

LEGISLATIVE COUNCIL

Tuesday, 2 February 2021

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

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

Bills

SPENT CONVICTIONS (DECRIMINALISED OFFENCES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ABOLITION OF DEFENCE OF PROVOCATION AND RELATED MATTERS) BILL

Assent

His Excellency the Governor assented to the bill.

APPROPRIATION BILL 2020

Assent

His Excellency the Governor assented to the bill.

EVIDENCE (VULNERABLE WITNESSES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Condolence

WEATHERILL, HON. G.

The Hon. R.I. LUCAS (Treasurer) (14:19): By leave, I move:

That the Legislative Council expresses its deep regret at the death of the Hon. George Weatherill, former member of the Legislative Council, and places on record its appreciation of his distinguished public service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

In preparing some comments for my contribution to the condolence motion today I was well and truly reminded that it is about time I retired from this place, and I am sure there will be no disagreement from some opposite to that observation, because my office pulled out the comments I made as George was, I believe, about to retire from this chamber just over 20 years ago in July 2000.

George's version of events—and there may well be a conflicting view—was that in a complicated series of arrangements that went on within the Labor Party, which would only be understood by those within the Labor Party, his son Jay was about to be preselected for Cheltenham for the 2002 election. George was only three years into an eight-year term—and there are not too many people who, other than for health grounds, give up five years in the Legislative Council—voluntarily retired and, as I understand it, Bob Sneath from the AWU, who had particular power within the halls of power within the Labor Party at that particular time, took his position in the Legislative Council.

As I said, this was George's version of events, but I am sure it was pretty accurate, that he was very happy, as was his wont in many areas, to make a sacrifice for what he saw to be for the benefit of his family and Jay in particular, but also what he believed would be to the benefit of the Labor Party in terms of Jay's potential contribution to the future of the Labor Party. As it transpired, Mr Weatherill junior (Jay) went on to serve his party and South Australia as a minister and then as Premier for a good period of time.

As I said, I have been in this place way too long and it is about time I retired, but it does not seem 20 years ago that I was farewelling George from this particular chamber. In discussions with my current colleagues, none of them actually served in the Legislative Council with George. I think you, Mr President, would have served with him but I am not sure that anyone from the Labor Party benches would have served with George either.

As I said at the time, 20 years ago, I recall with fondness the period of time we all, as colleagues, spent in the chamber with George. He was well known for his fondness for a quiet ale and a cigarette or two. Botany Bay, as it then existed on the lower ground floor, was the refuge for smokers in Parliament House, that little enclave. Anyone who had an office in and around that particular area knew, as the doors opened and closed, that George and others had been there, in terms of allowing smoking in Botany Bay, as it was called, on the lower ground floor of Parliament House. As it transpired in later years, they were forced to go out onto the back steps of Parliament House to indulge in that filthy habit of smoking.

I think all former members who worked with George would recall their time working with him with fondness. He did not get wound up on too many issues in parliament, but the ones he did were clearly issues that were near and dear to him and to the broader union movement generally. Essentially, they were issues in relation to workers compensation. When he was first elected to the Legislative Council there had been a huge debate on workers compensation. Also, issues that related to what we now call work health and safety laws but what was occupational health and safety legislation in those early years, as well as any other general issues; in particular, if there was federal legislation from what he would see as an evil federal Liberal or Coalition government impinging on the rights of ordinary workers.

They were the sorts of issues that George would speak on, generally, in this particular chamber. He was fearless in terms of pursuing his views on behalf of working men and women broadly within the trade union movement. I recount that 20 years ago—and I put it on the record now because these sorts of occurrences do not happen these days—George was well known for his contribution to what was then the annual press versus parliament cricket game. Mr President, you would recall that.

I have to say that he was not noted for his ability on the cricket field. He was a toiler, if I can put it politely, in terms of his contribution. He was marginally better than former Premier Mike Rann, I might say, but not much, in terms of his contribution on the cricket field. However, he would inevitably be in charge of hospitality, in particular the cooking of the barbecue.

Perhaps the contribution and cricketing prowess of former members was much higher in those days when I first came to the parliament. We used to play the game on Adelaide Oval but were relegated to Adelaide Oval No. 2 as they noticed our abilities, and we were then relegated down to being opposite the police barracks or parklands or whatever it might be.

When we were relegated George would somehow borrow a mobile barbecue—from, I presume, the AWU, although I am not sure which particular union—hitch it up to the back of his car, bring it to wherever we were, whether the parkland ovals or opposite the police barracks, and set it up and be in charge of cooking the barbecue for the press and the parliament at that annual event, which used to occur just prior to Easter every year.

He was also associated with one of the tennis clubs in the western suburbs. Another social event we used to have—although not as frequently as the cricket game—was a press versus parliament tennis event, and George and Joy hosted us down at their local tennis club in the western suburbs for that social event between the media and the parliament. I am sure those within the Labor Party would be able to attest to George's hospitality, both within the Labor movement and personally. He was great company in relation to all those particular events.

As the only current member of the government who served with him and who enjoyed the time I served with him, I want to pass on my condolences to the family, friends and acquaintances of George and acknowledge his contribution to his party, his family, the parliament and the broader community. As I said, on behalf of government members, I acknowledge his contribution.

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): I rise to support the motion and speak about the life and times of a previous member of this chamber, the Hon. George

Weatherill, the father of a previous premier (as the Leader of the Government pointed out), a union stalwart and, I think, an all-round good bloke to all those who knew him.

George was born in northern England in 1936 in that time between the Great Depression and the Second World War. He knew hardship, growing up. I know George used to recount his memories of being ushered into bomb shelters during the Second World War. He was one of 10 kids, having had his father die at the age of 13. He told of his mother having to round up the kids into bomb shelters and George not always being compliant in going to the bomb shelter when it was time to go and the stress that caused his poor mother.

George decided to go on an adventure to Australia in 1960 in his mid-20s. On the way here, on the boat, he met Joy and that started a love of his life. He was still married at the time of his death. He worked three jobs to save money for a family home, where he and Joy could raise their three sons. Within two years he was elected a shop steward at what is now SA Water (the old E&WS) for the Australian Government Workers Association.

As it was told to me, it was a day in 1962 and George was in hospital having his appendix removed when they were electing a shop steward. As famously happens in all sorts of movements, he was elected in his absence as 'that Pommy guy from northern England—he'll know how to organise', so George started his union career while he was in hospital having his appendix removed. He climbed the ranks within the union movement over the next quarter of a century. He was instrumental in a lot of things that occurred in the union, going from shop steward right up to an elected organiser and then, of course, being elected from the union movement into parliament.

It was at a time, too, when there were real battles raging within the union movement around Australia but particularly within South Australia over the direction and the heart and soul of many unions, particularly blue-collar unions, and about the nature of their unions, whether they were acquiescent to getting along with what employers demanded or were much more confrontational. George was not the type to agree easily, and certainly from many of my contacts in the Labor Party today many of us are grateful for how actively and strongly George supported his values within the union movement.

He was elected in 1986 to the Legislative Council. I think he was appointed to fill a casual vacancy left by another hero of the left of the Labor Party. I think it was Frank Blevins' move to the lower house that was the vacancy that opened up that George filled at the time. Of course, he was re-elected twice after that.

I know the Hon. Rob Lucas talked about George retiring three years into an eight-year term, which is quite an extraordinary thing to do. At George Weatherill's funeral on Saturday, I was talking to one of the participants in the conversation at a pub when they went to see George Weatherill to lay out the plan about Bob Sneath going to parliament and then Jay eventually going to parliament. I think there were three people, including George, involved in this conversation. George went through in great detail about which members of the Legislative Council might give up their spot to allow this all to happen, until one of them had to say, 'Actually, George, it's you.' 'Oh, okay,' he said.

As the Hon. Rob Lucas pointed out, he was a man who believed in collectivism, in the greater good, and that is what he did. With five years to go, he saw that, in his estimation, this was for the greater good of his movement and made way for change and renewal in the Labor Party, which, again, many of us are grateful for, having his son come into parliament. His son, except for that final year in parliament, did not serve anywhere but around the cabinet table for his whole time in parliament. It was a wise and fortuitous move by George Weatherill to pave the way for that to happen.

He served on both sides of the chamber in government and opposition, serving in the esteemed position as whip for the parliamentary Labor Party in this chamber as well as on a number of committees. For his whole career he stuck to the principles for which he fought for all of his life: supporting workers, supporting those in society who need support and do not have a voice for themselves.

As the Hon. Rob Lucas pointed out, he was always good behind the barbecue. I know most big election afterparties that I have attended at the car parks of various unions would almost always have George Weatherill behind one, throwing sausages and chops around, ready to feed people

who, probably like him, had one too many beers after commiserating an election loss or celebrating an election win.

Lynn Arnold spoke quite a lot at George's service on Saturday, and he talked about the exceptionally close friendship he had with George Weatherill. Lynn talked about the fact that, on the day that he retired from parliament, it was the Weatherill's house he went to to have a home-cooked meal and to celebrate. George had many, many friends from within the Labor movement and from without.

I am not nearly as experienced and have not been around as long as the Hon. Rob Lucas, but I remember, when I was starting out in the Labor Party, many nights at places like the Irish Club, with Pat Conlon, John Gazzola and George Weatherill. George was fond of having a beer or two, a couple of cigarettes and a bit of a punt on whatever was racing at the time on the TAB. It would be a highly unusual night if it did not end, near the end of the night, with George asking, 'Can you lend me 20 bucks so I can get a cab home?' after having spent every last cent buying other people beer and putting punts on.

George, if I had a spare 20 bucks for your final journey, I would lend it to you now. Farewell, George. My condolences go to his wife, Joy, and his three boys.

The Hon. I.K. HUNTER (14:35): I also rise to acknowledge the extraordinary life and service of George Weatherill, the boy from Hartlepool in England. I have known George for a very long time. Over the weekend, I was reflecting on what I could actually say about George and on some of the stories that I could tell, but I very quickly came to realise that none of them could go into print. Very, very few of them could actually be part of the public record.

I will say that George was always very supportive of me. I remember when I ran for Young Labor president, back in I think 1985 or 1986, George discovered that there was a plan afoot, hatched by the now Hon. Mr Michael Atkinson, to do me in by proxy. George felt so affronted by such an outrageous attack on the democracy of Young Labor that he offered me his services. I was a little bit dubious about what George could do for me in terms of assistance, but we sat down one afternoon at one of his favourite meeting places, I should say, and went through the Young Labor membership list. We were going through it and he said, 'Oh, I know her dad. I know his dad. I'll go and see them.' I said, 'Okay. Where are you going to see them?' and he said, 'Down at the pub. We'll go down and have a chat.'

I am not sure how many votes George swung for me by seeing those Young Labor people's dads—I am not sure that Young Labor voters like being told by their dad how to vote—nonetheless, I smashed Michael Atkinson's candidate to the point. But he came up to me afterwards and said that he even voted for me as well. That is the sort of power that George had; he was a very persuasive individual.

The Hon. Mr Lucas said that George was handy with the tongs, and that is true. George was always responsible for running the barbecue at the Hindmarsh FEC annual barbecue. We relied on George to take the money at the barbecue and give us a big profit for the day, selling his famous meat patties and his lamb forequarter chops that were just slightly too greasy for most people. Of course, his favourite was snags on bread.

The problem, as I quickly worked out after two or three years, was that in those days we also got in kegs and the kegs were down by the barbecue. Whilst George was doing great business for us selling the snags, the patties and the greasy chops, he was also hoeing into the kegs. We would go through two or three kegs, and I think George probably put away one and a half of them himself and would not pay for them at the time. The profit margins at the Hindmarsh FEC took a big dive when I gave George responsibility for the kegs and the barbecue, but when I separated them and moved them to opposite ends of the grounds we were back in the black again.

George ran the barbecue for all our fundraisers: he did it for Young Labour, he did it for the Hindmarsh FEC, he did it for the union movements, he did it for non-political organisations and for the community as well. It is where he really liked to be. I asked him why he liked to do the barbecue so much and he said, 'Mate, that's where you hear all the gossip. As they're lining up in the queue, waiting for their snag, they tell you all sorts of things and you just stash that away to use on a later day.'

George had a lot of skills. One of them was his ability to persuade, and usually that was done over a schooner. I can remember George coming into my office occasionally and saying, 'Mate, I've got to see you.' I said, 'Alright, let's have a chat.' He said, 'No, not now; 4 o'clock this afternoon.' The meeting place would inevitably be at the Hilton Hotel, the Mile End or the Wheatsheaf, or down at Henley Beach, West Lakes or Challa Gardens, or up at Tonsley. Wherever George was going to be that afternoon, you would find him in the gaming room and you would have a chat.

When you got to the bottom of what he wanted to talk to you about, it was not much at all; he just wanted to have company for the afternoon. His excuse was to get you out of the office. You would end up being there for quite a while. I can remember ringing Jay occasionally, running off and getting some coins for the phone, and saying, 'You've got to get me out of here. Come by and pick us all up because none of us can actually drive home ourselves.'

He was great company. He was a great storyteller. I can remember, as I said, quite a few stories that he told me, probably mostly libellous, some of them about people in this place still. He warned me very early about the Hon. Mr Lucas. I think he said in one of his speeches on the occupational health and safety bill that he was very impressed by the Hon. Mr Lucas and how much he knew about working people. He was very polite, as I say, in his public discourse, but later on in private he would have given you a perfectly different view about the amount of experience the Hon. Mr Lucas would have with the plight of working people, particularly in relation to occupational health and safety.

George was true to his passions right up until the very end. Depending on who you were and the relationship you had with him, you saw a slightly different version of George, and that is probably natural for everybody. But I think at the end of it service to working people was George's driving force in his life. As much as anything else, it was his defining characteristic and it is something for which we all owe him a debt of gratitude.

The Hon. E.S. BOURKE (14:41): I rise very briefly to support this motion. I do enjoy reading honourable members' first and last speeches made in this place. They provide an insight into the hopes of the new member for what they seek to achieve and their reflections on the pride and honour in serving this great state. Perhaps their hopes may change along the way, but they do hopefully stick true to the values that they bring to this place. The respect from both sides of the chamber indicates that George did just that. While members may have had differing views and beliefs, holding true to your values is always important.

George was a union man who backed the rights of working South Australians throughout his whole working life. During honourable members' speeches to George on the last sitting day a common theme outside of his values was repeated across the chamber: his sense of humour, the love of a good catch up and sport, even if that was the sport of cooking the barbecue. It was also made clear he was a proud family man. Before entering Jay Weatherill's office, I will be honest, I did not know much about the special people in his life, but that quickly changed.

There was always time in the diary for Jay's family, and George was a very special part of that time. George was respected in this place and outside of these walls but, most importantly, by his family. I would like to pass on my condolences to George's wife, Joy, whom, as I read in the materials provided, he would always refer to as 'the governor', and to his sons Dana and Lea. As many people in this chamber would know, your staff become your extended family, and working in Jay's office when he was Premier we did feel like Jay's extended family. So on behalf of all of Jay's previous staff I would like to send our condolences to not only Jay but also Mel, Lucinda and Alice, and you never know, the legacy of the Weatherill family may just very well continue.

The Hon. I. PNEVMATIKOS (14:43): Like many of us in the Labor Party, George became involved in politics because of his passion for workers' rights and involvement in the union movement throughout his working life in South Australia. He was initially involved in the Australian Government Workers Association and then in the Federated Miscellaneous Workers' Union (the Missos) when the two unions amalgamated. The FMWU was the precursor to today's United Workers Union.

I met George while he was working as an organiser when I commenced working at the Missos. George and I shared a good working relationship during the time that we worked at the Missos. He was a great advocate for workers' health and safety and workers compensation rights. I send my condolences to his family—Joy, Jay, Dana and Lea—as well as family and friends.

The Hon. T.A. FRANKS (14:44): On behalf of the Greens, my honourable colleague and I extend our condolences to the Hon. George Weatherill's family, his wife Joy and, of course, known to us, Jay and Mel. I did not serve in this place with the Hon. George Weatherill, now 20 years retired, but I certainly saw him in the members' bar more than once. He was incredibly proud as Jay, obviously, rose to the highest position in this place, of Premier.

Indeed, he was a true believer. In my first speech in this place I noted that some of us Greens call ourselves the 'new believers', but a true believer and a working-class hero is something to be, and George was indeed that. Being loyal to the cause and willing to sacrifice his own career for the betterment of his party is something that certainly is admired across the aisles.

As a whip, he was not one much for words in this place, but I did notice that one thing he did was table petitions on prostitution. When he gave his final speech, which the Hon. John Dawkins and the Treasurer featured in, they had to wait around until a prostitution bill came to this place from the other place in the early hours of the morning to finalise that. The more things change in this place the more they stay the same. I hope, though, that workers' rights, as championed by the Hon. George Weatherill, will continue to progress. I offer my condolences.

The PRESIDENT (14:46): I wish to make a few remarks about the Hon. George Weatherill, whom I had the privilege of serving with in this place for almost three years. When I came here, George was the opposition whip, and soon after the change of government, when that position fell to me—and the Hon. Mr Hunter will agree with this—he was very quick to remind me about what an important role the opposition whip has in running the place.

George did not serve with my father, but they got to know each other on parliamentary bowls club trips. When George was retiring, I relayed the story of a trip in January on the train back from the annual bowls carnival in Perth, when many songs were sung around a piano. There are very few people here, probably, other than the Treasurer, who knew my father. My father enjoyed singing, but also enjoyed singing and drowning everybody else out. I think George reminded me very much of the great songs that were sung, many of which originated from his homeland.

The Treasurer and others have talked about George's attributes at the barbecue, and that was a feature, as the Treasurer said, of the annual cricket match between members of parliament and the media, which, sadly, has disappeared from our radar. That was something that many of us really enjoyed on Maundy Thursday.

In recent years, George and I remembered some of the other highlights of those games. One of those was in either my first or second year, when the now Treasurer, the Hon. Rob Lucas, was batting with the shadow treasurer, Kevin Foley. A number of people, including George, had great mirth in working out who was going to run the other out first. I think on that occasion they actually batted for quite a long time together.

It was a privilege to attend George's funeral at Queenstown on Saturday afternoon. There was a wide array of members of parliament and former members of parliament but also other members of the community and the former Clerk of this chamber, Jan Davis. I think George was probably up there smiling and I could just see him saying, 'There are not too many people who get two former premiers to speak at their funeral,' being Lynn Arnold, who conducted the service, and George's son Jay.

Jay told us a story, which I relayed on Saturday night because my wife Sheila and I were privileged to go to the Greyhound of the Year event. Jay told the story that he and his father had gone to the Gawler dogs one evening and George won the trifecta on the first three events, which meant that he had about \$1,000 in his pocket. We are talking a few years ago, so \$1,000 was a lot of money. Jay pleaded with his father to leave when he was up in good order and to go home. No, not George. George stayed and I do not think a lot was left of the \$1,000 at the end of the evening.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Could be. I have great memories of George. It is remarkable, as the Treasurer said, that it is over 20 years ago since we farewelled him from this place. He was a character and a great believer in leaving your grievances, your arguments in this place, behind in this chamber but also in having great friendships across the aisle.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:51 to 15:04.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2019-20—

City of Adelaide
Adelaide Hills Council
Adelaide Plains Council
Alexandrina Council
The Barossa Council
Barunga West Council
Berri Barmera Council
City of Burnside
Campbelltown City Council
District Council of Ceduna
Clare and Gilbert Valleys Council
Coorong District Council
Copper Coast Council
Flinders Ranges Council
Town of Gawler
Regional Council of Goyder
District Council of Grant
City of Holdfast Bay
Kangaroo Island Council
Light Regional Council
District Council of Lower Eyre Peninsula
City of Marion
Mid Murray Council
City of Mitcham
Mount Barker District Council
City of Mount Gambier
Naracoorte Lucindale Council
City of Norwood Payneham & St Peters
City of Playford
City of Port Adelaide Enfield
Port Augusta City Council
Port Pirie Regional Council
City of Prospect
Renmark Paringa Council
Municipal Council of Roxby Downs
City of Salisbury
Southern Mallee District Council
District Council of Streaky Bay
City of Unley
City of Victor Harbor
Town of Walkerville
Wattle Range Council
City of West Torrens
City of Whyalla
Wudinna District Council

District Council of Yankalilla
 Yorke Peninsula Council
 Report of the Auditor-General—Review of ICT projects in SA Health, Report No. 16 of 2020
 Report of the Auditor-General—Examination of cyber security: City of Port Adelaide Enfield, Report No. 1 of 2021
 Report of the Auditor-General—Examination of cyber security: City of Prospect, Report No. 2 of 2021
 Report of the Auditor-General—Examination of cyber security: Port Augusta City Council, Report No. 3 of 2021

By the Treasurer (Hon. R.I. Lucas)—

Corporation By-laws—
 City of Campbelltown—
 No. 6—Cats
 Fee Notices under Acts—
 Mining Act 1971
 Regulations under Acts—
 Bail Act 1985—Bail Authorities
 Criminal Law Consolidation Act 1935—
 Criminal Organisations—Premises in Burton
 Criminal Organisations—Prescribed Place—Cowirra
 Criminal Organisations—Prescribed Place—Cowirra—No 2
 Cross-border Justice Act 2009—Bail Authorities
 Dangerous Substances Act 1979—Dangerous Goods Transport—Miscellaneous
 Development Act 1993—Flinders Chase Tourist Accommodation
 Fisheries Management Act 2007—
 Abalone Fisheries—Quota
 Marine Scalefish Fisheries—Sardine Quota
 Miscellaneous Fishery—Quota
 Prawn Fisheries—Fishing Nights Entitlement
 Rock Lobster Fisheries—Quota—No 3
 Planning, Development and Infrastructure Act 2016—General—Planning and Development Fund—No 3
 Return to Work Act 2014—Royal District Nursing Service
 Superannuation Act 1988—Prescribed Authority No 2
 Work Health and Safety Act 2012—Miscellaneous
 Rules of Court—
 District Court—District Court Act 1991—
 Criminal—Amendment No 8
 Criminal Supplementary—Amendment No 8
 Uniform Civil—Amendment No 3
 Magistrates Court—Magistrates Court Act 1991—
 Amendment No. 87
 Amendment No. 88
 Amendment No. 89
 Uniform Civil—Amendment No 3
 Supreme Court—Supreme Court Act 1935—
 Criminal—Amendment No. 9
 Criminal Supplementary—Amendment No 8
 Uniform Civil—Amendment No 3
 Youth Court—Youth Court Act 1993—
 Young Offenders—Amendment No. 2
 Determination of the Remuneration Tribunal No. 12 of 2019—Remuneration of Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner, and Commissioners of the Environment, Resources and Development Court

Determination of the Remuneration Tribunal No. 13 of 2020—Accommodation and Meal Allowances—Judges, Court Officers and Statutory Officers
 Report of the Remuneration Tribunal No. 10 of 2020—Remuneration of Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner, and Commissioners of the Environment, Resources and Development Court
 Report of the Remuneration Tribunal No. 11 of 2020—Conveyance Allowance—Judges, Court Officers and Statutory Officers
 Report of the Remuneration Tribunal No. 12 of 2020—Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers
 Report of the Remuneration Tribunal No. 13 of 2020—Review of Accommodation and Meal Allowances—Judges, Court Officers and Statutory Officers

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

Guardian for Children and Young People—Report, 2019-20
 Fee Notices under Acts—
 Disability Inclusion Act 2018—NDIS Worker Check
 Regulations under Acts—
 Disability Inclusion Act 2018—NDIS Worker Check
 Environment Protection Act 1993—
 Environmental Authorisations—Fees
 Variation of Act—Schedule 1
 Mass Balance Reporting and Other Measures
 Landscape South Australia Act 2019—Water Management—Forestry—Prescribed Period
 Native Vegetation Act 1991—Flinders Chase National Park

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

South Australian Adult Safeguarding Unit—Report, 2019—20
 Regulations under Acts—
 Controlled Substances Act 1984—Serious Shortage Medicine Substitution

Parliament House Matters

SOCIAL MEDIA

The PRESIDENT (15:16): I wish to advise members that, with the concurrence of the Speaker of the House of Assembly, the parliament now has a joint social media presence on Facebook and Instagram platforms. Both Facebook and Instagram accounts will identify content from each house separately. The broadcasting of question time in the houses will be live streamed on the Facebook site, alternating between the houses each sitting day. Question time in the council will commence live streaming on Facebook today. The Legislative Council will continue to maintain its separate Twitter account.

Question Time

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. K.J. MAHER (Leader of the Opposition) (15:17): My question is to the Minister for Health and Wellbeing regarding COVID-19. Why has the minister failed to implement the national cabinet recommendations for a national standard of daily testing of all hotel quarantine workers, including private security guards, cleaners and hotel staff?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): It's another year but it feels like another year all over again. We start with the honourable Leader of the Opposition asserting untruths. The fact of the matter is that the national cabinet made a decision on 8 January to introduce daily saliva testing for medi-hotel staff. I would remind the house that it was the South Australian government that was the first jurisdiction in Australia to introduce mandatory testing for medi-hotel staff. We did so immediately after the Parafield cluster, and that PCR testing once every seven days has been continuing. I also think it's important to—

The Hon. K.J. Maher: You didn't want to do it.

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

The Hon. S.G. WADE: It's also important to acknowledge the leadership of our Premier at the national cabinet level in relation to pre-flight—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —testing.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the leader!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The Leader of the Opposition will get an opportunity to ask supplementary questions; however, the minister has the call and will be heard in silence. The minister.

The Hon. S.G. WADE: What the Premier has done at the national cabinet level is to advocate for pre-flight testing of incoming overseas travellers. Let's be clear, that was opposed by national cabinet but our Premier persisted and thankfully—and I say thankfully—the national cabinet has endorsed that. Isn't it better to stop the infection coming into Australia in the first place than it is to test for it when it's here? I believe that in the story of the pandemic that initiative led by Premier Marshall will be one of the decisive decisions that this state has made going forward.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: In terms of the national cabinet decision—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke and the honourable Opposition Whip are out of order!

The Hon. S.G. WADE: In terms of the honourable member's question regarding the rollout of daily saliva testing, the staged rollout of daily saliva testing commenced immediately after the decision of national cabinet on 8 January. Currently, all nurses across our medi-hotels are receiving daily saliva testing. Also, all staff involved with the dedicated facility are receiving daily saliva testing. By 8 February—and what's that, six days—I'm advised that all medi-hotel staff will be receiving daily saliva testing.

The Hon. J.E. Hanson interjecting:

The PRESIDENT: The Hon. Mr Hanson is out of order!

The Hon. S.G. WADE: I am advised that the rollout has been undertaken in a staged approach to ensure the availability—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, leader!

The Hon. S.G. WADE: Thank you, Mr President. When the opposition mocks in this situation I'm not sure whether they are mocking Tom Dodd, the leader of SA Pathology, who has to manage our precious pathology resources, or whether they are mocking the nursing teams who are providing the quality and safety in our medi-hotels.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: So when SA Health tells me they have undertaken a staged approach—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: —to ensure the availability of appropriate testing capacity at all times, unlike the opposition I do not mock, I do not laugh. I accept the public health advice.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. K.J. MAHER (Leader of the Opposition) (15:21): A supplementary arising from the answer given: when the minister says that all medi-hotel staff will be tested by 8 February, what categories of people does that include?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): My understanding is that includes nurses, police, security guards and hotel staff. That is my understanding.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. K.J. MAHER (Leader of the Opposition) (15:21): A further supplementary arising from the original answer: when the minister says that all medi-hotel staff will have a daily testing regime, does that include private security guards, security guards who are sworn officers, cleaners and hotel administrative staff who work on the front desks?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I suggest you listen to the answers and don't keep asking the same question. I refer the honourable member to my previous answer, which directly relates to it.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. K.J. MAHER (Leader of the Opposition) (15:22): A further supplementary arising from the original answer: when there are national cabinet decisions that require a national standard, can the minister outline to the chamber what a national standard means in this case?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22): The national cabinet decision was to rollout daily saliva testing—

Members interjecting:

The Hon. S.G. WADE: That's exactly what we are doing.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. C.M. SCRIVEN (15:22): My question is to the Minister for Health and Wellbeing regarding COVID-19.

The Hon. I.K. Hunter: The hapless minister.

The Hon. C.M. SCRIVEN: The hapless minister, indeed.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: In view of past comments by the Chief Public Health Officer about hotel quarantine staff that, 'We can't test people on a daily basis,' can the minister assure the chamber that there are enough test kits, equipment and staff for daily testing of all hotel quarantine staff, as per the national standard agreed by national cabinet?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:23): I find this really offensive. I cop it sweet, as a politician, getting repeatedly misquoted by Labor out of context, but if you are going to walk into this chamber and take a quote from the Chief Public Health Officer, Nicola Spurrier, and say that because she said some months ago that we didn't have the capacity to test, that that somehow applies now.

The fact of the matter is that SA Health, just as Tom Dodd and his team ramped up the PCR testing in record time at the beginning of last year, are this year ramping up saliva testing. That

is the opportunity the national cabinet has encouraged us to take up and that is exactly what we are doing. I'm not going to take any more mockery of Nicola Spurrier and Tom Dodd.

The PRESIDENT: The Hon. Ms Scriven has a supplementary.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. C.M. SCRIVEN (15:23): I do, because I think perhaps the minister's hearing wasn't working. The question was: can the minister assure the chamber that there are enough test kits, equipment and staff for daily testing of all hotel quarantine staff, as per the national standard?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:24): Okay, so what is the honourable member suggesting to me, that we have to make sure we have a staged rollout so that we don't run out of kits? The reality is that the advice—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —from the health team is that they are rolling out saliva testing—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The leader is testing my patience.

The Hon. S.G. WADE: —in a way that ensures the availability of appropriate testing capacity. I therefore assume that they have—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —access to appropriate testing capacity.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. E.S. BOURKE (15:24): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

Members interjecting:

The PRESIDENT: Order! The opposition might reflect on the fact that you have one of your front bench on her feet. I need to hear her; she needs to be heard in silence.

The Hon. E.S. BOURKE: Alarming SAPOL figures provided to a parliamentary committee last year revealed that private security guards working in hotel quarantine had breached protocol on 99 separate occasions, including 23 instances of falling asleep while on the job. These 99 breaches occurred between the establishment of the quarantine system until 27 November last year. My questions to the minister are:

1. How many further breaches of protocol have occurred since 27 November and for what reasons?
2. How many of these breaches result in a suspension or a termination of employment?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:25): I am happy to take the honourable member's question on notice.

COVID-19 ECONOMIC RECOVERY

The Hon. D.W. RIDGWAY (15:25): My question is to the Treasurer. Can the Treasurer please inform the chamber of any information he has about South Australia's economic recovery as we emerge from the COVID-19 pandemic?

The Hon. R.I. LUCAS (Treasurer) (15:26): I am pleased that the Australian Bureau of Statistics have released their latest labour force Single Touch Payroll figures as of this morning, which indeed show very positive, optimistic signs in terms of the extent of the economic recovery in

South Australia. As members will be aware, the Single Touch Payroll figures are much more contemporaneous than the monthly labour force figures. They are for the most recent fortnight, ending 18 January of this year.

What they show is that since the low point of the global pandemic, which was in the middle of April, there has been a 7.2 per cent increase in employee jobs in South Australia compared with the national figure of 4.6 per cent, so a significantly increased growth in terms of jobs in South Australia since the low point in the middle of April. It is the second highest growth rate of all the states and territories when compared with the low point in the middle of April, when we were at the worst in terms of the jobs impact of COVID-19.

Similarly, when you look at employee wages, because that is, from some stakeholders' viewpoint, a better indication of the health of the economic recovery, what that shows is that employee wages in South Australia have grown by 3.4 per cent since the worst period in the middle of April. The national figure is 0.8 per cent. The growth in employee wages in South Australia is four times stronger than the growth in employee wages nationally. I think that's a very optimistic sign for everyone who does want to help instil confidence in the South Australian economy and to help encourage businesses to continue to grow, to invest and to employ more South Australians as we seek to emerge from COVID-19.

These figures released today come hot on the heels of a number of other independent assessments that have been done. Deloitte Access Economics in the last month has summarised economic recovery in South Australia by the following phrase, 'South Australia has weathered the COVID storm remarkably well to date.' The report states that South Australia's recovery theme has been 'jobs, jobs and more jobs', with the state's unemployment rate lower than it was when COVID-19 hit.

We are pleased to be able to report, from South Australia's viewpoint, that there are now 10,000 more people in full-time employment in South Australia than at the same time last year. So from December 2020 compared with December 2019, if we compare post-COVID with pre-COVID, there are 10,000 more people in full-time employment in South Australia. The previous month's figures pleasingly showed South Australia's unemployment rate as the lowest or the best in the nation. The most recent monthly figure shows us having the second lowest, the second best, unemployment rate in the nation.

Whilst other reports, such as the NAB Monthly Business Survey and the CommSec State of the States reports, equally indicate positive conditions in terms of business conditions in the state and business confidence improving, it's important to note that there is still much, much more that needs to be done. It is important to note that there are some industry sectors that are still very significantly impacted by COVID-19, in particular those that rely on international travel to any extent at all. Tourism, travel, international education and the aviation industry are clearly significantly impacted on an ongoing basis.

Overall, I think it's important, as I said in the budget speech, that the key foci, if I can put it that way, of the budget, and we hope this year, are two things: one is jobs, jobs and more jobs, and the second one is encouraging confidence in the South Australian economy. With confidence, businesses will be prepared to invest and to employ more South Australians. With confidence, South Australian households will be more prepared to resume their normal spending patterns, rather than being overly concerned about the state's economic future and their own personal circumstances in terms of economic recovery.

So confidence is important. We encourage everybody who comments on the state's economic recovery to do so based on facts, rather than on base political motives, perhaps, in trying to drive the economic recovery downwards.

SOUTH EASTERN FREEWAY EXPIATION NOTICES

The Hon. F. PANGALLO (15:31): I seek leave to make a brief explanation before asking a question of the Treasurer representing the police minister and the transport minister about the fate of speeding fines and prosecutions on a section of the South Eastern Freeway, from Crafers to the Toll Gate.

Leave granted.

The Hon. F. PANGALLO: As many are aware, from May 2019 new laws introduced by the previous Labor government came into effect on that stretch, following an inquest into a deadly crash involving a small truck and several cars at the bottom of the freeway. This bad piece of legislation has had enormous and devastating consequences. Hundreds of unsuspecting drivers of small trucks and commuter buses over 4.5 tonnes that were never intended by the Coroner to be covered by this harsh law were caught by speed detection cameras and hit with huge fines and automatic suspensions of licence of six months, or face 12 months if they chose to be prosecuted in court, where there no longer was judicial discretion.

One driver, Mr George Bobos, was caught four times in a day and stood to lose his licence for up to eight years. Another business operator, Mr Dallas Coull, was to pay a \$25,000 fine for one of his drivers to avoid a licence loss. SA-Best introduced legislation to remove harsher aspects that were amended by the then transport minister, Stephan Knoll, in late 2019, who, with SAPOL, refused to make the changes retrospective because it was too hard. The police commissioner also had discretion to waive these fines, yet, despite many representations, he chose not to exercise it. Police have withdrawn more than 200 fines, while suspending others pending further inquiry, because most of them had already passed the time limit for prosecution.

The Legislative Council last year passed another of my amendments to that legislation to remove small buses of under 14 seats from the law as well as to return judicial discretion. It now sits in the other place and I urge the transport minister to seriously consider it as a matter of priority. The reason for that is that it has now come to my attention that, one week out from the first trial to challenge the fines and test the controversial law, SAPOL is contacting the lawyers of dozens of drivers prepared to contest the matter in court, telling them that charges are being dropped and that they will pay costs. One of the lawyers is Karen Stanley, who has an imposing track record in successfully challenging traffic matters. SAPOL has not disclosed the reasons for the discontinuance of all charges.

The PRESIDENT: The member ought to bring this to a conclusion.

The Hon. F. PANGALLO: Mr President, I am getting to that. This is an embarrassing mess, and my questions to the—

The PRESIDENT: I would be grateful if you can keep opinion out of it and I ask you to bring it to a conclusion soon.

The Hon. F. PANGALLO: I'm bringing it to the conclusion, Mr President. Thank you for the indulgence. My questions to ministers Tarzia and Wingard are:

1. For what reason is SAPOL discontinuing all charges before the court?
2. Does this have anything to do with the recent decision of Woolmer v Police, where the Supreme Court found that the red-light cameras had not been tested in compliance with statutory requirements?
3. Do the cameras on the South Eastern Freeway comply with statutory requirements?
4. Will SAPOL now consider refunds to those who have already paid fines and returned licences for those currently under suspension?

The Hon. R.I. LUCAS (Treasurer) (15:35): I am very happy to refer those questions and the very considerable explanation to the ministers and bring back a reply.

COVID-19 HEALTH ADVICE

The Hon. J.E. HANSON (15:35): I will be brief. My question is to the Minister for Health and Wellbeing regarding COVID-19. Will the minister always act on the health advice provided to him? If not, why not?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:35): I always take health advice extremely seriously in making all decisions I am required to as a minister.

COVID-19 HEALTH ADVICE

The Hon. J.E. HANSON (15:35): Supplementary.

The PRESIDENT: It will be difficult for you to get one out of that, but I will listen.

The Hon. J.E. HANSON: I think he said 'takes it seriously'. Does his taking of the health advice seriously extend to the continuation of the QR code system following the end of the pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:36): Yes, I always take Nicola Spurrier's advice on QR codes very seriously.

COVID-19 HEALTH ADVICE

The Hon. T.A. FRANKS (15:36): Supplementary: does that mean that the professor's public statements that the QR code should continue beyond the pandemic is actually being actively considered by the minister?

The PRESIDENT: We are drawing a long bow from the original question, but I will give the minister the opportunity to respond.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:36): The Premier has indicated the government is not attracted to indefinite use of QR codes. This is a very innovative and positive contribution for our pandemic response but, God willing, we will come out of this pandemic.

COVID-19 HEALTH ADVICE

The Hon. T.A. FRANKS (15:36): Supplementary: does the health minister then support the State Coordinator's rejection of Professor Spurrier's one person per four metres square dictate in favour of what we now have currently, which is one person per two metres square dictate?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:37): If the honourable member is inviting me to go into a series like a game of 20 questions, I would suggest the Legislative Council is not the place for it.

Members interjecting:

The PRESIDENT: Order! The Hon. Jing Lee has the call.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. J.S. LEE (15:37): My question is to the minister—

Members interjecting:

The PRESIDENT: Order! Resume your seat, please. I would like to hear what the Hon. Jing Lee has to say and I would ask the opposition to give her the respect she deserves.

The Hon. J.S. LEE: My question is to the Minister for Human Services regarding senior members of our community. Can the minister please provide an update to the council about how the Marshall Liberal government is improving support for vulnerable older South Australians?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:38): I thank the honourable member for her question and for her interest in this important area. We are very pleased that from 1 February we have been able to change the offering for people who are at risk of falls to provide greater choice of subsidised personal alert devices that offer new features and flexibility. Many older people remain active in our community and we want to encourage and increase their independence with the help of these devices.

We are also changing the name of the service to the Personal Alert Systems Rebate Scheme. People have been eligible through a commonwealth home care package, using their support package funds. Those who receive the lowest levels of funding for those aged-care services, such as a home support package or a level 1 home care package, or who are ineligible for a home care package are eligible for PASR provided they meet all other eligibility criteria.

We decided that we would review the system based on feedback, particularly from people with lived experience and from the sector, including the Council on the Ageing, the Catalyst Foundation, Aged and Community Services Australia, SACOSS, the Aged Care Industry Association and Leading Age Services Australia, who were particularly invited to have input into the new scheme.

As we know, technology in this area for these devices has advanced rapidly in recent years, and there is also an upcoming closure of the 3G network. The budget for PASR remains the same.

In fact, it has actually had an indexation increase. The services that people will be able to be provided will include not just a pendant but a smartwatch, if they choose.

The devices will be detected. They can also choose whether the service is monitored or whether it is used to contact selected family members or a particular person of their choice. We are very pleased that these new systems are in place, and the feedback from the people with lived experience has been very good, that they now have a greater choice in terms of the devices available.

The PRESIDENT: Supplementary, the Hon. Ms Scriven.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. C.M. SCRIVEN (15:40): In regard to the announcement of the winning tender, all South Australian companies providing the current service, including the government's own SA Ambulance Service, missed out, and instead the two large interstate companies won the contract, so jobs and money are leaving the state again. Why has the minister allowed yet another service to be outsourced to interstate companies rather than supporting local jobs?

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Scriven knows that the supplementary question should not have any explanation.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:41): I responded to this particular question on radio as well, but I am happy to repeat it in the council. The way that the tender was structured in terms of what we were looking for was that there was a range of things that were under consideration, including service provision, communications, the organisation's capacity to deliver, experience with the customer group and the ability to supply a range of devices for customers to choose from.

Feedback was sought from the existing service providers, so clearly they were invited to tender. Indeed, there was a 15 per cent rating in favour of South Australian companies. Ultimately, at the end of the day, it's about the service provision for people with lived experience. We also had, from what I understand, an older person who had been referred to that tender evaluation panel from COTA SA who participated in that. We would have liked South Australian companies to have been successful, obviously, but we did need to, consistent with procurement guidelines, utilise the points system and so the ones that were chosen were the organisations that came out with the highest points.

The PRESIDENT: Supplementary, the Hon. Ms Scriven.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. C.M. SCRIVEN (15:42): Did any of the previous South Australian providers seek to meet with the minister to raise concerns about the new tender and the process?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:43): I have received quite a bit of correspondence from one provider, but the procurement advice that I have received is that ministers shouldn't meet with organisations that are tendering for particular programs. All the tenderers have had a great deal of access to my department to make any of their concerns known.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. C.M. SCRIVEN (15:43): I have a further supplementary, Mr President.

The PRESIDENT: Very briefly.

The Hon. C.M. SCRIVEN: Thank you. Arising from the original answer, where the minister referred to 3G and so on, in regard to technology, what happens if the 4G network goes down, which has happened on a number of occasions, including the recent outages on the APY lands?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:43): I am a little bit concerned that the Labor Party is buying into this because I think they are participating in the scare campaign that they would love to run into the community.

Members interjecting:

The PRESIDENT: The minister will answer the question, if she is allowed to without interruptions.

The Hon. J.M.A. LENSINK: Thank you, Mr President. I might remind other honourable members that we should be heard in silence and actually be allowed to respond to their questions and not have to continuously be interrupted by them, because that's the way the Labor Party is. All devices have a range of backup measures—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: All devices have a range of backup measures to ensure that no call will go unanswered in rare instances such as mobile network failure. Backup measures include emergency facilities with backup generators, multiple contact modes in case one fails and the use of the 4G network, which is more reliable than 3G. All devices have a range of backup measures to ensure that no call will go unanswered in rare instances such as a monitoring station failure. Backup measures include emergency facilities with backup generators, multiple contact modes in case one fails and the use of the 4G network, which is now more reliable than 3G.

The allegations that have been made about a risk to South Australians are completely unfounded and completely false. All of these devices have undergone independent assessment and testing to ensure that they are fit for purpose. So I would encourage the Labor Party not to buy into this scare campaign because it is irresponsible.

PLANNING AND DESIGN CODE

The Hon. M.C. PARNELL (15:45): I seek leave to make a brief explanation before addressing a question to the Treasurer, representing the Minister for Planning, on the subject of the Planning and Design Code.

Leave granted.

The Hon. M.C. PARNELL: The Planning and Design Code will consolidate all of the planning rules for the state. It will determine what you can and can't build and where. Late last year, following much community disquiet, the government provided a further six-week opportunity to provide feedback on the revised draft Planning and Design Code, and that period was from 4 November to 18 December. The initial public comment period a year earlier resulted in over 2,000 submissions. Last week, the government announced an implementation date of Friday 19 March 2021 for the code to go live. According to the government media release:

On this day the updated Planning and Design Code, incorporating improvements from the latest round of public consultation, will be released. A comprehensive Engagement Report will also be made available at this time.

To put that in plain language, the community will not know what changes have been made to the state's planning rules until the day that those changes come into operation. This is in contrast to the government's commitment on its website which states:

An Engagement Report will be released in the first quarter of 2021 that outlines any further changes proposed to the Code in response to public feedback.

My questions to the minister are:

1. How many submissions on the code were received during the most recent public comment period?
2. Why won't the government disclose the changes it proposes to make to the Planning and Design Code before the code goes live?
3. Is there any reason why the government can't publish their comprehensive engagement report ahead of the implementation of the code as foreshadowed on its website?

The Hon. R.I. LUCAS (Treasurer) (15:47): I am happy to take the questions on notice and bring back a reply.

HOMELESSNESS SECTOR STAFFING

The Hon. I. PNEVMATIKOS (15:47): My questions are to the Minister for Human Services regarding homelessness:

1. In addition to Mr Ian Cox, who is the head of Homelessness Sector Integration, how many staff are allocated to the Office of Homelessness Sector Integration and how many full-time equivalents are there?
2. What level of classification are the staff in the Office of Homelessness Sector Integration?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:48): I thank the honourable member for her question. It rings a bell in terms of a question that I may have taken on notice or responded to via the other place, so there may well be an answer that has been provided to the Attorney-General in the other place today. Off the top of my head, I can't actually remember how many staff there are in the Office for Homelessness Sector Integration but I am more than happy to take that on notice and get some details for the honourable member.

HEALTH SERVICES

The Hon. T.J. STEPHENS (15:48): My question is to the Minister for Health and Wellbeing. Will the minister update the council on health services?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:48): I thank the honourable member for his question.

The Hon. J.E. Hanson interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson will not converse with members of the government benches. The minister has the call.

The Hon. S.G. WADE: I thank the honourable member for his question. It would be reasonable to say that 2020 has been an unprecedented year for health services in South Australia. It started with health services being part of the bushfire response and, of course, along with the rest of the world, they have had to deal with COVID-19. The exemplary performance in South Australia highlights not only the expertise of the leadership of the health system but the skill, dedication and hard work of the whole health system.

Today, I would like to particularly highlight a couple of those members, and I do so because they themselves have been highlighted through the recent Australia Day honours. It would be fair to say that the health services community is particularly well represented in the Australia Day honours. That is particularly noteworthy because the Australia Day organisation, as I understand it, has decided not to grant awards in the context of COVID but to leave that for another day.

As I said, the community was very well represented in the South Australian Australia Day honours, and I would like to highlight two members because (a) they are personally known to me and (b) they are representative of extremely high-quality South Australian health professionals and volunteers.

The first person I would like to highlight is David Place, who is the Chief Executive Officer of the South Australian Ambulance Service. Of course, the staff of SAAS do an outstanding job every day in responding to South Australians at vulnerable and potentially life-threatening times. Their service is invaluable, and David Place as their CEO has worked tirelessly to support SAAS frontline paramedics. His place in the Australia Day honours is well deserved and also representative of all our paramedics.

David commenced his career with SAAS as an operational paramedic in 1984. He was only the second operational staff member to be appointed to the SAAS executive team in 2000. In 2018, he actually became the first operational staff member to be appointed to the role of the chief executive officer, and I think it is great to see people who started in the organisation as operational paramedics progress to the most senior roles of the organisation.

He did have a hiatus, if you like; in 2004 he was appointed Chief Executive Officer of the State Emergency Service and then further appointed to the position of Chief Executive of the South

Australian Fire and Emergency Services Commission. Mr Place has had an exemplary ambulance career and is a role model and a strategic leader. SAAS's contribution is further highlighted by the award to Jennifer Annette, who has been a volunteer SAAS paramedic in Kimba and the Far North and West Coast region for over 30 years, beginning in 1990.

The second health service community person I would like to mention as a representative of a stellar band is the service of Anne Burgess. Anne was also recognised in the Australia Day honours for her service in the areas of mental health and older people, both very significant areas in South Australia. Anne Burgess has served the state admirably in a range of roles. The one where I perhaps first got to know her was as vice-present and chair of the Policy Council of the Council on the Ageing.

It was my pleasure as the Minister for Health and Wellbeing to appoint her as a member of the governing board of the Northern Adelaide Local Health Network in 2019. It did not surprise me that Ms Burgess has made an outstanding contribution to that board. It is a good example of where a board member, working with clinicians and the community, can progress areas in need. It wouldn't surprise the house to know that Ms Anne Burgess has been particularly instrumental in strengthening community consultation and community engagement in relation to mental health services response.

As I said, David Place and Anne Burgess are two of an illustrious band of South Australians who were recognised in the Australia Day honours. To each of those, but also to the tens of thousands of South Australians who serve us in the health services area, we honour you all and we congratulate you on your service.

RAIL STAFF INCENTIVE OFFERS

The Hon. J.A. DARLEY (15:54): My question is to the Treasurer, representing the Minister for Infrastructure and Transport, regarding rail staff offers. Can the minister advise what redeployment opportunities will be offered to the train drivers who did not accept an offer of employment with private provider Keolis Downer? Can the minister also advise whether targeted separation packages will be offered to staff and, if so, can the minister provide broad details of such offers?

The Hon. R.I. LUCAS (Treasurer) (15:54): I am happy to respond; I can provide some detail in relation to that. Voluntary separation packages will be made available in certain circumstances, and the broad provisions of those are the same as they have been for a number of years. I think the details of those are publicly available on the Treasury website, I suspect, but I am happy to provide detail of the usual offers in relation to targeted separation packages. Generally, they relate to years of service, with a capped maximum amount, if someone is deemed to be eligible, that is, their job has disappeared.

In relation to job offers, the redeployment policy we inherited from the former government requires that—and I think the phrase is—a suitable job offer be made available to someone who needs to be redeployed, that is, their position has disappeared. The government is required and will comply with the terms of that particular policy and that is that suitable job offers will need to be made available to employees.

They will obviously vary, depending on the skill sets the individuals might have, or whether or not they are prepared or interested enough to retrain for potentially something else that they might not currently be suited to but with some retraining might become capable of performing that particular task. They are the broad parameters. I am happy to take on notice and provide any further detail to the member that I am able to obtain.

HOMELESSNESS SECTOR STAFFING

The Hon. K.J. MAHER (Leader of the Opposition) (15:56): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. K.J. MAHER: During last year's estimates hearings the chief executive of the SA Housing Authority replied to a question about the number of staff in the Office of Homelessness Sector Integration and said, 'I understand there is approximately a dozen people who work within that office.' However, recent freedom of information documents (and it may be the reason the minister is familiar with the area) show that the Office of Homelessness Sector Integration has just three individuals, who comprise 2.2 full-time equivalents; that is, the head of Homelessness Sector

Integration, one ASO3 administrative officer and one ASO8 policy officer, who works two days a week.

That is apparently the level of resourcing the minister has committed to reforming a multimillion dollar service for our most vulnerable. My questions to the minister are:

1. Did your chief executive give misleading evidence to the estimates committees, given the discrepancy between a dozen and less than three staff in this area?
2. Why haven't you, minister, taken steps to correct the record after this mistake was obviously found out during an FOI process?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:58): I am pleased the Labor Party has such an interest in the minutiae of the staffing levels of the Office of Homelessness Sector—

The Hon. K.J. Maher: You may treat it as a bit of a joke, but we don't.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —Integration. I think it is important to point out that this area of the unit within SAHA operates in a way almost at arm's length from SAHA within the organisation, but there are many touch points for homelessness within SAHA. We also have a board that receives regular reports on this matter, so it is an integral part of the activities of SAHA.

Of course, we have the procurement teams as well, who have their own particular role, but the homelessness sector reform has been a very high-level area that has involved a great deal of resourcing in terms of the consultations, which I think honourable members may be familiar with, because they raised issues in question time last year. There were quite a few round tables in terms of consultation and quite a number of SAHA staff would have been involved in that particular area.

If the Labor Party wishes to misrepresent the role of homelessness reform, that is their wont, but it is an area that we take very seriously and that is why it is undergoing significant reform after the Labor Party was too afraid to undertake any reform in this area. The contracts, I understand, have just been rolled over for approximately 10 years without seeking improvements for those people who are experiencing homelessness. We have not been afraid to make this a high priority area because we know that it's important.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: We know that it's an important area of reform, and indeed I hear the members of the Labor Party guffawing. I guess that's par for the course because they do seek to mock the number of people who are engaged in this process. As the Leader of the Opposition likes to point out to us, people will read *Hansard* and people—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: People will read *Hansard*. There are people in the sector who know the reality. There are people within the organisation who know the reality of how much effort has been diverted to engage in this important reform.

Members interjecting:

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

The Hon. J.M.A. LENSINK: Of course, one of the great differences between the Liberal Party and the Labor Party is that the Labor Party is obsessed with inputs and we are obsessed with outputs and outcomes. That is the trajectory that we are on.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: So what we want to see from our homelessness services is earlier intervention, reduced periods for people experiencing homelessness in those situations and for people to be rapidly housed with wraparound services. Those are the service outcome expectations that we have.

HOMELESSNESS SECTOR STAFFING

The Hon. K.J. MAHER (Leader of the Opposition) (16:01): Supplementary arising from the answer: does the minister really expect us to believe that after giving evidence at an estimates committee, as she has said in a previous question, the Attorney-General tabling an answer and an FOI process, that she has no idea how many people are employed in what she claims is such—and it is—a serious area of public policy?

The PRESIDENT: Supplementary questions do not have an explanation.

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:02): I undertook to respond to the Hon. Irene Pnevmatikos. I'm not going to attempt to guess the number. I will get an exact number and bring it back to the council.

HOMELESSNESS SECTOR STAFFING

The Hon. K.J. MAHER (Leader of the Opposition) (16:02): Supplementary question: just to be very clear, does the minister have no idea how many people are employed in this area in her department?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:02): I have responded to this question already.

HOMEBUILDER GRANT APPLICATIONS

The Hon. D.G.E. HOOD (16:02): My question is to the Treasurer. Will the Treasurer update the chamber on the current number of HomeBuilder applications?

The Hon. R.I. LUCAS (Treasurer) (16:03): I'm pleased to be able to report to the council that as of 2 February, this morning at 10.30am, the total number of applications for HomeBuilder is 8,575, of which 5,701 are new builds, 1,203 are off the plan and 1,671 are that new category of substantial renovations. I am also advised that of that number a mere 23 have been applications received post 1 January when, of course, the level of the HomeBuilder grant was reduced from \$25,000 to \$15,000 for a period of, I think, three months. I think it's a fair indication that most applicants and builders were anxious to get their applications in prior to 31 December, so we might only see modest further increases in terms of the total number of applications.

I remind members that the federal government's original estimate in terms of South Australia's share of the total number of grants they thought when they brought the scheme in was around about 1,800, and we now have 8,575. I must admit it was our view, and the South Australian Treasury's view, that the 1,800 original estimate was a massive underestimate, but I must confess I had no comprehension at all that the total number of applications would be as high and as significant as 8,575.

It is placing considerable pressure on the residential housing sector. It is fair to say that it is going gangbusters; every builder capable of building a new home or substantial renovation is actively engaged. There is a paucity of skilled employees and tradies within the industry, and anyone seeking to get a carpenter or electrician or the like for something other than one of these applications will struggle over the coming weeks and months.

The industry is estimating to me that at the very least we are likely to see significant building activity right through until the end of 2021, some are even indicating an overflow of housing activity through to early 2022. We are already seeing some signs of shortages of building materials, of timber and the like, and those particular companies and businesses, in terms of sourcing building supplies, are having to crank up supply chains to be able to meet the demand.

There are some stakeholder organisations that have already canvassed the view, with the federal government, that the federal government may well want to contemplate further extending not the application period for the grants but the period within which the construction can commence. I understand the federal government's position is that they would not want to see any delay in terms

of the stimulus activity, but I think we are getting pretty close to having enough evidence to demonstrate to the federal government that that is highly unlikely.

It may well be in the best interests of industry and jobs and the viability of the building sector in South Australia, in terms of the quality of the product produced for new home owners, that there be some levelling out of that peak demand we are seeing in terms of applications under HomeBuilder. I have a degree of sympathy and I am prepared to wait for a little further evidence in relation to the staging and capacity of our building industry to meet the demand, but as I said there are already some stakeholder organisations calling on the federal government to consider this.

As I said, I have some sympathy for that, and I encourage the federal government to at least consider whether or not it makes sense to help level out that demand over a slightly longer period of time to ensure the quality of the work and the capacity for suppliers to the industry to be able to keep up with demand, even if it means this peak stretches through to early 2022.

FLINDERS CHASE NATIONAL PARK

The Hon. M.C. PARNELL (16:08): My question is to the Treasurer, representing the Minister for Planning in another place. Did the minister encourage the Australian Walking Company to take advantage of new regulations gazetted on 21 January to lodge a new development application for private tourism infrastructure inside Flinders Chase National Park? Secondly, can the minister confirm that such a development application has now been lodged?

The Hon. R.I. LUCAS (Treasurer) (16:08): I am happy to take the member's questions on notice and bring back a reply.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. C.M. SCRIVEN (16:08): My question is to the Minister for Human Services regarding the personal alert rebate scheme. The personal alert rebate scheme has been implemented, as we heard earlier. Can the minister confirm that all applications received by her department prior to 11.59pm on 31 January this year will be given to the previous providers?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:09): I thank the honourable member for her question. For the benefit of honourable members, the process that clients themselves go through is that, once they are assessed as eligible, they will apply to the CASS, I think the name of the unit is called. They are then given a unique number that they can then take to whichever provider they wish to choose. In the lead-up, we did have an increased load on the unit, and the unit undertook to process all of those applications as soon as possible. If you like, it is up to the customers to then determine which provider they go with, and that obviously is their particular choice. Some of them may not have selected a provider. Some of them may well have waited individually until after the new devices were made available to select the new providers.

PERSONAL ALERT SYSTEMS REBATE SCHEME

The Hon. C.M. SCRIVEN (16:10): Can the minister advise how many applications were still outstanding—that is, not processed—as of 11.59pm on 31 January?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:11): I will need to take that particular question on notice in terms of what the numbers and data were prior to the change of the system.

SEXUAL VIOLENCE

The Hon. N.J. CENTOFANTI (16:11): My question is to the Minister for Human Services regarding sexual violence. Can the minister provide an update on how the Marshall Liberal government is partnering with a dating app to address sexual violence?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:11): I thank the honourable member for her question. Indeed, we did, as a government, undertake to have a particular advertising campaign about sexual violence. One of the issues that came through from COVID, particularly as restrictions were lifted and people were getting out and about, is we understood there were more referrals to Yarrow Place. We were quite concerned that the messages needed to be getting through

that all forms of violence are completely unacceptable, so we developed an advertising campaign, which is called 'See it for what it is. Stop Sexual Violence.' That was in November.

The platforms that we used included Snapchat, Instagram and TikTok for a first tranche of Break the Cycle ads, which were earlier in the pandemic. We then used the Tinder platform to advertise the new round of the campaign. We understand that there were some million views through December through that particular campaign. Tinder has come on board to offer free advertising on its platform, and we are expecting that there will be 750,000 impressions from that particular campaign.

It's very important that we continue to have these primary prevention initiatives, because we do know from the research that there are some pervasive views which continue in our communities. The ads are quite powerful in terms of just letting people know that sexual violence is unacceptable both for the perpetrator and for the potential victims so that people understand what the boundaries are both legally and in terms of treating others with respect in all of their dealings.

SEXUAL VIOLENCE

The Hon. E.S. BOURKE (16:13): I have a supplementary arising from the original answer: the minister highlighted that there have been hundreds, if not thousands, of impressions through this campaign through social media. Are you also collecting data through this campaign?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:13): I thank the honourable member for her supplementary question. There are people who are more well versed than me in terms of how to measure views and those sorts of things. I will seek their advice on this. There is a website, which is breakthecycle.sa.gov.au. We are monitoring traffic through that particular site, but I will see what additional information we can get for the honourable member and bring that back as a response.

ST KILDA MANGROVES

The Hon. M.C. PARNELL (16:14): My question is to the Minister for Human Services representing the Minister for Environment and Water. My question is: is the minister concerned that the EPA has virtually no regulatory responsibility for the former saltworks that are affecting mangroves and other vegetation communities at St Kilda? Secondly, will the government legislate or regulate to ensure that the EPA does have regulatory responsibility for activities that discharge water to the marine environment or to surrounding wetlands?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:15): I thank the honourable member for his question. Clearly, all of us, as South Australians, are very concerned about the situation with the mangroves of St Kilda, which are an iconic site enjoyed by many and which obviously have significant environmental benefits. My advice is that there is a range of efforts across several government agencies that has the purpose of halting any further impacts to vegetation and of collecting any evidence required for any appropriate regulatory action. The ecological processes are quite complex.

I think the honourable member was part of a group; it might have been with the Natural Resources Committee—no, the ERD Committee. We visited the site and, since the company that was there exited the site, the issue of how to manage that salinity has been something governments have needed to manage. The scientific advice doesn't at this stage indicate whether the loss of mangroves was due to hypersaline water acidity or a lack of oxygen to mangrove roots. All that monitoring and assessment is being undertaken daily. I will take advice from the Minister for Environment in relation to the specific questions and bring it back to the house.

REMOTE AREA HOUSING

The Hon. E.S. BOURKE (16:16): My question is to the Minister for Human Services regarding remote housing. In view of the fact that it is now a year since your agency issued a tender to build 26 homes in the APY lands, and I understand the first six should have been built by 30 June last year, how many homes have been completed? Has there been a reduction in homes in the APY lands over the past 12 months?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:17): I thank the honourable member for her question and remind the house that we were the government that actually was

prepared to match the funding arrangement offered by the commonwealth. The commonwealth previously had provided finance to the state government to do all the work—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —and the South Australian government didn't—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. J.M.A. LENSINK: —make any commitment to reach into its own pocket at all.

Members interjecting:

The PRESIDENT: Order! Minister, please proceed.

The Hon. J.M.A. LENSINK: Thank you, Mr President. The Leader of the Opposition doth protest very much.

Members interjecting:

The PRESIDENT: The Leader of the Opposition is out of order! I call the minister, and she will be heard in silence.

The Hon. J.M.A. LENSINK: Mr President, I will take the question on notice in relation to the numbers that have been constructed. I understand that COVID, just like it has had an impact on most things, has had an impact on the works on the lands as well. We look forward to that work progressing, but I will take those details on notice and bring them back to the chamber.

Bills

CORRECTIONAL SERVICES (ACCOUNTABILITY AND OTHER MEASURES) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 1 December 2020.)

Clause 1 passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Maher-1]—

Page 5, lines 11 to 14 [clause 5, inserted section 3(2)(g)(ii)]—Delete:

in relation to regional transfers where the person will be 200km or further from the correctional institution they are being transferred from

This in effect gives better effect to recommendation 168 of the 1991 Royal Commission into Aboriginal Deaths in Custody, which states:

That Correctional Services effect the placement and transfer of Aboriginal prisoners according to the principle that, where possible, an Aboriginal prisoner should be placed in an institution as close as possible to the place of residence of his or her family. Where an Aboriginal prisoner is subject to a transfer to an institution further away from his or her family the prisoner should be given the right to appeal that decision.

By way of amendments in the House of Assembly, effect was given to this recommendation. However, the recommendation is modified by saying that in relation to a regional transfer: where the person will be 200 kilometres further from the correctional institution they are being transferred from.

We do not think this gives proper effect to recommendation 168. Therefore, our amendment removes that 200-kilometre principle that is being placed in.

I would be interested, maybe, for the Treasurer on behalf of the government to let us know where the 200-kilometre figure came from. Is that part of a recommendation that we have not seen from the Royal Commission into Aboriginal Deaths in Custody? How is the 200-kilometre figure arrived at, and does that then depart further from that particular recommendation?

The Hon. R.I. LUCAS: I rise on behalf of the government to indicate the government will be opposing the member's amendments, and I will outline the reasons why. Firstly, the government acknowledges recommendation 168 of the Royal Commission into Aboriginal Deaths in Custody, which states, and I quote:

That Corrective Services effect the placement and transfer of Aboriginal prisoners according to the principle that, where possible, an Aboriginal prisoner should be placed in an institution as close as possible to the place of residence of his or her family. Where an Aboriginal prisoner is subject to a transfer to an institution further away from his or her family the prisoner should be given the right to appeal that decision.

The usual place of residence for much of the South Australian prisoner population and their families is within the bounds of metropolitan Adelaide. This is also true for the Aboriginal prisoner population. I note that for those Aboriginal prisoners from remote areas most South Australian prisons are located some distance away from country.

The government's provision in clause 5 as it stands acknowledges the fact that transferring an Aboriginal prisoner from one of the state's regional prisons to another correctional institution may result in an Aboriginal prisoner being transferred to an institution further away from his or her family. Accordingly, they are given the right to appeal such a decision.

The 200-kilometre provision, however, is important as it creates a radius between metropolitan correctional institutions, the Adelaide Remand Centre, Northfield precinct sites, Mobilong Prison and Cadell Training Centre, allowing for transfers between these sites without review. The Adelaide Remand Centre is the primary point of prisoner admission in South Australia. Following admission in most instances the first transfer from the Remand Centre is either the Yatala Labour Prison or to Mobilong Prison.

The frequency of transfers within the 200-kilometre radius is far greater when compared with transfers outside of that area. The removal of the 200-kilometre radius from this provision would unduly grind the prison system to a halt. The current provision ensures that a right of appeal exists for Aboriginal prisoners placed outside the metropolitan zone, while being practical from an operational perspective.

The opposition has failed to recognise that, for most prisoners, access to a placement at Mobilong Prison or Cadell Training Centre from another correctional facility within the 200-kilometre radius would be welcomed and would allow for positive progression in their case management and greater access to vocational education opportunities.

DCS is committed to successfully reducing the rate of Aboriginal prisoners returning to custody, in line with the 10by20 strategy and Closing the Gap. Aboriginal prisoners, therefore, must have access to rehabilitation programs, culturally appropriate support, education and employment to build skills, as well as access to lower security prisons, which may not be located near family or homelands.

Family connection is also essential to prisoner rehabilitation. All sites within the 200-kilometre radius are connected to Adelaide and serviced by regular public transport links, and visits to those sites would still be accessible for family members. I am also advised that both Cadell Training Centre and Mobilong Prison provide a bus service to prisoner families to assist with visitor access.

You may also be aware that as a result of the COVID-19 public health emergency, the department has needed to put in place virtual visit arrangements. These visits have been well received and have enhanced the capability of family connections. For the reasons now outlined, the government does not support this amendment.

The Hon. K.J. MAHER: Just so I am clear, the 200-kilometre radius includes metropolitan prisons and Cadell and Mobilong; is that correct?

The Hon. R.I. LUCAS: Yes.

The Hon. K.J. MAHER: I note that the Treasurer has changed or used the term 'metropolitan prisons' for the ones that the prisoners could be transferred to without having appeal rights, but then went on to talk about Cadell and Mobilong. Does that mean that a Ngarrindjeri person in Mobilong Prison whose entire family and support structures are in the Murray Bridge or Meningie area and who is proposed to be transferred from Mobilong to a metropolitan prison would have no rights of appeal under what the government is proposing; is that correct?

The Hon. R.I. LUCAS: Yes, that's accurate.

The Hon. T.A. FRANKS: For the sake of the record and the ability to count numbers, I note that the Greens will be supporting this amendment.

The Hon. J.A. DARLEY: I will not be supporting this amendment.

The Hon. C. BONAROS: For the record, I indicate that SA-Best will be supporting the amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9.

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

Amendment No 1 [Franks-2]—

Page 7, after line 33—Insert:

19A—Preliminary

For the purposes of this Division, a reference to a *correctional institution* includes a reference to—

- (a) a vehicle (including a police vehicle)—
 - (i) on the grounds of a correctional institution; or
 - (ii) used to transport prisoners to or from correctional institutions; and
- (b) a cell at a court.

This expands the definition of 'correctional institution' so that visitors can look into places such as police vehicles and court cells as well. I note more broadly—and I will speak to this just the once—that the Greens put a range of amendments forward and we did so in consultation with Change the Record. I draw members' attention to a piece of correspondence that we circulated yesterday, 1 February, from the executive officer of Change the Record, Sophie Trevitt, which reads:

Dear Members of the Legislative Council,

As you are aware, Change the Record has a strong interest in the Correctional Services Bill before the South Australian parliament.

We have been heartened to see the amendments put forward by SA Best and the SA Greens to strengthen the government's Correctional Services (Accountability and Other Measures) Amendment Bill 2020 (the Bill), and we are writing to lend our support to these amendments and to urge the government to support their passage through the Legislative Council.

The Bill is an important step forward to fulfilling every state and territory's obligations under OPCAT to prevent the torture and mistreatment of people in places of detention in South Australia, and around the country. It is our view that these amendments are essential in strengthening the independence, accountability and protections under the legislation. Without these amendments, it is our view that the Bill would not fulfill South Australia's obligations under OPCAT.

I note that Change the Record has had the opportunity to input into these amendments. I note that the Greens will be supporting our amendments, obviously, but also the SA-Best amendments.

The Hon. R.I. LUCAS: I am advised that this amendment seeks to amend the definition of 'correctional institution' to include vehicles. This was already implied in the government bill. As such, there are no objections to having this specific provision included. The government supports the amendment.

The Hon. C. BONAROS: For the record, we also support the amendment.

The Hon. K.J. MAHER: The opposition will be supporting the amendment. It might be worth for the ease of how we conduct this, because there are quite a lot of amendments that go to similar sorts of areas, to check with the mover of this amendment and the Hon. Ms Bonaros, are all the amendments as filed being moved by both SA-Best and the Greens?

The Hon. C. Bonaros interjecting:

The Hon. K.J. MAHER: I might indicate, for the ease of how we proceed, that the opposition will be supporting this amendment. We will be supporting [Franks-1] Nos 1 to 3. We will also be supporting [Bonaros-1] Nos 1 to 8. As we go through this, for the sake of ease, they are the amendments that the opposition will be supporting in this first tranche.

The ACTING CHAIR (Hon. D.G.E. Hood): I will call on you at each amendment as they come just to confirm that, though, the Hon. Mr Maher, if I can.

The Hon. K.J. Maher: But I just told you.

The ACTING CHAIR (Hon. D.G.E. Hood): Yes, in case I forget, that is all. There are quite a few.

Amendment carried.

The ACTING CHAIR (Hon. D.G.E. Hood): We have two amendments to clause 9, page 8, line 9. One is in the name of the Hon. Ms Bonaros and one is in the name of the Treasurer. I will call on the Hon. Ms Bonaros first and then I will call the Treasurer.

The Hon. C. BONAROS: I will not be moving the amendment and will instead support the amendment that has been proposed by the Treasurer, so I apologise for that to the Leader of the Opposition. But the government has indicated, if you like, a halfway point between what we were proposing and what they were initially proposing. I think it is fair to say that we accept the government's proposition to change the appointment time from three to five years, as opposed to three to seven years which is what SA-Best has proposed. For the record, we will not be moving ours but we will be supporting the government's amendment in place of ours.

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

Amendment No 1 [Treasurer-2]—

Page 8, line 9 [clause 9, inserted section 20(4)]—Delete '3 years' and substitute:

5 years

This amendment extends the tenure of the official visitor to a term not exceeding five years. This is consistent with the tenure of an official visitor under the Youth Justice Administration Act 2016. The government notes that the Hon. Ms Bonaros had filed an amendment seeking to extend the tenure to seven years. This would be inconsistent with the youth justice scheme and is not supported by the government. I think the Hon. Ms Bonaros has now indicated that she is not persisting with that.

There is nothing preventing an official visitor from being reappointed following the completion of their appointed term. It is considered that this amendment provides an appropriate tenure consistent with the youth justice official visitor scheme as well as our obligations under the Optional Protocol to the Convention against Torture (OPCAT).

The Hon. T.A. FRANKS: The Greens will be supporting the Treasurer's amendment and we thank the government for working so cooperatively with the crossbenchers.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 2 [Bonaros-1]—

Page 9, line 1 [clause 9, inserted section 20A(2)(b)]—After 'direction' insert:

in relation to the exercise of powers or functions under this Division by an official visitor, including

The reason we are moving this amendment is because it would strengthen the independence of the official visitor. Many of the amendments that we are moving are aimed at doing just that. Currently, section 20A states:

This provision does not derogate from any express power of the Minister or CE under this Act.

In this note that has been added, concerns have been raised that it has the potential to undermine safeguards put in place by section 20A, so this amendment seeks to clarify or strengthen those provisions in relation to independence and make it clear what we are intending to do.

The Hon. R.I. LUCAS: The government supports the amendment. The bill already provides in explicit terms that the official visitor must act independently and neither the chief executive nor the minister can exercise any control over how the official visitor exercises its powers and functions. The proposed amendment is concerned about the details. Whilst it only adds a little by way of substance to the provision, the government nevertheless is prepared to support the amendment.

Amendment carried.

The ACTING CHAIR (Hon. D.G.E. Hood): Next, we have a series of identical amendments also to clause 9, one in the name of the Hon. Ms Franks and one in the name of the Hon. Ms Bonaros. For the Hon. Ms Franks, it is amendment No. 1 [Franks-1], and for the Hon. Ms Bonaros it is amendment No. 3 [Bonaros-1]. I will call the Hon. Ms Franks first.

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

Amendment No 1 [Franks-1]—

Page 9, line 8 [clause 9, inserted section 20B]—Delete 'CE' and substitute 'Remuneration Tribunal'

This amendment removes funding responsibility from the department so that official visitors are independent from the department and the minister. Funding and resourcing decisions would be therefore undertaken by the Remuneration Tribunal. This is in compliance with OPCAT requirements.

The Hon. R.I. LUCAS: I am advised this amendment confers jurisdiction to set the official visitors on the remuneration board, and the government supports the amendment.

The Hon. C. BONAROS: We support the amendment, given that we have an identical one. It goes towards establishing the independence of the official visitor scheme, and that is what we are trying to achieve.

The ACTING CHAIR (Hon. D.G.E. Hood): Am I to take it that you will not proceed with your amendment then?

The Hon. C. BONAROS: I will not be proceeding with my amendment.

Amendment carried.

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

Amendment No 2 [Franks-1]—

Page 9, after line 8 [clause 9, inserted section 20B]—Insert:

- (2) Jurisdiction is, by force of this section, conferred on the Remuneration Tribunal to make a determination or perform any other functions required by this section.

This amendment removes the funding responsibility from the department so that official visitors are independent from the department and again ensures that resourcing decisions are made by the Remuneration Tribunal. So it does a very similar thing and I would take it as a consequential amendment.

The ACTING CHAIR (Hon. D.G.E. Hood): For the clarity of the chamber, there is an identical amendment in the name of the Hon. Ms Bonaros. The reason that we called the Hon. Ms Franks is because her amendment was filed first.

The Hon. R.I. LUCAS: I am advised that we support the amendment.

The Hon. C. BONAROS: I indicate that we will not be moving our amendment but we will be supporting this amendment.

Amendment carried.

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

Amendment No 3 [Franks–1]—

Page 9, line 10 [clause 9, inserted section 20C]—Delete 'The Minister must provide official visitors' and substitute 'Official visitors must be provided'

The Hon. R.I. LUCAS: The government supports the amendment.

The Hon. C. BONAROS: SA-Best supports the amendment.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 5 [Bonaros–1]—

Page 9, line 16 [clause 9, inserted section 20D(1)(a)]—Delete 'and investigate'

The amendment seeks to delete the words 'and investigate'. It seeks to remedy the problem that the new proposed scheme requires the official visitor to investigate prisoner complaints. In doing so, the present scheme pays insufficient attention to the careful design of the OPCAT system as a proactive and preventative mechanism whereby the official visitor conducts regular and comprehensive visits, both announced and unannounced.

The SA proposed mechanism muddles this careful design by requiring that the official visitors double up effectively on existing functions. A complaint handling role is a reactive role and is currently well covered by the Ombudsman SA. What we are trying to do here is proactive and preventative. The amendment aims to ensure that functions of monitoring and complaint handling are not mixed.

It is true that the Ombudsman may conduct a brief inspection of a correction institution to follow up on a complaint of ill treatment, but this contrasts with a lengthy, comprehensive and proactive OPCAT-style visit in order to make institutions and system-wide recommendations to parliament as to how changes to policies and laws could prevent or reduce the risk of cruel, inhumane and degrading treatment or torture.

Unless amended, the new scheme will burden official visitors with too many functions, particularly those already covered by existing bodies, such as the Ombudsman, and it will dilute the role of the official officer and impede their ability to monitor effectively our correctional institutions. These are not my views, these are the views of very eminent experts in this space, who work in the OPCAT space and who have provided this feedback to us and indicated that one of the major faults they see in the bill that has been presented to us is this effectively muddying the waters between two roles. It is abundantly clear from those eminent experts that the proactive and preventative mechanism should be completely separate to the reactive role, which is that currently fulfilled by the Ombudsman.

The Hon. R.I. LUCAS: The government does not support this amendment as it does seek to water down the powers of an official visitor, who may wish to investigate a complaint, particularly where it may give rise to systemic issues, and it is for those reasons we oppose the amendment.

The Hon. K.J. MAHER: We support the amendment.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 6 [Bonaros–1]—

Page 9, after line 37 [clause 9, inserted section 20D]—After subsection (1) insert:

- (1a) An official visitor has power to do all things necessary or convenient to be done for or in connection with the performance of the official visitor's functions and may have free and unfettered access to a correctional institution in respect of which the visitor is appointed, prisoners in the correctional institution and vehicles used to transport those prisoners (including prisoners in, and persons whose work is concerned with, such vehicles).
- (1b) It is not necessary for any person to be given notice of an official visitor's intention to perform any of their functions.
- (1c) In connection with subsection (1)(a), an official visitor may refer a complaint concerning a particular individual to the Ombudsman or any other government agency having a function to deal with the matter but it is not a function of the official visitor to deal with the matter other than—

- (a) to inform the complainant of the role of the official visitor; and
- (b) to deal with the matter in the context of an inspection of a correctional institution.

The main part of this amendment seeks to ensure that the official inspector has all the powers required under OPCAT. It mirrors what exists in the WA scheme. Under the present scheme in the bill the official visitor does not have adequate powers to fulfil their monitoring function. The bill's proposed scheme sets out the functions of the official visitors, but it does not explicitly articulate their powers.

Under OPCAT it is expected that visitors' monitors have the power to access all places of detention on an unannounced and immediate basis if they wish. The second part of this amendment seeks to clarify that the official visitor has no role in receiving, investigating or resolving prisoner complaints, which is the role again of the Ombudsman.

The government has indicated in discussions with me that it thinks this amendment is overly prescriptive and that the Ombudsman can still investigate now. I again remind the government that these amendments were drafted in consultation with experts in this place, people who work in this space already who know what our obligations are under OPCAT schemes and know what we should expect when those visits actually start here. Based on the views of those experts, they do not think it is overly prescriptive. They think it is entirely necessary and, for those reasons, I commend the amendment to the chamber.

The Hon. R.I. LUCAS: The government again opposes this amendment. The advice provided by the Attorney-General's Department, which is the lead department in relation to the OPCAT, is that this amendment is too prescriptive and may in operation limit the powers and functions of official visitors.

They consider the amendment to be inconsistent with the principals of the OPCAT. It is already explicit in the bill that the chief executive and the minister cannot control how an official visitor exercises his or her functions and powers, nor is there a requirement for notice of an inspection to be provided. This amendment is also at odds with the amendment of the Hon. Ms Franks [Franks-2] which provides that official visitors may inspect any correctional facility, not just the facility they were appointed to. The Ombudsman already undertakes investigations in relation to prisoners and this will remain the case. There is nothing prohibiting an official visitor from referring a matter to the Ombudsman under the current bill.

Amendment carried.

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

Amendment No 2 [Franks-2]—

Page 10, after line 12 [clause 9, inserted section 20D]—Insert:

- (2a) Despite any other provision of this Division, an official visitor may conduct a visit to or inspection of any correctional institution (whether or not the official visitor is appointed in respect of the institution) if the official visitor considers it necessary to do so to investigate systemic issues relating to prisoners or the provision of correctional services.

This ensures that there is no requirement that the official visitor only visits or conducts inspections with respect to one correctional institution if they believe that visiting other institutions is actually necessary to explore any systemic issues. Currently, there are provisions that limit them to only one institution which we found quite confusing and bamboozling, and so this seeks to remedy that.

The Hon. R.I. LUCAS: I am advised that the government supports the amendment.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 7 [Bonaros-1]—

Page 10, lines 17 to 20 [clause 9, inserted section 20E(1)]—Delete subsection (1) and substitute:

- (1) An official visitor may have free and unfettered access to information relevant to the exercise of the official visitor's functions in the possession of a government or

non-government organisation that is involved in the provision of services relating to correctional institutions under this or any other Act.

The amendment seeks to ensure that the SA scheme is compliant with OPCAT. Under OPCAT it is expected that visitors and monitors have the power to access all databases on an unannounced and immediate basis if they wish. This means that they should be able to arrive at a correctional institution and, without delay, commence an inspection which includes all parts of the institution as well as its databases. That is, in effect, what we have signed up to under OPCAT.

Section 20E, entitled 'Provision of information to official visitors', is presently clumsily drafted in providing that the official visitor may by notice in writing require the provision of information from a government or non-government organisation. This indicates an impractical approach which would give correctional institutions time to tidy up their territory before an inspection of documents and/or an institution takes place. It is completely at odds with everything we have been discussing in terms of our obligations under an OPCAT scheme. It undermines one of the key aims of the OPCAT mechanism which is to increase transparency and reduce the cover-up culture which can thrive in our places of detention because they are out of public sight.

For those reasons, I remind members again that we have received advice on this. These are the amendments that stakeholders have asked us to move in this place to ensure that we are fully compliant with our obligations under OPCAT, and that is what this amendment intends to ensure.

The Hon. R.I. LUCAS: The government, I am advised, opposes the amendment. The bill, as it stands, compels a government or non-government body involved in the provision of correctional services to provide an official visitor with information they need to exercise the role and functions as required under the OPCAT.

We are advised by the Attorney-General's Department that they have concerns around potential breaches of confidentiality, noting the requirements under the Correctional Services Act as well as the ICAC act if this amendment were to pass. I am advised that the Department for Correctional Services sought advice from the former ICAC commissioner in relation to the drafting of this particular provision.

The Hon. C. BONAROS: In relation to the last point the Treasurer made, there is a subsequent amendment I had intended that would be consequential in nature, if you like, depending on the outcome of this one. It is intended to address precisely the sort of issue the Treasurer has just raised in relation to compliance with ICAC.

The CHAIR: I understand the Greens are supporting the amendment and I will just confirm the opposition's position, also supporting.

Amendment carried.

The Hon. C. BONAROS: I move:

Amendment No 8 [Bonaros-1]—

Page 11, lines 1 and 2 [clause 9, inserted section 20E(6)]—Delete 'a request cannot be made to an organisation under this section if compliance with the request' and substitute:

information or a document is not required to be provided or produced under this section if to do so

This is intended to ensure compliance with ICAC, and is consequential in nature.

The Hon. R.I. LUCAS: The government opposes this, as it is consequential on the previous amendment.

Amendment carried.

The CHAIR: We have two identical amendments, one in the name of the Hon. Ms Franks and the other in the name of the Hon. Ms Bonaros. Again, the Hon. Ms Franks moved hers first, so we will deal with that.

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

Amendment No 4 [Franks-1]—

Page 11, line 14 [clause 9, inserted section 20G(1)]—Delete 'provide a report to the Minister' and substitute 'prepare a report'

This amendment ensures that official visitors must report to the parliament rather than the minister to ensure their independence.

The Hon. R.I. LUCAS: I am advised the government opposes the amendment. The provision, as it stands in the bill, requires the minister to table the annual report of the Official Visitor within six sitting days. The government reviewed this provision following its discussions with the Hon. Ms Franks and the Hon. Ms Bonaros and has filed its own amendment to ensure every report prepared by the Official Visitor is tabled before the parliament, and that the minister must report to the parliament as to action taken and response to recommendations made. This is consistent with current practice in relation to independent bodies such as the Coroner and the Ombudsman.

The Hon. K.J. MAHER: I was following where we are. This amendment is the [Franks-2] set, isn't it?

The CHAIR: Amendment No. 4 [Franks-1], clause 9, page 11, line 14.

The Hon. K.J. MAHER: I indicate that the opposition will not be supporting amendments Nos 4 to 6 [Franks-1]. As I indicated earlier, we will be supporting [Franks-1] amendments Nos 1 to 3 and [Bonaros-1] amendments Nos 1 to 8. We are not supporting [Franks-1] 4 to 6 nor [Bonaros-1] 9 to 11, but we will be supporting [Bonaros-1] amendment No. 12.

The Hon. T.A. FRANKS: To assist the government, we will also be supporting your amendment to this area.

The Hon. C. BONAROS: I will just clarify that we will also support the alternative amendment proposed by the Treasurer in relation to this, if he moves it.

The CHAIR: That is handy, but we will deal with what is before us first, and that is [Franks-1] amendment No. 1.

Amendment negatived.

The Hon. C. BONAROS: I will not be moving mine.

The CHAIR: Thank you. The Hon. Ms Bonaros's amendment is not going to be moved, so we will move on to the next amendment in order, which is amendment No. 5 [Franks-1], which is identical to amendment No. 10 [Bonaros-1]. Again, the Hon. Ms Franks filed hers first, so I call the Hon. Ms Franks.

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

Amendment No 5 [Franks-1]—

Page 11, line 18 [clause 9, inserted section 20G(2)]—Delete 'provide a report to the Minister' and substitute 'prepare a report'

Again, this ensures that official visitors must report to the parliament rather than to the minister to ensure their independence.

The Hon. R.I. LUCAS: We are opposed to this particular amendment for the same reasons that were just given. I assume, if the Hon. Ms Bonaros and the Hon. Ms Franks are now supporting the government's position—

The Hon. T.A. Franks: We prefer ours.

The Hon. R.I. LUCAS: I beg your pardon.

The Hon. C. Bonaros: We prefer ours, but if they are not going to get up then we will take yours.

The Hon. R.I. LUCAS: So you are going to keep moving them?

The Hon. C. Bonaros: No, I have indicated I will not move mine.

The Hon. R.I. LUCAS: This amendment has been moved. We oppose it.

The CHAIR: And the opposition has indicated they oppose the amendment.

The Hon. K.J. MAHER: Yes.

Amendment negatived.

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

Amendment No 3 [Franks-2]—

Page 11, after line 19 [clause 9, inserted section 20G]—Insert:

- (2a) If an official visitor considers that the management of a correctional institution, or the care, treatment or control of prisoners at the correctional institution, is not in accordance with standards prescribed or adopted under the regulations, the official visitor must prepare a report on the matter and include in the report any recommendations directed at compliance with the standards.

The Hon. R.I. LUCAS: The government is opposing this amendment.

The Hon. C. BONAROS: I rise to indicate on behalf of SA-Best that we will be supporting the amendment. I think it is really important to point out here that, if we are serious about establishing an independent official visitor scheme, then it is also critical that we have the right reporting mechanisms in place. That goes to the heart of this amendment, and therefore we will be supporting it.

The CHAIR: Can I just get some clarity from the opposition, please? There are a lot of numbers flying around here. I just want to be clear if they are supporting or opposing this amendment.

The Hon. K.J. MAHER: For the sake of clarity, again, we support Ms Bonaros's amendments Nos 1 to 8. We do not support Ms Bonaros' amendments Nos 9 to 11, and not [Franks-1] amendments Nos 4 to 6.

The CHAIR: This is amendment No. 3 [Franks-2]. It is none of those.

The Hon. K.J. MAHER: Can I just check whether this is one where the government has a different scheme that goes to all this?

The Hon. C. Bonaros: No, this is saying that the visitor has to prepare a report.

The Hon. K.J. MAHER: We will be opposing that.

The committee divided on the amendment:

Ayes 4
 Noes 16
 Majority 12

AYES

Bonaros, C.	Franks, T.A. (teller)	Pangallo, F.
Parnell, M.C.		

NOES

Bourke, E.S.	Centofanti, N.J.	Darley, J.A.
Hanson, J.E.	Hood, D.G.E.	Hunter, I.K.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Ridgway, D.W.	Scriven, C.M.	Stephens, T.J.
Wade, S.G.		

Amendment thus negatived.

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

Amendment No 1 [Treasurer-1]—

Page 11, line 21 [clause 9, inserted section 20G(3)]—Delete 'subsection (2)' and substitute:

this section

Amendment No 2 [Treasurer-1]—

Page 11, after line 22 [clause 9, inserted section 20G]—After subsection (3) insert:

- (4) If a report laid before Parliament under this section includes recommendations on any matter relating to the management of a correctional institution or for the purposes of improving the quality of care, treatment or control of prisoners, the Minister must, within 8 sitting days of the expiration of 6 months after the report was laid before Parliament, cause a report to be laid before each House of Parliament giving details of any action taken or proposed to be taken in consequence of those recommendations.

We have discussed this before.

The Hon. C. BONAROS: We support the amendments.

Amendments carried.

The Hon. C. BONAROS: I move:

Amendment No 12 [Bonaros–1]—

Page 11, after line 26 [clause 9, after inserted section 20H]—Insert:

20I—Offences

- (1) A person must not hinder, resist or threaten an official visitor in the exercise of powers or functions under this Division.
Maximum penalty: \$10,000.
- (2) A person must not make a statement that the person knows to be false or misleading in a material particular to an official visitor in the provision of information under this Division.
Maximum penalty: \$10,000.
- (3) A person must not deliberately mislead or attempt to mislead an official visitor in relation to the exercise of powers or functions under this Division by the official visitor.
Maximum penalty: \$10,000.
- (4) A person must not—
 - (a) prejudice, or threaten to prejudice, the safety or career of; or
 - (b) intimidate or harass, or threaten to intimidate or harass; or
 - (c) do any act that is, or is likely to be, to the detriment of,
either of the following:
 - (d) another person because the other person has provided, is providing or will or may in the future provide information to an official visitor in the exercise of powers or functions under this Division;
 - (e) an official visitor in relation to the exercise of powers or functions under this Division by the official visitor.

20J—Conflict of interest

- (1) An official visitor must inform the Minister in writing of any direct or indirect interest that the official visitor has or acquires that conflicts or may conflict with the official visitor's functions under this Division (including, for example, if the official visitor has been an officer or employee of the Department).
- (2) An official visitor must comply with any written directions given by the Minister to resolve a conflict between the official visitor's functions and a direct or indirect interest.

This amendment deals with 20I, which deals with offences. It mirrors, in effect, what WA has in its scheme. It seeks to ensure, first, that the official visitor is not impeded in their monitoring function, including by threats, intimidation or false or misleading information, and that those persons who interact with the official visitor, be they prisoners or prison staff, do not face any form of retribution in the form of threats, intimidation, harassment and so forth. These are not far-fetched possibilities. The criminal offences will go some way in ensuring again the independence of the official visitor scheme and in reassuring both prisoners and prison staff that any acts of retribution will be addressed and addressed appropriately.

The Hon. R.I. LUCAS: The government opposes this particular amendment. The bill already provides a penalty of \$5,000 for a person who refuses to provide information or produce a document that may be relevant to the official visitor's functions. There are also penalties within the bill and in other relevant legislation that would apply in such circumstances, e.g. the Public Sector Act or the ICAC Act, etc. It is noted that section 20I of the amendment does not have a penalty attached to it.

The CHAIR: The Hon. Ms Franks, do you wish to make some remarks now about your amendment to 20I in relation to conflict of interest? You are proceeding with that?

The Hon. T.A. FRANKS: Chair, I actually made an omnibus statement at the beginning in terms of the OPCAT requirements, and that was the suite of amendments. So in terms of ensuring we do not have conflicts of interest, we simply seek to do that with amendment No. 4 [Franks–2]. Are you asking me to move that officially?

The CHAIR: There is some clash between your amendment and that of the Hon. Ms Bonaros.

The Hon. C. BONAROS: I can clarify. The Hon. Tammy Franks has removed the conflict of interest provision into a separate amendment, whereas mine is one entire amendment. We are proposing that the Hon. Tammy Franks would move the conflict of interest amendment.

The CHAIR: We can put the part of your amendment, the Hon. Ms Bonaros, in relation to offences as a separate question. If the committee is happy to do that, then I think that is what we will do. Are there any other contributions? The Hon. Ms Bonaros.

The Hon. C. BONAROS: I assume that the Chair is suggesting that we move the offences part separately to the conflict of interest part and then deal with the conflict of interest component.

The Hon. R.I. LUCAS: My understanding of where the Chair is is that the Hon. Ms Bonaros's offences provision has been called. The government's position is that we are opposing that particular one. The separate issue of conflict of interest, which is a tail end of the Hon. Ms Bonaros's amendment, can be addressed—it is really in your hands—as a separate amendment from the Hon. Ms Bonaros's or as an amendment from the Hon. Ms Franks.

We are indicating our support, when it is moved, for the Hon. Ms Franks' amendment, which is the conflict of interest provision. We are in your hands as to how you move it, but at this stage, as we understand your position, you are moving that section of the Bonaros amendment which relates to offences, and we will address the issue of conflict of interest however you wish to do that.

The Hon. K.J. MAHER: As I understand how we are proceeding with this, we will be supporting both the Bonaros and the Franks amendments if it is the case, as I understand it, that the Bonaros amendment is being moved insofar as it relates to the offences, and the parts of the Bonaros amendment that cover conflicts of interest will not be moved but will be covered by the Franks amendment. That being the case, we will support both of those.

Amendment carried.

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

Amendment No 4 [Franks–2]—

Page 11, after line 26 [clause 9, after inserted section 20H]—Insert:

20I—Conflict of interest

- (1) An official visitor must inform the Minister in writing of any direct or indirect interest that the official visitor has or acquires that conflicts or may conflict with the official visitor's functions under this Division (including, for example, if the official visitor has been an officer or employee of the Department or another public sector agency, or a member of a Minister's staff).
- (2) An official visitor must take steps to resolve a conflict or possible conflict between a direct or indirect interest and the official visitor's functions in relation to a particular matter and, unless the conflict is resolved to the Minister's satisfaction, the official visitor is disqualified from acting in relation to the matter.

So it simply goes to the conflict of interest matter that seems to have widespread support.

The Hon. R.I. LUCAS: The government supports the amendment.

The Hon. C. BONAROS: We will be supporting this amendment.

Amendment carried.

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

Amendment No 6 [Franks-1]—

Page 11, lines 20 to 22 [clause 9, inserted section 20G(3)]—Delete subsection (3) and substitute:

- (3) A copy of a report prepared under this section must be delivered to the President of the Legislative Council and the Speaker of the House of Assembly.
- (4) The President of the Legislative Council and the Speaker of the House of Assembly must, on the first sitting day after receiving a report, lay it before their respective Houses.
- (5) If a report laid before Parliament under this section includes recommendations on any matter relating to the management of a correctional institution or for the purposes of improving the quality of care, treatment or control of prisoners, the Minister must, within 8 sitting days of the expiration of 6 months after the report was laid before Parliament, cause a report to be laid before each House of Parliament giving details of any action taken or proposed to be taken in consequence of those recommendations.

This ensures that the official visitors report to the parliament rather than to the minister, to ensure their independence. It also ensures that the minister responds to those recommendations.

The Hon. R.I. LUCAS: I am advised that this is consequential on an earlier vote where the mass numbers of the government and the opposition opposed it, so we are opposing this particular amendment consistent with our previous vote.

The CHAIR: The Hon. Ms Bonaros also has a similar but shorter amendment in the same place in the bill, amendment No. 11 [Bonaros-1].

The Hon. T.A. FRANKS: Chair, if it helps, I am willing to withdraw my amendment, given we have actually covered the field elsewhere. I imagine it will be helpful for the process, so I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause as amended passed.

Remaining clauses (10 to 47), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

COVID-19 EMERGENCY RESPONSE (EXPIRY) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:23): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, I am pleased to introduce the COVID-19 Emergency Response (Expiry) Amendment Bill 2021.

Measures to reduce the spread of COVID-19 are fundamental to our ongoing response and keeping the community safe.

The Declaration of Major Emergency, in place since 22 March 2020 last year, provides the authorising context for the important social distancing and public health measures issued by the State Coordinator through Directions.

I must thank all South Australians for their ongoing co-operation with these Directions which have helped keep South Australia safe and strong. Mr President, as the Premier and the Coordinator have already publicly stated, work is now being undertaken on the next stage of our legislative response, as we transition out of a major emergency into more of a management or recovery phase. A Bill will be brought to the Parliament shortly.

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

The Act came into effect in April 2020 last year and will expire on 6 February.

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

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

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

Sections 8 and 9 that deal with residential tenancies, residential parks and rooming house agreements will be extended. These provisions, inter alia, provide a temporary moratorium on eviction for non-payment of rent applied across tenancies impacted by severe rental distress due to the COVID-19 pandemic.

The following other provisions will also be extended:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr President, I also wish to take this opportunity to address an issue that has concerned many members of the public, and indeed Members of this House, which is how government has been treating personal information collated for contact tracing purposes through the use of QR codes.

Under Emergency Management (Public Activities No 18) (COVID-19) Direction 2020, and previous versions of this Direction, an approved contact tracing system, namely the COVID-SAFE Check-In, is required to capture relevant contact details of persons who enter particular places.

Information provided under a COVID-SAFE Check-In is protected by the confidentiality provisions of section 31A of the Emergency Management Act 2004 which provide that medical information or information the disclosure of which would involve the disclosure of information relating to the personal affairs of another must not intentionally be disclosed unless the disclosure is made:

- (a) in the course of the administration or enforcement of this Act, or
- (b) with the consent of the person; or
- (c) the disclosure is required by a court or tribunal constituted by law.

Contravention of this provision is an offence with a maximum penalty of \$5,000.

The Information Privacy Principles also govern the use of private information provided in a COVID-SAFE Check-In.

Aside from the legislative protections, the Government has made public assurances that the data provided in a COVID-SAFE Check-In will only be used for contact tracing purposes. This public undertaking is far narrower than the provisions of s 31A.

I am satisfied that Government's assurance, together with section 31A of the Emergency Management Act 2004 and the Information Privacy Principles adequately regulates the collection and use of personal information provided under a COVID-SAFE Check-In.

Further, the deletion of QR-related data is and continues to be deleted on a rolling schedule. All personal information collated from 31.3 million check-ins from between 30 November and 4 January has been deleted, with data held for 28.2 million check-ins from 3 January to midnight 2 February for contact tracing purposes.

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

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

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

3—Amendment of section 6—Expiry of Act

This clause amends section 6 of the principal Act to extend the date on which the Act expires to 31 May 2021.

Standing Orders Suspension

The Hon. R.I. LUCAS (Treasurer) (17:25): I move:

That standing orders and sessional orders be and remain so far suspended as to enable the bill to be taken through all stages without delay.

Motion carried.

Second Reading

The Hon. K.J. MAHER (Leader of the Opposition) (17:26): I rise to support the second reading of this bill and indicate that we will support the passage of this bill. The bill is a very simple bill, it replaces the date the bill expires—I think this Saturday—with 31 May to extend the emergency operation provisions for another couple of months. There are a couple of things I might ask now so that when we get to the committee stage we can speedily do that. Helpfully, the Attorney-General's office provided a table of all the various provisions of the bill and went through those that have already expired, for example, the commercial leases provisions, which I noticed in the *Gazette* has expired. That was useful.

One question we would ask the Attorney-General's office is whether that summary could be placed on a website and kept up to date so that, rather than trawling through each Thursday's *Government Gazette* to see which had expired and when, it would be put together in one place. It would be appreciated if the Treasurer could give the undertaking, perhaps in the committee stage, that such a summary will be kept up to date on a website from the government somewhere.

The other thing that would be useful and should only take a few minutes would be for the Treasurer to outline where we are in the process of replacing the emergency management regime we currently have with something new. In recent days, the State Coordinator, the police commissioner, has made comments about the current regime not being fit for purpose: it was not intended for the situation in which we now find ourselves, where we have had the COVID pandemic for more than a year.

We understand that consideration is being given to a new regime, in effect, that is more fit for purpose. It would be good for the Treasurer to update the chamber on where we are with that. Have there been cabinet decisions that a new regime will be put in place and when can we expect it? I know that, although this legislation is simple, it was only given to the opposition (and I assume the crossbenchers) on Thursday of last week for us to consider today.

Although this is more simple than others, it is difficult, given that we have known since we passed this last year in either late November or early December that this is the date it would expire. To wait until the Thursday before a sitting week to provide legislation is unsatisfactory. The Treasurer might indicate, if they are looking at a new regime to replace it, how long before 31 May we might get to see it so that we can properly consider it.

The Hon. M.C. PARNELL (17:29): As much as we would like to think that COVID is behind us, clearly it is not yet. Whilst the number of cases is pleasingly low in almost every jurisdiction, and whilst in South Australia we are doing very well, I think most people appreciate that the emergency response measures still have some little work to do, so I will support this bill.

I want to quickly mention something that the minister in another place spent about a quarter of her speech addressing, and that is public disquiet over the security of the QR code check-in system. I have discussed this with some members and I had thought that maybe some appropriate amendments might be incorporated into this bill, but we know that time is of the essence with this bill and we need to get it to the Governor and have it in place by Friday. Earlier today, I gave notice of my intention to introduce a bill tomorrow to amend the Emergency Management Act. That bill—I will not address it now, I will address it tomorrow—basically enshrines the assurances and the undertakings that the minister has already given.

As people have said in the past in relation to this bill—sorry, not just this bill but in relation to the legal and regulatory response to COVID—it is powered 90 per cent on trust; the community is trusting that the medical authorities know what they are doing and they are trusting that the government's responses are appropriate and proportionate. But that trust can be given a boost by putting into legislation some of the protections that the government has assured us are in fact already in place.

What I am talking about is the fact that the COVID app check-in data can only be used for the purpose of contact tracing for COVID. I know the minister in another place said, 'That's already covered,' but there are enough lawyers who have said, 'It's not quite covered, minister,' so we do need to do a bit more. Similarly, I accept what the minister says, that the data is being destroyed when it is no longer needed for contact tracing. I accept fully that that is what they are doing, yet I

think the public will have even more confidence in the system if the legislation says it will be destroyed and creates an offence for not destroying it. That is a discussion that we will have after I have introduced my bill tomorrow.

I am pleased that COVID is coming towards a natural end, certainly in Australia and hopefully around the world. I know my elderly father is looking forward to getting his jab. He is in one of the priority groups interstate, so not anything I need to be lobbying the health minister here about—not that I would anyway, that would be very inappropriate. Certainly, the 80-plusers will be early on in getting the vaccine and I think that is a good thing. I look forward to 31 May when hopefully this bill will not need to be extended for any further period of time.

The Hon. C. BONAROS (17:32): I rise on behalf of SA-Best to indicate our support for the second reading of this bill. As we know, and as other members have mentioned, the COVID-19 Emergency Response Act has been in force since May of last year. We are being asked to extend the operation of that for the third time, thereby extending our emergency response to 31 May this year. In the absence of this bill, of course, those provisions would expire later this week.

I think it is important to note that the two most contentious aspects of the original legislation, namely the removal of children and the power to make commercial leasing regulations, have already expired and are not being renewed under this bill. The government has indicated that this is likely to be the last extension as they look forward to introducing amended emergency management legislation sooner rather than later. By supporting this extension it hopefully gives the government the room it needs to introduce careful and considered emergency amendments in the wake of the pandemic and, I would hope, with the advice of the experts that have kept us safe to date.

As we know, under a state of emergency the normal parliamentary scrutiny on restrictions is more or less circumvented. Under a state of emergency extraordinary powers to issue directions are conferred on an unelected public official. They can be imposed very quickly and without notice. To date this has been done in a very considered and commendable way. Our police commissioner, as State Coordinator, has been guided by health experts when making the decision to impose various restrictions on our everyday lives.

Over the past year, many South Australians have been subjected to stay-at-home orders, cross-border travel restrictions and quarantine requirements, with exemptions for essential workers. They have impacted the day-to-day life of each and every one of us, with the common goal of stopping the spread of COVID-19 in our jurisdiction.

By and large I think we have collectively done a fantastic job in complying with the orders. There have been times where they have been challenging but, again, by and large we have generally been very compliant. Close to one million tests have been carried out, with many South Australians lining up for hours, sometimes almost for a day, to be tested, so on behalf of SA-Best I would like to congratulate the South Australian public for the responsible and committed way they have responded to this emergency.

We need to give credit where it is due. The fact that we have listened to the experts, listened to the science, has served us very well, especially when you consider the international death toll. We are in a good place but, as the Hon. Mark Parnell highlighted, it is not over yet, so there is no room to be complacent. We only have to look as far as Western Australia to see how things can turn around in an instant.

Looking forward, though, the question for parliament will no doubt be how long the emergency can last. Is this still an emergency or is it just the new normal? If the latter is true, then how do we legislate for this long term?

I look forward to the further analysis and scientific evaluation of some of the provisions implemented as part of our COVID-19 response. Some of these have had very positive effects on disease control and health more generally; for example, telepharmacy, telemedicine and electronic scripts have protected the more vulnerable in our community from a range of infections, including this pandemic. There are also many other benefits we have seen.

I want to remind honourable members, and the government in particular, that last year the Social Development Committee, chaired by the Hon. Dennis Hood, conducted its review into the

Public Health Act. It is fair to say that when we undertook that review we were not in a position to assess the appropriateness or otherwise of those provisions in the act that came about as a result of COVID-19, even though that was one of the things we were supposed to do.

That said, the committee did recommend that at the end of the expiration of the declaration of major emergency status the committee would undertake that review. I am sure this will be on members' agenda at the next committee meeting, but I flag it now because I think it is necessary to do so for the government's benefit, as well as other members' benefit, given that we are likely to see a new bill dealing with emergency management. One would hope that the committee has had the opportunity to undertake their legislated review between now and when a new bill is drafted or finalised.

The only other thing I want to add is that if there is one aspect of this that I have not been entirely happy with it is the lack of engagement we have had with our Mental Health Commissioners. I want to place this on the record because members will recall that when Mr Kelly appeared before the committee—and this was widely publicised in the media—he was highly critical of the legislation itself and the lack of consultation, input and direct dialogue with the commissioners in the drafting of the emergency measures and in light of the concerns they raised regarding the mental health impacts of COVID-19, the worst of which we have not yet seen.

I make that point because I think it is really important. If we are going to look at drafting the new legislation we need to ensure that all the experts in the know are consulted. We have been told that the mental health impacts of this pandemic are at least another three to five years away. We have not seen that yet, so I am urging the government to ensure that when these discussions are taking place, they speak to the Mental Health Commissioners and get their input in terms of the mental health impacts that will have a very long-lasting effect on the South Australian community.

With those words, and for the reasons I have already outlined, I indicate our support for the second reading of the bill.

The Hon. T.A. FRANKS (17:38): I rise very briefly to join my colleague the Hon. Mark Parnell in expressing support for the bill before us. I also take this opportunity to note that, while this is a very simple bill and extends what has become 'business as usual' in a year that was not at all 'business as usual', we are looking forward to a more productive debate on a more complex bill in terms of how we operate in the ongoing world dictated to us by the pandemic.

I look forward as well to the interim report of the COVID-19 oversight committee that is due to come to this place to inform the next debate. I do, however, want to put on the record some concerns, echoing the Hon. Connie Bonaros's concerns, that in our haste and in our working together cohesively to manage this crisis many things are going through to the keeper that should not be, mental health being one of them. The words of the Mental Health Commissioner to that particular committee were certainly, I think, a clarion call for more transparency and a parliament that is given the opportunity to have full information.

That particular committee does not have full information coming through from the Transition Committee and from other bodies. I am incredibly disappointed. It has been put on the public record that, for example, the chief executive of Health said that he had provided a raft of information—indeed, I think the quote was 'a package of information'—on the medi-hotels which was not forthcoming to the committee. He then attempted to say that he had meant a completely other document about the football players' families who sought an exemption.

That document, I think, was some one or two or possibly three pages long. I cannot see how he would have confused that with a raft—a package—of information on the medi-hotels. That begged belief, and our patience as parliamentarians is wearing somewhat thin. We have been told to just let everything go through to the keeper and that it is all under control.

It is to the credit of this government that they have taken the health advice, that our State Coordinator has effectively managed this pandemic, but we cannot ignore, for example, the utter communication debacle that was the Christmas period of the border closures—people being put in a medi-hotel for a few hours with incorrect information.

My office takes many constituent inquiries. Some constituents were quite rightfully told, under various COVID directions, that they needed to get tested, whether they were at the Sturt campus at Flinders University in that period of time, and then refused COVID testing when they actually got

there because SA Health was not on the same page or indeed local health networks were on different pages—CALHN, SALHN and NALHN are all actually reading from different hymn books. That lack of communication and clarity and transparency does go a long way to really ringing some significant warning bells that this is not operating as smoothly as it should be by now and that more transparency, not less, is required into the future.

The Hon. R.I. LUCAS (Treasurer) (17:45): On behalf of the government, I thank honourable members for their contribution on the second reading and also for their consideration in most unusually agreeing to bring on discussion of the bill at such short notice. As members have indicated, whilst it is relatively simple, there are nevertheless ongoing complex issues that some members have addressed, and I am sure there are plenty of other complex issues which the oversight committees and others will continue to raise.

In response to the specific issues that the Hon. Mr Maher raised, whilst I have not had a discussion with the Premier or the Attorney-General, I would be pretty confident in saying we would be comfortable in agreeing to meet his request in relation to some ongoing record of progress, if that is the best way of putting it, in terms of what provisions still apply and what do not apply in relation to the legislation. We will find what the appropriate site for that is, and I am sure we can meet that particular request.

In relation to the second issue, I can indicate that cabinet certainly has not resolved a position in relation to what the ongoing shape and structure of the legislation might be. It is a complex issue, and I would imagine at some stage this legislation, if it passes, buys us some time through to the end of May so that, hopefully well prior to that, the government can resolve a position. If that requires the agreement of the parliament, the parliament can debate that particular issue as well. That is an ongoing issue, and nothing has been resolved by the cabinet or the government at this stage.

What I would say in relation to this is that, in my view, if there is going to be an ongoing need for extraordinary powers for somebody, even with the rollout of the vaccination, there is going to be an ongoing need, at very short notice, to be able to take decisions in relation to, potentially, border controls, density requirements, restrictions on crowd numbers and those sorts of issues that sadly we have become familiar with in the last 12 months.

I hear, and many within my friendship and acquaintance group say to me, about unelected officials, the police commissioner, the Chief Public Health Officer or something, but ultimately, in my view—and this is not a concluded position of the government because I have not seen what the Attorney-General's Department is going to resolve or recommend—there is the assessment that, because of COVID and the outbreaks that we see, even with vaccination, someone or some body somehow has to make very quick decisions about these sorts of things.

We have heard the evidence that the jury is still out in relation to the transmissibility, even with vaccinations, of the various strains of COVID-19 that are sadly emerging around the world—even more problematic strains from firstly the UK, then South Africa and now Brazil and all parts of the world. If all of a sudden there is a significant outbreak, someone or some process needs to be there so that there is a quick response.

I guess the Western Australian experience has been that they have gone hard and gone early in relation to it. The South Australian experience—albeit we were criticised at the time—was to go hard and go early, and some of the other jurisdictions have then sought to go hard and go early in terms of trying to crack down on COVID before it gets out of control in a particular area. If there is one thing that we have learned, it is that there needs to be the capacity to make immediate decisions, very significant decisions, that impact on civil liberties and the normal things we have come to expect. So if it is not going to be an unelected official then I assume that people have argued that it means it has to be an elected official.

The Hon. C. Bonaros interjecting:

The Hon. R.I. LUCAS: Well, it might be, but I am talking about the views that I get around dinner tables and barbecue sets and the like, and in particular from the publicans, the hoteliers and the others who have very strong views about unelected officials. If it is not going to be an unelected official then it is going to be an elected official. That means it is either the Premier or a minister,

individually (and there are some decisions that are taken by individual ministers), or it is a cabinet; or it means that every time you have to come back to parliament and have it agree on legislation.

All I am saying—and tonight is not the night to resolve this issue—in answer to the Hon. Mr Maher's question, is that, no, the cabinet has not resolved what the ongoing shape and structure of it is. I know some members in this chamber have engaged in sensible discussion and debate with me and with other government members. I am certainly open to having those discussions, because I will be participating in the government discussion when it arrives in the cabinet.

I am interested in various people's ideas as to what the various options might be, but I do it within the context of: if you agree with the premise that somebody or something is going to have to have the capacity to enact extraordinary powers very quickly, then we have to work out what that is—if it is going to look different from what we have at the moment. I know there is a whole variety of different views about what might be the case.

I take the comments from the Hon. Ms Bonaros and the Hon. Ms Franks about some of the very important complicated issues and lessons we are learning in relation to mental health. There are many other issues I am sure both members could have raised, and other members would have raised, in the context of lessons that we are learning, have learnt and, as this continues, will learn in relation to how we manage COVID-19.

I wrap up my contribution to the second reading by agreeing with a number of the members and saying that whatever lessons we are learning, have learnt and will learn, I am forever thankful—I thank God—that I and we were born in South Australia, born in Australia, and that the response we have had broadly within Australia, and particularly in South Australia, has meant that we are better placed than almost anywhere else in the world in terms of managing the terrible implications we have seen in many other parts of the world in relation to the effects of COVID-19. With that, I thank the honourable members for their second reading and look forward to the committee stage of the debate.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (BUDGET MEASURES) BILL

Introduction and First Reading

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

EDUCATION AND CHILDREN'S SERVICES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:55): I move:

That this bill be now read a second time.

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

Leave granted.

The Education and Children's Services (Miscellaneous) Amendment Bill 2020 will amend the *Education and Children's Services Act 2019* to address a number of legal and technical issues identified in the implementation of the Act.

The *Education and Children's Services Act 2019*, which commenced on 1 July 2020, represented the most significant reform to the State's education legislation in over forty years. It replaced both the *Education Act 1972* and the *Children's Services Act 1985* to provide a framework for the development and education of children and young people in South Australia.

During the implementation of the Act, a number of legal, technical and operational issues were identified as needing to be resolved or clarified by amendment of the Act. The Bill aims to address these issues.

In summary, the amendments set out in the Bill will amend the Act to:

- remove reference to step-parent from the definition of a parent under the Act
- update various references in the Act to TAFE SA
- clarify provisions in relation to the continuation of stand-alone preschools and children's services centres formerly registered under the *Children's Services Act 1985* and to make it easier to transition those services to a model of governance similar to schools, where appropriate
- clarify arrangements for the management of the assets of a governing council of a preschool or children's services centre closed under the Act
- expressly provide that the governing council of a school can fulfil a role in respect of the education, care, recreation, health or welfare of students outside of school hours
- make it easier for an existing school of a relevant kind to transition to a special purpose school without the need to formally close and re-establish the school under the Act
- enable requirements to be set in respect to the information about a student that may be included in a report exchanged between principals under section 67 of the Act
- enable a principal's obligation to report persistent non-attendance to be met through periodic reports rather than through reporting on an individual, case-by-case basis
- provide for the Education Standards Board to delegate its functions under the Act in respect to the registration of student exchange organisations. This will enable the Board to delegate relevant functions to the Registrar or other senior staff of the board
- extend the protections for teachers and other staff to enable a person to be barred from departmental owned and occupied premises in addition to the premises of schools, preschools and children's services
- clearly provide for schools to be able to collect a voluntary component of a materials and services charge in addition to the compulsory component of the charge
- address issues with the permissible break in service arrangements for current and future term and casual officers of the teaching service in schools and preschools for the purpose of calculating long service
- address other minor technical issues with the Act.

I seek leave to have the explanation of clauses inserted in Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

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

4—Amendment of section 3—Interpretation

This clause updates definitions used in the principal Act.

5—Amendment of section 26—Continuation of registered children's services centres

The clause provides that a reference in the principal Act to a stand-alone preschool or children's services centre continued under section 26 of the Act (being a reference that contemplates the stand-alone preschool or children's services centre being unincorporated) will be taken to be a reference to the body corporate comprising the stand-alone preschool or children's services centre (as the case requires). Additionally, a reference in this Act to the governing council of a stand-alone preschool or children's services centre continued under this section (being a reference that contemplates or requires the governing council being, or to be, a body corporate) will be taken to be a reference to the body corporate comprising the stand-alone preschool or children's services centre (as the case requires).

6—Insertion of section 26A

This clause inserts new section 26A into the principal Act, which will allow the Minister to declare by notice in the Gazette certain stand-alone preschools or children's services centres to be taken to have been established under Act. The clause requires that the Minister conduct consultation before making such a declaration. The clause details how a declaration will operate, including that the property, assets and liabilities of a stand alone preschool or children's services centre subject to a declaration will vest in the Minister. The clause grants a power to make regulations regarding declarations of the proposed section.

7—Amendment of section 29—Closure of stand-alone preschools and children's services centres

This clause amends section 29 of the principal Act to permit the Minister to transfer specified assets or liabilities of a governing council of a stand-alone preschool or children's services centre that is dissolved under section 29 to a specified person or body.

8—Amendment of section 41—Functions and powers of governing councils and affiliated committees

This clause amends section 45 of the principal Act to expand the functions of the governing councils and affiliated committees of schools to include the fulfilment of the roles specified in the constitution of the governing council in respect of the education, care, development, recreation, health or welfare of students outside of school hours.

9—Insertion of section 56A

This clause inserts new section 56A into the principal Act, allowing the Minister to declare an existing school to be a special purpose school. The Minister must consult with the governing council of the school before making such a declaration. The regulations may make further provision in relation to declarations under this clause.

10—Amendment of section 67—Principal may require other principal to provide report in respect of specified child

This clause amends section 67 of the principal Act. It specifies that where a principal is required to provide another principle with a report in respect of a specified child, the report must adhere to specified requirements.

11—Amendment of section 75—Principal etc to report persistent non-attendance or non-participation

This clause amends section 75(1) of the principal Act to provide that the principal of a school or head of an approved learning program need only cause the Chief Executive to be notified, rather than personally notify the Chief Executive, if a student is persistently failing to attend school or participate in the approved learning program. Proposed subsections (2a) and (2b) clarify circumstances in which a principle of a school will be taken to have provided the Chief Executive with notice under the section.

12—Insertion of section 89A

This clause inserts new section 89A into the Act, providing a power of delegation to the Board.

13—Amendment of section 90—Application of Part

This clause amends section 90 of the principal Act to extend the application of Part 8 of the Act to prescribed departmental premises. This is defined as including any premises owned by the Department and any other premises prescribed by regulation.

14—Amendment of section 91—Offensive or threatening behaviour

This clause amends section 91 of the principal to extend the operation of that section to conduct occurring in prescribed departmental premises, as defined.

15—Amendment of section 93—Power to bar person from premises

This clause makes a consequential amendment to section 93 of the principal Act in relation to prescribed departmental premises, as defined.

16—Amendment of section 94—Review of barring notice by Minister

This clause makes a consequential amendment to section 94 of the principal Act in relation to prescribed departmental premises, as defined.

17—Amendment of section 101—Probation

This clause deletes section 101(9) of the principal Act.

18—Amendment of section 110—Interruption of service where officer leaves teaching service

This clause amends section 110 of the principal Act to clarify the circumstances, and period, in which an interruption of service and subsequent reappointment of an officer of the teaching service will be taken to be continuous service.

19—Insertion of section 110A

This clause inserts new section 110 of the principal Act to set out the circumstances, and period, in which an interruption of service and subsequent reappointment of an officer of the teaching service who is a term employee will be taken to be continuous service.

20—Amendment of section 111—Special provisions relating to certain temporary officers of the teaching service

This clause makes a consequential amendment to section 111(1) of the principal Act to ensure consistency with sections amended or inserted by this measure.

21—Amendment of section 113—Entitlement of persons transferred to the teaching service

This clause amends section 113(7) of the principal Act, allowing the CE to approve certain employment as prescribed employment.

22—Amendment of section 121—Chief Executive may employ other persons for purposes of Act

This clause amends section 121(2) of the principal Act to include preschools in the scope of the subsection.

23—Amendment of section 129—Materials and services charges for schools

This clause amends section 129 of the principal, dividing a materials and services charge under the section into a compulsory component, which can be recovered as a debt under the section, and a voluntary component which cannot.

24—Amendment of section 138—Protections, privileges and immunities

This clause amends section 138 of the principal Act to delete subsection (1), and to delete the words 'and without negligence' from subsection (2).

25—Amendment of section 141—Regulations

This clause amends section 141 of the principal Act to provide regulation making powers in the specified additional areas.

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

At 17:59 the council adjourned until Wednesday 3 February 2021 at 14:15.

*Answers to Questions***COVID-19 RESTRICTIONS**

8 The Hon. K.J. MAHER (Leader of the Opposition) (12 November 2020).

1. What are the current COVID-19 rules regarding gyms, specifically on the use of fans and air conditioners?
2. What is the current COVID-19 health advice regarding gyms, specifically on the use of fans and air conditioners?
3. What enforcement/compliance activity is being undertaken with regard to gyms and COVID-19?
4. Has compliance activity resulted in any action against gym operators including warnings, fines or other sanctions? If so, what action was taken?

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

1. As at 11 November 2020, there was no reference to fans or air conditioners in the *Emergency Management (Public Activities No 10) (COVID-19) Direction 2020*.
2. SA Health is discouraging the use of fans in gyms as they create a direct flow of air from one direction potentially increasing transmission. Gyms are encouraged to use other forms of cooling such as air conditioners. Where this is not possible and fans must be used, SA Health recommend reducing the number of people present.

The Minister for Police has been advised:

3. Compliance in respect to all businesses and activities under the Public Activities Direction, including gyms, is enforced by a coordinated and robust statewide compliance checking regime implemented by South Australia Police (SAPOL). This regime incorporates both proactive daily compliance checking and a daily response to any reported incidents of noncompliance.
4. It is not currently possible to interrogate SAPOL data holdings to a level enabling reliable and/or accurate reporting of compliance activity in respect to gyms specifically.

BAROSSA WATER PIPELINE

In reply to **the Hon. J.A. DARLEY** (10 November 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): The Minister for Primary Industries and Regional Development has advised:

In February 2020, the Marshall Liberal government announced it was investigating delivering reclaimed water from the Bolivar Wastewater Treatment Plant, via existing and new infrastructure, to deliver additional water to the Barossa and Eden Valleys.

A preliminary business case, commissioned by the Department of Primary Industries and Regions in 2019, estimated potential demand for up to an additional 14 gigalitres (GL) of water which could generate \$292 million per year in economic activity and deliver 1,000 new jobs.

In response to the honourable member's specific questions:

1. Wine grapes. Livestock production may also be supported.
2. The cost of the water will be dependent on factors including water treatment costs and distribution costs.
3. The pipeline project does not, of itself, stipulate any minimum allotment size or project scale to qualify for access to water.
4. Refer to answer of question 3.

MOUND SPRINGS

In reply to **the Hon. M.C. PARNELL** (17 November 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): The Minister for Environment and Water has advised:

- As outlined in the *South Australian Government Gazette* on 27 August 2020, BHP's water extraction from the Great Artesian Basin (GAB) will not be increasing, and will remain up to a total maximum of 42 megalitres per day (ML/d) annual average or 15.3 gigalitres per annum.
- Predicted impacts on specific springs were identified in the Environmental Impact Statement (EIS) for the Olympic Dam mine and GAB water extractions in 1982, and in the mine expansion EIS in 1997.

- Successive South Australian governments have been working with all landholders, including BHP, to control uncapped bores and replace open bore drains to minimise wastage to improve the health of GAB springs.
- Since the year 2000, we have seen 59 bores capped and achieved water savings of 49.9 gigalitres per annum and measured recovery of aquifer pressures.
- The South Australian government continues to facilitate landholder access to the commonwealth government's Improving GAB Drought Resilience Program.
- The program provides co-funding on a 50:50 basis for landholders who are accessing water from the GAB for water supply infrastructure projects that reduce water loss, improve aquifer pressure and the health of basin-dependent springs.
- The Far North Prescribed Wells Water Allocation Plan has been in place since 2009. A key objective of the management regime established by the plan is that the taking of water must not have an unacceptable impact on spring ecology, particularly at high value sites.

REMOTE AREA HOUSING

In reply to **the Hon. R.P. WORTLEY** (2 December 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): In addition to the response provided during Question Time, I have been advised:

SA Housing Authority continues to explore the most appropriate housing methods for remote communities.

By way of example, in December 2009, four transportable houses in Mimili and Amata were supplied by RENHE Australia Investment Group Pty Ltd, intended for short-term accommodation (approximately three years) for Amata and Mimili households during upgrade work. From 2010 to 2013 these houses were used to accommodate tenants on a short-term basis while their houses were being upgraded.

From 2014, I understand an organisational decision was made to continue using these houses to address the ongoing high levels of overcrowding in these two communities.

Housing SA at the time, was not directly made aware of the presence of asbestos in transportable houses supplied by REHNE Australia. However, after interstate media coverage, Housing SA engaged the Department of Planning, Transport and Infrastructure (DPTI) to complete an inspection on 30 March 2017 and extensive use of asbestos material was discovered in the houses.

Housing SA commenced immediate action to ensure the health and safety of the tenants and reduce the impact to the communities. By October 2017, all tenants had been relocated, and the four dwellings had been removed.

I am advised that the total contract value to supply the four transportable container houses from RENHE Australia was \$1,132,855 (GST inc.).

I am further advised that the inspection undertaken by the DPTI asbestos unit to determine the presence of asbestos was \$16,498 (GST inc.), the cost of fencing to secure the properties was \$22,961 (GST inc.) and the cost of removing all four asbestos buildings from the APY Lands to a certified asbestos waste facility was \$165,154 (GST inc.).

SA Housing Authority undertook consultation with the Amata and Mimili community councils on the design and location of replacement buildings to facilitate informed and suitable outcomes for the communities. The consultation and approval process was finalised by September 2019.

On 5 February 2020, the APY Executive (the land holding body) granted development approval for the construction of replacement houses in Amata and Mimili.

Construction commenced in Amata in March 2020 and I am pleased to advise that the homes were completed on 15 December 2020.

The Mimili replacement homes have been incorporated into a larger housing replacement project in the community. SA Housing Authority is currently in negotiations with the nominated builder on a commencement date in early 2021.

HOUSING AUTHORITY

In reply to **the Hon. I. PNEVMATIKOS** (2 December 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

The \$1.354 billion figure being referred to related to all payments by the SA Housing Authority to state government agencies for the period 2018-19 to 2022-23, at the time of the 2019-20 state budget. Of this amount, land tax accounted for \$1.057 billion.

At the time of the 2020-21 state budget, over the five-year budget and forward estimates period to 2024-25 the authority expects to pay a total of \$729 million for land tax.

ODOUR POLLUTION, KANMANTOO

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

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

The Environment Protection Authority (EPA) is aware of community concerns regarding odour from Neutrog Holdings Pty Ltd located at Kanmantoo and is actively investigating these concerns.

EPA Officers have inspected the Kanmantoo facility on five occasions during 2020, and undertaken unannounced odour assessments from multiple locations around the facility.

The EPA recognises that odour is highly dependent on wind and weather conditions, and for this reason, regular odour assessments will continue around the facility in addition to an odour profiling program.

PROBLEM GAMBLING

In reply to **the Hon. C. BONAROS** (3 December 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): The Attorney-General has advised the following:

Records held by Consumer and Business Services indicate that prior to the March lockdown period, statewide net gambling revenue (NGR) being the total amount of all bets made on gaming machines in hotels and clubs less the total amount of all prizes won was as follows:

NGR for the month of January 2020	\$57,573,632
NGR for the month of February 2020	\$54,069,386
Two-month average	\$55,821,509

Following the subsequent opening of hotels and clubs with gaming machines after the lockdown, NGR for the following two periods was as follows:

NGR for the month of July 2020	\$73,212,214
NGR for the month of August 2020	\$70,996,186
Two-month average	\$72,104,200

While there was an increase in NGR following the resumption of gaming operations after the lockdown, NGR for November 2020 has in comparison significantly reduced:

NGR for the month of November 2020	\$51,586,426
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I have been advised:

As of 17 December 2020, it is estimated approximately 38 full-time equivalent gambling counsellor or harm minimisation positions are provided by non-government organisations funded through the Gambler's Rehabilitation Fund.

These positions work in a variety of settings, including undertaking outreach to gaming venues.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. C.M. SCRIVEN** (3 December 2020).

The Hon. J.M.A. LENSINK (Minister for Human Services): I have been advised:

As at 30 June 2020, all funding had been committed, with \$6.0 million expended. Invoicing for the significant amount of work that has been completed or is underway, continues.