obtain legal advice due to remote residency, itinerancy, or communication difficulties stemming from an inability to speak reasonably fluent English.

Mr President, the Bill also repeals s 38 of the Sentencing Act, which currently allows for a reduction in penalty of up to 10 per cent even when a defendant did not plead guilty, put the prosecution to proof, and was convicted following a trial, but all procedural requirements were complied with.

Mr Martin's report concluded that this provision is out of step with community expectations, and moreover, that compliance with procedural requirements will often be more of a reflection on a defendant's lawyer than on the defendant themselves.

The Marshall Liberal Government agrees that this reduction in sentence should no longer be available to guilty defendants who have put victims through the trauma of giving evidence at a trial.

Part 2 of the Bill amends the *Criminal Procedure Act 1921.* These amendments are what might be described as more 'procedural' in nature.

The most significant amendment is found in clause 5, which creates a new Division 3A of Part 5 of that Act, comprising a new s 115A. This will empower a Magistrate to take a plea to a statutory alternative to a charged offence, or an attempt to commit the charged offence.

This amendment is important in the context of the sentence reduction scheme, because it will mean that the sentence discount 'clock' (which determines the maximum reduction that can be applied) for all offences—both charged offences and uncharged alternatives or attempts—will start ticking at the defendant's first court appearance.

Currently, if the defence and prosecution agree upon a plea to an uncharged statutory alternative or attempt, a fresh Information would need to be filed in order for the plea to be entered, and the 'clock' would start ticking all over again at this point In this situation, defendants would be entitled to a reduction of up to 40 per cent notwithstanding that the plea to the lesser alternative was not entered—or even offered—until well after four weeks after their first court appearance. Section 115A will remedy this anomaly.

Mr President, this legislation will put the protection of the community back at the heart of sentencing laws in our state.

The amendments contained in this Bill will remedy the errors made by the former Labor Government when they chose to place a desire for improved court efficiency over and above all other considerations in the sentencing process.

Whilst we will always strive to ensure that our court system is as efficient as possible, it is our view, that is the Marshall Liberal Government's view, that this should never come at the cost of justice.

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

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Criminal Procedure Act 1921

4—Amendment of section 108—Division not to apply to certain matters

A new subsection (3) is inserted for the purposes of avoiding any doubt in relation to the operation of section 108(2).

5—Insertion of Part 5 Division 3A

New Division 3A is inserted into Part 5 of the Act:

Division 3A—Pleas to alternative offences and attempts in the Magistrates Court

115A—Pleas to alternative offences and attempts in the Magistrates Court

New section 115A makes provision in relation to a person charged with an offence who please guilty to an alternative offence or an attempt to commit the offence charged. It provides for the Magistrates to sentence the person or commit the person for sentencing in a superior court (if relevant). Provision is also made for circumstances where the person changes or withdraws their plea of guilty.

6—Amendment of section 133—Conviction on plea of guilty of offence other than that charged

The phrase 'sentenced for the offence to which the plea of guilty is entered' is added after the reference to a person being convicted on a plea of guilty to an alternative offence to the offence charged. Paragraph (c) is deleted.

Part 3—Amendment of *Sentencing Act 2017*

7—Repeal of section 38

Section 38, which relates to the reduction of sentences for cooperation with procedural requirements, is repealed.

8—Amendment of section 39—Reduction of sentences for guilty plea in Magistrates Court etc

Certain considerations are added to the list of considerations a court must have regard to in determining the percentage by which a sentence for an offence is to be reduced in respect of a guilty plea.

A provision is included to allow for the maximum sentence reduction to be applied in the sentencing of a person who pleads guilty no more than 14 days after the expiration of the period during which the maximum sentence reduction is ordinarily available under the section, if the person lives in a remote location, has an itinerant lifestyle or specified communication difficulties.

9—Amendment of section 40—Reduction of sentences for guilty pleas in other cases

The various percentages by which a sentence for an offence may be reduced in respect of a guilty plea are amended and the percentages differ according to whether offence is a serious indictable offence or not such an offence.

Certain considerations are added to the list of considerations a court must have regard to in determining the percentage by which a sentence for an offence is to be reduced in respect of a guilty plea.

A provision is included to allow for the maximum sentence reduction to be applied in the sentencing of a person who pleads guilty no more than 14 days after the expiration of the period during which the maximum sentence reduction is ordinarily available under the section, if the person lives in a remote location, has an itinerant lifestyle or specified communication difficulties.

The term serious indictable offence is defined.

10—Transitional provision

A transitional provision is inserted for the purposes of the measure.

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

HEALTH CARE (SAFE ACCESS) AMENDMENT BILL

Introduction and First Reading

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

TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to amendment No. 2 made by the Legislative Council without any amendment; disagreed to amendments Nos 4 to 10; and disagreed to amendments Nos 1 and 3 and made amendments as indicated in the following schedule in lieu thereof:

No. 1. Clause 7, page 5, lines 4 to 19 [clause 7, inserted section 9(1) and (2) Delete inserted subsections (1) and (2) and substitute:

(1) The Teachers Registration Board consists of not less than 10 and not more than 14 members appointed by the Governor of whom—

(a) at least 6 must be practising teachers, of whom—

(i) 4 must be nominated by the Australian Education Union (S.A. Branch), of whom—

(A) at least 1 must be practising in the area of pre-school education; and

(B) at least 1 must be practising in the area of primary education; and

(C) at least 1 must be practising in the area of secondary education; and

(ii) 2 must be nominated by the Independent Education Union (S.A. Branch); and

(b) the remaining members are members nominated by the Minister, of whom—

(i) at least 1 must be a legal practitioner; and

(ii) 1 must be a parent of a school student appointed to represent the community interest.

(2) At least half of the members appointed under subsection (1) must be registered teachers.
Legislative Council's Amendment

No. 3. Clause 8, page 6, lines 10 to 27 [clause 8(2)]—Delete subclause (2) and substitute:

(2) Section 10(4)—delete subsection (4) and substitute:

(4) The Governor may appoint a person to be the deputy of the following members of the Teachers Registration Board:

(a) a member appointed in accordance with section 9(2)(a);

(b) a member appointed in accordance with section 9(2)(c),

and the deputy may act as a member of the Board during any period of absence of the member.

At 21:05 the council adjourned until Thursday 24 September 2020 at 11:00.