LEGISLATIVE COUNCIL

Wednesday, 3 February 2021

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

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:17): I bring up the 21st report of the committee.

Report received.

The Hon. N.J. CENTOFANTI: I bring up the 22nd report of the committee.

Report received.

The Hon. N.J. CENTOFANTI: I bring up the report of the committee on the workload of the Legislative Review Committee.

Report received and ordered to be published.

Ministerial Statement

FREEMAN, MR E.W.

The Hon. R.I. LUCAS (Treasurer) (14:18): I table a copy of a ministerial statement relating to Mr Eric Freeman OAM made earlier today in another place by my colleague the Minister for Infrastructure and Transport.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

COVID-19 VACCINE

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

The Hon. K.J. MAHER: Today, it has been reported that the government has been conducting polling via McGregor Tan Research on the government's handling of the vaccine rollout. The polling is reported to include questions such as, and I quote, 'How confident are you that the vaccination process is being managed well by the SA government?' or, 'How well do you trust the South Australian government to manage South Australia through the implementation of the vaccine?' and asking people to agree or otherwise on statements such as, 'The provision of free vaccine helps build my confidence in the government. The vaccine rollout makes me believe the government cares about the community.'

My questions to the minister are, why is the government undertaking popularity polling before vaccines have even been rolled out, and exactly what knowledge, consultation or involvement has the minister or his office had in this public polling?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21): In terms of the last part of the honourable member's question in terms of what involvement has my department had, I will take that on notice because in relation to McGregor Tan I don't recall being aware of that particular

company, but what I am aware of is that government does do surveys supporting its public health effort.

To be clear, it does that even pre-pandemic. It is really important that we get a read on what the community thinks, what the community is doing and, to be frank, how our public health campaigns are having an impact. For example, pre-pandemic we had smoking campaigns and it is important to clarify whether they are having an impact and whether they need to be finetuned.

I believe it would be reckless to undertake the biggest peacetime operation, which is the COVID-19 vaccine, without being supported by an effective communications program. The only way to have an effective communications program is to make sure that it is actually connecting with the people who need to hear that message.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: And so we will—

Members interjecting:

The PRESIDENT: Order! The opposition asked the question and they should listen to the answer.

The Hon. S.G. WADE: I will make it clear for the opposition: yes, this government will be making sure that our messages connect with people in relation to the vaccination program because we need to make sure that there is no—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter! The Hon. Mr Ridgway is not helping.

The Hon. S.G. WADE: —impediment to people getting vaccinated and an important part of that will be making sure that we are addressing their concerns.

COVID-19 VACCINE

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary arising from the answer where the minister explained that he was aware that polling was being undertaken: minister, if you are not aware specifically about a company, McGregor Tan, undertaking polling, have you been aware specifically or generally or has your office been aware that polling was being undertaken in relation to the vaccination program and the people's view of the SA government in relation to that?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I refer the honourable member to my previous answer because I answered that in that answer.

COVID-19 VACCINE

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary arising from the answer: minister, how does it help with the rollout of the vaccination program to be using public funds to ask questions about people's confidence in the government?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): Again, I think the opposition needs to just stop and think for 10 seconds before they ask questions in this place. Can anybody doubt that the confidence that the people of South Australia have in Nicola Spurrier, the Chief Public Health Officer—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition!

The Hon. S.G. WADE: If the opposition honestly believes that the public confidence in public officers like Nicola Spurrier—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter is not helping.

The Hon. S.G. WADE: —has not been key to the success of the program thus far they are more out of touch with the South Australian community than I realised.

COVID-19 VACCINE

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary arising from the answer: does the minister consider the Chief Public Health Officer part of the government?

The PRESIDENT: Not answering?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): For the second time, yes.

COVID-19 VACCINE

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Finally, can the minister outline to the chamber, or at least take on notice as he doesn't like pesky questions in question time, the cost of the public research into confidence in the government?

The PRESIDENT: Supplementary questions need to be very concise and they need to be devoid of opinion. I call the minister if he wishes to respond.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): Considering that I presume that was a supplementary question within the standing orders, which means that it must relate to the original question, therefore I do undertake to inquire in relation to McGregor Tan and bring back an answer in relation to the cost.

COVID-19 VACCINE

The Hon. C.M. SCRIVEN (14:25): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

The Hon. C.M. SCRIVEN: New South Wales, Victoria, Queensland, Tasmania and the ACT have all announced their key distribution sites for the Pfizer vaccine. This morning, Victoria announced that it was prepared to immediately roll out the Pfizer vaccine as soon as it became available. This makes South Australia one of the last places in the country to announce vaccine distribution sites. My question to the minister is: why has the minister not announced SA's COVID vaccination sites, when New South Wales, Victoria, ACT, Queensland and Tasmania have all announced their sites?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I would make the point that I don't accept the so-called account of the announcements in other places. It's not the case that all states have revealed their rollout hubs. Some have mentioned some planned locations and, to be clear, we have already done that. I was in the Riverland last week and indicated the Riverland will be a hub. Obviously, I have already indicated the RAH will be a hub.

In the first phase of the rollout, state government clinics will provide vaccines to key frontline healthcare workers, quarantine workers and border workers. SA Health will be proactively and directly engaging relevant workers. Distribution to the general public, requiring the general community to make a booking and present at a clinic, will not occur until later in the rollout schedule.

I just ask the Labor opposition to cease the fearmongering in its attempts to undermine public confidence. The vaccine rollout and its implications for public safety are too important an issue to try to play political games.

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition needs to come to order.

The Hon. S.G. WADE: The state government will release more information regarding the rollout of phase 1a after the national cabinet meets on Friday.

COVID-19 VACCINE

The Hon. C.M. SCRIVEN (14:27): Supplementary: does the minister know at least where the initial sites will be and can he advise the council of that now?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): I have nothing to add to my previous answer.

COVID-19 VACCINE

The Hon. C.M. SCRIVEN (14:27): Supplementary: how many regional hospital locations will be available for the vaccine?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): I have nothing to add to my previous answer.

COVID-19 VACCINE

The Hon. C.M. SCRIVEN (14:28): When will the sites be ready to receive the vaccine, once it is available?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I think it's a very important question the honourable member asks, because I just want to stress that we are the distributors of vaccines. It is the commonwealth that has secured the vaccines and I think it is worth making the point, as I have already done—

Members interjecting:

The Hon. S.G. WADE: I am sorry, Mr President, I am trying to give an answer; I just don't know if they want one. I think it is important to stress the success that the commonwealth has had in terms of securing. I am advised that Australia is in the fortunate position of having secured 140 million doses of vaccine, one of the highest per capita rates in Australia.

The Hon. D.W. Ridgway: How many was that again?

The Hon. S.G. WADE: The Hon. David Ridgway, a bit too far away to hear me—

The PRESIDENT: Is out of order.

The Hon. S.G. WADE: —was wanting me to reiterate the fact that the commonwealth government has secured 140 million doses of the vaccine, one of the highest per capita rates in the world. A very impressive achievement.

Members interjecting:

The PRESIDENT: Order, on both sides! Order!

The Hon. S.G. WADE: Again, I want to pay tribute to the Morrison Liberal government for its foresight in actively pursuing procurement and supply of vaccines early in 2020. Just to make the point—

The Hon. J.E. Hanson interjecting:

The PRESIDENT: The Hon. Mr Hanson has been quiet up until now and he should remain so.

The Hon. S.G. WADE: Yes, I am sorry if my raising my voice for former minister Ridgway ended up waking up the honourable member.

Members interjecting:

The PRESIDENT: Order! The minister should conclude.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway is not helping. I am asking the minister to conclude his answer and I want to hear him in silence.

The Hon. S.G. WADE: In conclusion, I stress the point that the vaccines are supplied by the commonwealth. We administer them when we receive them, we look forward to advice from the commonwealth as to when supplies will be available, and we will certainly have clinics available as soon as they arrive.

MEDI-HOTELS

The Hon. E.S. BOURKE (14:30): My question is to the Minister for Health and Wellbeing regarding COVID-19. Noting that the Treasurer said that it would open in the first week of February, when will the new medi-hotel known as Tom's hotel open to accommodate patients with COVID-19, and why has it taken more than 10 weeks to open the facility, given that the Premier said it would open before any new international travellers arrived?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): In relation to the last assertion, the Premier indicated that we would have a dedicated facility pronto, which is exactly what we had. The Pullman facility provided a dedicated facility for COVID-positive people, and that continues to operate to this day. In terms of the Treasurer's comments, I have indicated that it is the government's expectation that the COVID-positive dedicated facility will be open in the first two weeks of February. We will have further announcements to make as they are available.

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

MEDI-HOTELS

The Hon. E.S. BOURKE (14:31): When confirming those details, can you also confirm how much it will cost to house people at the medi-hotel?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): When that announcement is made, I will certainly provide that advice.

HOUSING APPROVAL FIGURES

The Hon. D.G.E. HOOD (14:31): My question is to the Treasurer. Will the Treasurer update the chamber on what the latest housing approvals figures indicate about the state of the economic recovery in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:32): I am sure all members in this chamber will be delighted at the continuing series of good economic news that continues to be issued because, as I highlighted yesterday, confidence in our economy and economic recovery is critical in terms of creating jobs and saving businesses in South Australia.

I indicated in the budget last year that, if we are going to have economic growth and jobs growth in our economy, we need businesses to have the confidence to not only invest in their businesses but also create jobs in their businesses, and we need households to have the confidence to resume pre-COVID spending levels, if they are able, and to have that confidence in the state's economic future and their own personal future, because that also assists the economic recovery and jobs recovery.

The new building approval figures released only this morning by the Australian Bureau of Statistics are very positive news from South Australia's viewpoint. Surging demand for new home builds reached a record high in seasonally adjusted terms in December (these are December figures)—a staggering 34 per cent jump for the month of December. It also shows that the total number of dwelling approvals, which also includes units, townhouses and apartments, in addition to houses, rose by 17 per cent in December.

Nationally, those new dwelling approval figures comparatively were 11 per cent—still positive, but nowhere near as strong as the South Australian figure. The Australian Bureau of Statistics' Director of Construction Statistics, Mr Daniel Rossi, said:

> Private house approvals were strong across the country, with Victoria, South Australia and Western Australia hitting record highs in seasonally adjusted terms. Federal and state housing stimulus measures—

I note that, 'Federal and state housing stimulus measures'—

> along with record low interest rates, have contributed to strong demand for detached dwellings.

As I indicated to the chamber yesterday in response to a question, we have had 8,575 applications for the HomeBuilder grant so far, of which 5,700 are for new builds and 1,671 are for substantial renovations.

With that very strong pipeline of work, which will continue for the bulk of this year, our construction industry and in particular the residential segment of the construction industry, as those

figures indicate, should be part of the engine room for growth and jobs growth in our economy for all of this year and we hope leading into the early part of next year as well.

DRUG DRIVING LAWS

The Hon. C. BONAROS (14:35): I seek leave to make a brief explanation before asking the Treasurer a question about our state's drug-driving laws.

Leave granted.

The Hon. C. BONAROS: Yesterday, we heard about the arrest of an allegedly unlicensed and drugged motorcyclist caught speeding in excess of 200 kilometres along the North-South Motorway at Dry Creek. The police have since charged the man with a string of charges, except in relation to the drug driving. Coincidentally, SAPOL conducted a traffic blitz over the weekend which conducted 294 drug tests, which caught 27 drivers returning a positive reading—that is 9.2 per cent of drivers tested who returned a positive reading.

As we know, under our current laws, and unlike motorists caught drink-driving, these drugged drivers are allowed back on the road after 24 hours. My question to the Treasurer is: is the Liberal government concerned about the growing incidence of drug driving when it comes to methamphetamines on our roads, and has the Liberal government discussed changes to our drug-driving laws to address community concerns and expectations?

The Hon. R.I. LUCAS (Treasurer) (14:36): I am sure the honourable member will be delighted to hear that the government remains concerned about the sorts of issues that the honourable member has raised. These are ongoing issues, both for the former government and for the current government as well. However, in relation to specific policy responses, they are questions more appropriately directed to my ministerial colleague the Attorney-General and probably also to my ministerial colleagues, the Minister for Police and the Minister for Transport or road safety as well. I am happy to take that particular aspect of the question on notice and bring back a reply.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. J.E. HANSON (14:37): My question is to the Minister for Health and Wellbeing regarding COVID-19. Are the nurses who work in medi-hotels entitled to the same pay and conditions as other nurses in the health system, including salary sacrifice and a monthly $100 car park subsidy and, if not, why not?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:38): I will certainly seek an answer to the honourable member's question. I should say that one factor where they don't have the same entitlements as other nurses is that they are not entitled to work in a hospital while they work in a medi-hotel, and that is part of our strategy to minimise the risk of transmission. I assure the honourable member that we highly respect our nurses and midwives and I will certainly seek advice, but I would be surprised if their conditions were not comparable.

The work being done by the nurses and midwives in our medi-hotels, the work of security guards, the work of police and protective security officers, is a great service to this state. I would like to take the opportunity again to say that I believe that we have a responsibility to help stranded Australians and permanent residents to come home, and it is the sacrificial service of people such as those that is making that possible.

HOMELESSNESS SECTOR STAFFING

The Hon. N.J. CENTOFANTI (14:39): I seek leave to make brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. N.J. CENTOFANTI: Yesterday, honourable members in this place asked questions regarding staffing levels within the Office of Homelessness Sector Integration. Can the minister please provide an update to the council on staffing within the Office of Homelessness Sector Integration?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): I thank the honourable member for her question. There did seem to be a great deal of interest in the staffing levels of the

Office of Homelessness Sector Integration yesterday, so I thought it might be appreciated by honourable members if I updated the house as to those staffing levels.

I think it is worth recapping that yesterday the Leader of the Opposition, having a freedom of information document, claimed there were just three staff working in that office, and also accused the chief executive of the South Australian Housing Authority of having provided misleading evidence to the estimates committees last year when he said that off the top of his head he thought there was something like a dozen staff.

I have been provided with the freedom of information document that was supplied to the opposition a few weeks ago, and in the spreadsheet there is a list of 20 staff. One of those includes Mr Ian Cox, who is the chief of that particular unit, but clearly there are 19 staff who report to Mr Ian Cox in the office of homelessness.

The Hon. R.I. Lucas: They might have confused 20 with two.

The Hon. J.M.A. LENSINK: Twenty and two, that might be right. I don't have the FTE count to hand but I am happy to provide that, because I know this is an area of very great importance to members of the opposition. However, that is the information that was provided to them and that I will provide to the house, out of the clear interest of members of this chamber. The Labor Party might consider withdrawing or at least apologising for the slur on the chief executive of the Housing Authority for not themselves being able to read documents properly.

WAGE THEFT

The Hon. T.A. FRANKS (14:41): I seek leave to make a brief explanation before addressing a question on the topic of wage theft to the Treasurer, in his role as Minister for Industrial Relations.

Leave granted.

The Hon. T.A. FRANKS: The Treasurer is also the Minister for Industrial Relations with responsibility for SafeWork SA. Last year SafeWork SA cut $150,000 of funding per year from the Young Workers Legal Service. That service used to provide free legal support to young workers to recover stolen wages, and had successfully acted many times to help international students deal with wage theft.

I am sure all members of this council were shocked to see the Facebook footage of the young woman working in Fun Tea at the Adelaide Central Market's Chinatown area yesterday being hit and kicked by her former employer after she asked for her trial wages to be paid, some $10 an hour (which in itself would be wage theft)—indeed, many, many hours worked for no money at all. She accused him of wage theft and stood up for her rights as a worker and an individual, and was assaulted for that privilege.

What has re-emerged following this incident, as well as the broader conversation in our community, is the exploitation of international students in Adelaide. With stories of wage theft rampant and common intimidation tactics used being the threat of deportation, as was made in that video, young workers are in incredibly vulnerable situations, and they have been routinely exploited. The COVID pandemic has simply made this worse. My questions to the Treasurer are:

1. Will he reinvest that $150,000 per year in the Young Workers Legal Service to do their most valuable and much-needed work?

2. What is he doing to protect international students working in South Australia to address wage theft and exploitation?

The Hon. R.I. LUCAS (Treasurer) (14:43): I thank the honourable member for her question. SafeWork SA has advised me today that they first logged a query about the incident at 2:21pm yesterday, and I think the Hon. Ms Franks' office rang SafeWork SA in relation to the issue. SafeWork SA advises me that they advised the Hon. Ms Franks' staff member (I assume) that issues of underpayment of wages should correctly be addressed to the office of the Fair Work Ombudsman. That is, the body that has power and control over underpayment of wages is the Fair Work Ombudsman.

SafeWork SA advises me that at 2.39pm they received the next telephone call from, again, the Hon. Ms Franks' office where the information in relation to an assault of an employee was raised. Again, SafeWork SA advises me that they correctly, in their view, advised that where criminal assault

was involved, SAPOL was the appropriate authority to investigate. I am pleased to see that SAPOL has taken action and that that is now publicised in relation to charges being laid or potentially action being taken by South Australia Police.

I am further advised by SafeWork SA that, in relation to matters within their jurisdiction, which are work health and safety laws in South Australia, they have now logged, I think off their own judgement, the incident for an investigation by one of their officers, and one of their officers from SafeWork SA will be making inquiries in relation to aspects that relate to the control and jurisdiction of SafeWork SA, repeating that the issue of underpayment of wages is an issue for the Fair Work Ombudsman in the federal jurisdiction. Issues of criminal assaults and allegations of criminal assaults are issues for South Australia Police, and South Australia Police are appropriately taking action, as I understand it, in relation to that.

The only other point that I would make—and I guess I am not in a position to have direct knowledge of this other than from hearing the question from the honourable member and also absorbing the advice I have received from SafeWork SA and my office—is that I have also been advised that the business actually issued a statement today indicating that the person alleged to have committed the assault was not related to the business at all but was a customer and was not either the employer or former employer. I don't know whether that is correct or not. All I can say is that that is a claim that has been made by the business today, as I understand it. Time will tell in relation to the connection, or not, the alleged assailant had with that particular business.

In concluding, what I can say is I am sure all members would join both the Hon. Ms Franks and me in being appalled at the vision of the incident that was well publicised on television last evening. Whatever the circumstances are, there is no excuse or explanation or defence for that sort of action and behaviour and it would appear that, appropriately, South Australia Police is taking action in regard to that.

In relation to the issue, as I said, of underpayment of wages and the grant from SafeWork SA, that is a jurisdictional issue for the Fair Work Ombudsman and the federal government. In all the discussions I have with employee associations, they make it quite clear to me that this is an important part of their ongoing work. They see it as part of their reason for being. I am sure it won't surprise the Hon. Ms Franks to know that a number of those unions have significant funding capacity available to them. It is used in many creative ways, as we see in relation to protest actions against the federal and/or state governments.

A number of those employee association representatives make it quite clear to me they see this as an important part of their ongoing role and their reason for being and it's an important part of their ongoing work in terms of representing employees who might raise issues with them.

WAGE THEFT

The Hon. T.A. FRANKS (14:48): Supplementary: what measures has SafeWork SA undertaken to ensure the safety of the other workers in this workplace?

The Hon. R.I. LUCAS (Treasurer) (14:49): As I said, SafeWork SA has now logged it as an investigation and an officer is investigating.

WAGE THEFT

The Hon. T.A. FRANKS (14:49): Supplementary: will SafeWork SA wait until another young worker is assaulted before they take any action for the systemic unsafe environment that is being provided in this workplace?

The Hon. R.I. LUCAS (Treasurer) (14:49): Obviously, the honourable member has made her own judgement in relation to the circumstances in the workplace. I am not directly aware of that.

The Hon. T.A. Franks: I watch the news, so I heard all the other workers who are also being exploited.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am prepared to allow an independent regulatory authority to investigate and to decide what action, if any, they should take as an independent regulator.

WAGE THEFT

The Hon. T.A. FRANKS (14:49): Supplementary: is the minister aware that I cannot make a complaint to the Fair Work Ombudsman on this issue because it's not treated as a systemic one—it needed the individuals involved to make such a complaint—and does he have concerns that that means systemic issues and those issues of vulnerable workers will not be taken up by the Fair Work Ombudsman?

The Hon. R.I. LUCAS (Treasurer) (14:50): I am aware that on very many occasions workers who claim to be underpaid have no problems at all raising their issues with the Fair Work Ombudsman. I am also aware that the Fair Work Ombudsman and/or their staff in South Australia are very happy to receive those sorts of complaints and to investigate. I am also aware that the Fair Work Ombudsman has taken significant action nationally in relation to successful actions against employers who underpay their employees.

COVID-19 HEALTH WORKERS

The Hon. I. PNEVMATIKOS (14:50): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

The Hon. I. PNEVMATIKOS: Between February and April of last year, the ABC reported that more than 40,000 former doctors, nurses, midwives and pharmacists were being urged to rejoin the medical workforce to bolster the frontline in Australia's fight against coronavirus. In April last year, a state government media release referred to hundreds of nurses and midwives being upskilled in South Australia to also assist with COVID-19. My questions to the minister are:

1. Exactly how many additional health workers were reregistered and recruited to assist with COVID-19?

2. What exactly has been done to link those additional health workers who were re-registered or recruited last year to assist with COVID-19 with the vaccination program?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:52): I thank the honourable member for her question. In relation to registration and upskilling, I highlight that there were two different things happening last year. One was in relation to recruiting what I would call the stand-by army. I understand that led to in the order of 2,000 health professionals—they might have been returning from retirement, or they might have been working elsewhere or wanted to increase their hours—registering their interest in contributing to the COVID response.

My understanding, and I will certainly correct this if it's wrong, is that separate from that process we were involved in upskilling. Particularly at that time, we had to be aware of the risk of a significant increase in ventilated patients, so a lot of nurses who might have had general nursing skills were being upskilled in relation to the care of ventilated patients. My understanding is that the upskilling, if you like, was significantly in relation to currently employed SA Health staff.

The other issue the honourable member raises in her question is in relation to the registration, and she's quite right. My understanding is that the Australian Health Practitioner Regulation Agency undertook a program of facilitating the re-registration of health professionals. There is a link in that, as we ask people who might have health qualifications but who may not be currently registered to consider being part of the COVID response, they may need to secure professional registration, which may not have been possible under the rules pre-pandemic. AHPRA did a significant amount of work to safely provide the opportunity to re-engage health professionals.

I think the honourable member asks me for numbers in relation to that. AHPRA is a state and territory joint venture, and it is my understanding that I would be able to get that information from them. I would just like to stress that, if you like, my authority in relation to AHPRA is arm's length, but I have certainly had no problems obtaining information from them in the past and I am certainly happy to seek that information from them on behalf of the honourable member.

The honourable member didn't directly refer to the recent call for people in relation to this, if you like, second year of the pandemic, but I think it is useful for us to go out again. First of all, people's circumstances might well have changed and, whilst they may not have been interested in putting

their name down in the circumstances of the first half of last year, they may be interested now. But also the nature of the work that is likely to be required going forward is significantly different. For example, I imagine a number of older health professionals, aware of the risks of COVID with older workers, may not have chosen to put their name down last year. Vaccination is not without risk, but it is a very different scenario.

Also, I hazard a guess that engaging in the vaccination program might be much more amenable to a whole range of health professionals who have other responsibilities. For example, a medi-hotel worker and a nurse will be required to do fairly stable shifts, whereas a nurse in a vaccination clinic might have the opportunity to work much more flexibly. Of course, medi-hotels are not present in the country, so a lot of country nurses might well be interested in being involved in the vaccination program but wouldn't want to be involved in the medi-hotel program.

I thank the honourable member for the opportunity to highlight the great debt that we as a state owe to the nurses, midwives and other health professionals who have made themselves available in the past year of the pandemic and, I believe, will make themselves available in the year coming forward. The skills of both the retired members and the non-retired members are greatly valued. For their willingness to support the state and national effort to roll out this vaccination program, we are greatly indebted.

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

COVID-19 HEALTH WORKERS

The Hon. I. PNEVMATIKOS (14:57): Is the minister able to give figures in terms of how many of the additional workers that were deployed, the stand-by army, have been retained by SA Health? They could then obviously assist in the vaccination program.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): What I might undertake to clarify with the SA Health workforce is: to what extent are they going to rely on the current record in relation to the vaccination pool? I am certainly happy to seek figures in terms of the level of engagement with the first pool.

It goes without saying that we didn't engage the first pool anywhere near to the extent that we feared that we would. It is a great tribute to the leadership of the public health team here in South Australia and the cooperation of the South Australian community with that effort that to this point we have not been faced with the challenges of other jurisdictions.

What has become abundantly clear in the last year is that the first wave isn't always the worst wave. Obviously, in those early days when we were looking at the need to increase ICU beds and ventilators, we were seeing hospitals in Italy under huge stress, and we have seen that again. Even countries that are very familiar to us are experiencing very significant COVID impacts. Perhaps the country which is closest to my family is the United Kingdom, and to see current waves which, as I understand it, are only just coming off their highest is very distressing.

In terms of where we are as of today, it is tragic to reflect that if South Australia had had the death rate of the United Kingdom through COVID-19, instead of having lost four people we would have lost 2,400 people. It is true to say that when we were mustering that stand-by army in the first half of last year we feared that they would be facing waves of COVID and a hospital system response that has caused huge distress in our sister countries.

I think it is really important that we do not for a day become complacent because many of the countries that travelled with us in the first year of the pandemic and did well are now experiencing significant setbacks; Japan is one that comes to mind readily. It is really important that we maintain a balanced public health response. It is quite appropriate that we look forward to the vaccination program, but it is very important that we do not take the foot off the accelerator in terms of the general public health measures: social distancing, personal hygiene and the like.

Just as we did in the first wave, we need to be taking those measures out of respect for our health workforce. We do not want doctors, nurses, midwives or other health workers in Australia to have to go through what their colleagues overseas have done. They are working very hard to keep us safe and we greatly appreciate that. Now is the time to make sure that we do everything we can

to make sure that South Australia stays safe and strong and that health workers can continue to provide care for us and not be faced with the tragic COVID waves that we have seen overseas.

WELLBEING SA

The Hon. T.J. STEPHENS (15:01): Can the minister update the council on support to improve the health and wellbeing of South Australians?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): I think I might be the best minister to answer that one, unless the Treasurer wants a go. I thank the honourable member for the question. The Marshall government was elected with a commitment to rebalance the health system and a key strategy in achieving this was to reinvest in prevention and health promotion. To that goal, we have established Wellbeing SA. In January 2020, just one short year ago, Wellbeing SA was established, and I congratulate the chief executive officer, Lyn Dean, and her team on their significant achievements over the first 12 months, particularly because those achievements were achieved during a global pandemic.

To flesh out the vision of the government, the government has released the Wellbeing SA strategic plan. Our long-term vision is for Wellbeing SA to contribute to a balanced health and wellbeing system that supports improved physical, mental and social wellbeing for all South Australians. In the short term, Wellbeing SA's work has included inspiring and motivating South Australians to be more active.

Last October, I was fortunate to have the opportunity to launch the first section of the Adelaide100 trail, delivered in partnership with Wellbeing SA. The Adelaide100 project aims to create a walking trail over 100 kilometres in length that will support South Australians and visitors to our state to be active in nature by walking comfortably from the beach to the hills, improving their own health while experiencing the many facets of our beautiful state.

Walking is linked to improved health outcomes, including a reduction in cardiovascular disease, obesity and diabetes and improvement of mental health. Walking is also a mode of physical activity that is equitable, as nearly all South Australians can engage in walking, regardless of their fitness level, financial circumstances or location.

Wellbeing SA has committed over $160,000 to the Adelaide100 project, which is led by Walking SA with support from the Office for Recreation, Sport and Racing. The Adelaide100 initiative is working with the Kaurna and Peramangk communities to identify opportunities for connection to country, including interpretive signage, integrating Indigenous language into the elements of the trail and identifying a site for elders to teach young people to engage in cultural practice on country.

The Billion Steps Challenge was another opportunity to increase physical activity. The challenge is facilitated by the 10,000 Steps program, an evidence-based, whole of community, physical activity promotion program available across Australia. I am pleased to say that the South Australian community met the challenge, reaching nearly one billion steps in the 65 days from 1 October to 4 December 2020.

Wellbeing SA will embed the 10,000 Steps program into its ongoing work as a way of supporting and encouraging South Australians to increase their physical activity participation. I would like to congratulate the thousands of South Australians who participated in the challenge and contributed to South Australia completing one billion steps. I also encourage all South Australians to build more physical activity into our daily lives, supporting better health outcomes for themselves, their families and the community.

WELLBEING SA

The Hon. M.C. PARNELL (15:05): Supplementary: in relation to the proposed walking route from the sea to the Hills that you mentioned, can you update the house on progress toward filling in the missing gap on that route, which is a small walkway over the Sturt River flood control dam. It is about a 30-metre section, and if the minister can't answer he might want to refer to the Minister for Water who, I understand, is responsible for that section.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I am certainly happy to take that on. It is right to say that this is a walk that is being established incrementally and to acknowledge the fact that it was in fact started with a partnership that predates our government. I

want to pay tribute to Walking SA. They have the expertise and they already have a good awareness of the walking opportunities.

The walking trail is circular. The 100 kilometres is not the distance between the Hills and the sea obviously; it is circular. I'm not aware of the particular challenge but, as I understand it, they face many and that may yet be one unresolved. I am happy to seek an update on that and come back with that. I can't give you the URL, but I would encourage people to go to the Walking SA website. It is very useful in terms of links for opportunities for walking in our city and our state.

ADULT SAFEGUARDING UNIT

The Hon. F. PANGALLO (15:07): I seek to make a brief explanation—by my standards—

The PRESIDENT: You are seeking leave?

The Hon. F. PANGALLO: I am seeking leave.

Leave granted.

The PRESIDENT: Leave is granted for a brief explanation.

The Hon. F. PANGALLO: I didn't even finish the opening paragraph, Mr President. The Aged Care Quality and Safety Commission recently released its findings into the Kindred Living aged-care facility in Whyalla, after whistleblowers approached me and aged-care advocate Stewart Johnston about the treatment of residents following a scabies outbreak which became the subject of a story on national television late last year.

The commission found the facility posed an immediate and severe risk to the safety, health or wellbeing of care recipients, with Kindred Living failing in each of the eight compliance standards, including consumer dignity and choice, personal and clinical care, feedback and complaints, and human services. It is the third time in three years Kindred Living has been sanctioned by the commission. My questions to the minister are:

1. Can the minister please provide information on the role the South Australian Adult Safeguarding Unit played in the commission's investigation?

2. Can the minister provide information on how many people contacted the unit with information about Kindred Living?

3. What action can the safeguarding unit take to protect whistleblowers in South Australia's aged-care sector?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): I thank the honourable member for his question. The honourable member is right to indicate that Kindred Living was the subject of sanctions. My understanding is that there was one other facility in South Australia that has been subject to sanctions as well, which as the honourable member says, and it was my understanding, was Regis Burnside.

It is very concerning to hear reports that the commonwealth Department of Health has found that there are providers that represent immediate and severe risk to the health, safety or wellbeing of care recipients. As I did at the end of last year, I pay tribute to the advocacy of Mr Stewart Johnston and the Hon. Frank Pangallo in relation to Kindred Living, and clearly the actions by the commonwealth indicate that there were legitimate concerns on that site.

The honourable member has raised with me the issue of victimisation and this government takes victimisation extremely seriously. I am not aware of the Adult Safeguarding Unit having the capacity to deal with victimisation of staff in response to complaints that they have made in relation to the welfare of older people. To be frank, in that context, the safeguarding unit now deals with people with disabilities as well, so the same would apply in relation to those services.

I will certainly take that on notice and seek the additional information the honourable member seeks in terms of what reports the safeguarding unit had received in relation to the Whyalla site.

MEDICAL FACILITIES

The Hon. K.J. MAHER (Leader of the Opposition) (15:10): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding medical facilities.

Leave granted.

The Hon. K.J. MAHER: In November last year, InDaily reported statements from the Premier regarding the use of the old Wakefield Hospital as a dedicated facility for those with COVID-19. The article reported the Premier as saying that the government wanted to immediately relocate positive coronavirus into the new facility—to immediately relocate. The article went on to say, and I quote the Premier from the article:

> At that old Wakefield Hospital there is a large capacity there, which can be flexed up to deal with surges…

My questions to the minister are:

1. Was it based purely on health advice that the Wakefield Hospital was not selected, as initially suggested, as a dedicated facility?

2. How much taxpayer money was spent on matters related to the old Wakefield Hospital as a dedicated quarantine facility before those plans were scrapped?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I would make three points in relation to this. The old Wakefield Hospital was not secured as a possible COVID-positive facility in November last year. My understanding is that it was really quite early, I suspect it was March or April, that the old Wakefield Hospital was secured and it is still under contract, available to the South Australian government.

The second element is in relation to the point I have already made in response to a previous answer. The Premier said late last year that the government would immediately establish a dedicated facility for COVID-positive people. That is exactly what happened. There's a dedicated facility to this day at the Pullman hotel.

In terms of the question that I think the honourable member asked: was the decision not to use the old Wakefield based on health advice? Yes, it was. What I can say is that the Wakefield Hospital was one of the sites assessed. My recollection is that the team involved in the assessment of what facility would be appropriate as a COVID-positive dedicated standalone facility assessed over 100 facilities, obviously some at a deeper level than others, but a very thorough scan was made in Adelaide. It is hardly surprising that a number of facilities were not seen as appropriate and old Wakefield was one of them.

MEDICAL FACILITIES

The Hon. K.J. MAHER (Leader of the Opposition) (15:13): Supplementary arising from the answer: is the minister able to outline generally what the nature of the health advice was that advised that an old hospital site was less appropriate than one floor of a city hotel as a standalone facility?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I don't know what the honourable member is suggesting. Nobody is suggesting we should use a single floor of a city hotel. At this stage, we are using two floors of a city hotel. My understanding is there are two people there.

If the honourable member is wanting to mock the government's program, this is a public health-driven response. It is very much within the values of SA Health. In other words, it delivers a public health safe environment—the safest we can make it—but also in a way that supports the wellness of the guests.

I have had discussions with members of this house in relation to the challenge of isolation. I have friends who have been through the process. It is not an easy process, and this is not a punitive one. We do not want people who, for all sorts of circumstances, find themselves needing to be in a medi-hotel for two weeks to experience a punitive experience. We want them to be safe themselves personally, but also for those who work with them in terms of nurses, security and hotel staff to be safe. Of course, the whole point is that we can both isolate people from within Australia, isolate people who are coming back into Australia and keep the community safe.

MEDICAL FACILITIES

The Hon. K.J. MAHER (Leader of the Opposition) (15:15): My second supplementary: can the minister confirm that his original answer was that Wakefield had been secured since March or April as a facility for the state government? If I did hear him right, what has been the cost of that to government? Have any other facilities been secured but not activated, and what has been the cost of those? I appreciate that he might need to take some of that on notice.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I am happy to have a go at some of it because, to be frank, I am a bit surprised that the honourable member wasn't aware. The Marshall Liberal government, as part of its COVID response, did secure dedicated facilities last year. In particular, the Wakefield Hospital was secured with 130 beds, the ECH College Grove facility was secured with 58 beds and, thank God, because we had a Liberal government we still had the Repat, and we secured the potential for 90 beds on that site. That is a total of 278 beds.

The Hon. K.J. Maher: Would you take on notice the cost?

The Hon. S.G. WADE: Again, I do appreciate that the honourable member may need to pay more attention. We have published the costs. I am more than happy to republish them but, in relation to estimates hearings and in terms of answers I have given, we have given a lot of information in relation to the facilities. We have provided a lot of information in relation to the costs.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: It goes back very much to the point the Hon. Irene Pnevmatikos reminded us of earlier in question time: South Australia in the first half of last year was facing the prospect of a major COVID wave. I seem to recall some leading national commentators telling us that by Easter (which I think was in April last year) our ICU beds in Australia would be totally overwhelmed. Thank God that didn't turn out to be the case. Again, if my memory serves me correctly, we were being told in March and April to brace for the long run, that we would probably have our peak of the first wave in August or September. In fact, we had our first peak wave at the end of March.

We have certainly had clusters since then, which the state has had to deal with, but we did not experience the significance of the first wave that we feared. It was because of that, because of the need to be ready for the first wave, that we sought the broad engagement of health professionals, both recently retired and currently serving. It is also for that reason that we secured the dedicated facilities, and I am delighted for the honourable Leader of the Opposition that this news can be fresh all over again as we start a new year.

ELECTRIC VEHICLES

The Hon. D.W. RIDGWAY (15:19): My question is to the Treasurer. Can the Treasurer please update the chamber on the implementation of the road user charges for electric vehicles?

The Hon. R.I. LUCAS (Treasurer) (15:19): I am very happy to update the house because there has been some recent discussion about it, as I understand, in parliamentary committees, and media follow-up as a result of those inquiries. It is correct to say that the South Australian government and its officers have been in active discussion with the Victorian Labor government and its administration and—

The Hon. K.J. Maher interjecting:

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

The Hon. R.I. LUCAS: —we are actively progressing—

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —those particular discussions in relation to the details of the road user charge in South Australia.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition should not be conversing with members of the government bench.

The Hon. R.I. LUCAS: What has transpired as a result of the issue being ventilated in the parliamentary committees, as I understand it, was in relation to whether or not the government was considering the abolition of stamp duty on electric vehicles. My response on the public record is that I am not planning to be abolishing stamp duty or payroll tax or indeed making changes in relation to stamp duty.

What I have been correctly reported as saying, and it is accurate, is that we haven't ruled anything out in relation to the road user charge. Some other jurisdictions have certainly made changes in relation to registration charges, and there are various issues. I know that Victoria and some other jurisdictions are actively considering the introduction of a road user charge and are contemplating it in relation to a package of measures which might go broadly into the electric vehicle area.

It is correct to say that the government hasn't ruled anything out but in relation to the issue of asking, 'Am I commissioning Treasury to undertake work on stamp duty abolition or the like?', it's accurate to say that no, I am not, and I have not commissioned them to do so. But it is also accurate to say that I haven't ruled anything out in relation to what the other jurisdictions are looking at. By and large, they have tended to look at registration charges rather than stamp duty concessions. By and large, that seems to be the preferred course. Some jurisdictions have looked at stamp duty but, by and large, registration charges and incentives seems to be the preferred course.

Matters of Interest

WAGE THEFT

The Hon. T.A. FRANKS (15:22): I rise to speak about wage theft. Yesterday, Adelaide citizens were horrified to see an incident in Gouger Street in our city, when a young woman simply demanded a fair day's pay for a fair day's work. It is understood that she had been working trial shifts at a bubble tea shop called Fun Tea, but it was not so fun for her when she asked for her fair day's pay, to be slapped on the face and kicked in the stomach. She required ambulance attention and, indeed, hospital attention for simply asking for a fair day's pay for a fair day's work.

I have to commend this young woman for her courage and bravery. She stood up against something that is rife in the South Australian community, something that has rightly shocked the South Australian community: she stood up against wage theft. Unfortunately, through my work—and I know full well your fine work in this area, Hon. Madam Acting President—and through our committee's work on wage theft, we know that her story is not a unique one. We know that somewhere between one-third and a quarter of workers, particularly international students, these most vulnerable of workers, are being exploited in Adelaide.

We also know, much to the disgrace of the Marshall government, that not much is being done about it. Indeed, less than nothing is being done about it because the very service that was actually intervening for these international students in particular, the Young Workers Legal Service, had its funding cut in the last year by SafeWork SA. Indeed, $150,000 to the Young Workers Legal Service went a long way to ensuring those international students, those young people on visas who have been made even more vulnerable than ever by the COVID pandemic, were able to get a fair day's wage for a fair day's work.

It is unacceptable that in South Australia, in Adelaide, we see a young woman like this not as an individual aberration but as an endemic statistic, and that we see the Marshall government look away from these young people. They are entrusted to our country by their families, believing we have a safe society for them to work in not just safely but with dignity and respect, and with a wage appropriate to their work. Yet, they have been abandoned by our government with the cuts to the Young Workers Legal Service and with the abrogation of the duties of SafeWork SA to act on these matters.

It was extraordinary to hear the Treasurer say today that SafeWork SA took some calls from my office yesterday; that was the case, but to say that was the first they heard of it was not what they told my staff member, that is for sure. However, for SafeWork SA to need a call from my office to act

on wage theft and endemic exploitation of international students in Adelaide is a far cry from what most South Australians would expect from a fair government, and indeed what those families of the students and the students themselves should expect as fair and appropriate treatment when they work, live, study and play in our country.

We believe we are a welcoming society. We benefit from the export education sector, and we absolutely benefit from the diversity of cultures we enjoy as a result of having international students and new arrivals in our city. We should be supporting them to be able to access the full protections of the law. We know that language and cultural barriers stand in the way, and we also know that those barriers are exploited by the very criminals involved with wage theft.

Wage theft should be properly addressed. Ensuring we are taking wage theft seriously as a crime would be an incredibly important step in stopping the people who are exploiting these vulnerable young people in our state, and protecting them from further duress, harm and, in this case, physical injury.

BIOSECURITY

The Hon. N.J. CENTOFANTI (15:27): I rise today to speak about the importance of biosecurity in South Australia. I have spoken in this place before about the strength and importance of the South Australian agricultural industry. Our $15.2 billion primary industries and agribusiness sector generates statewide employment and contributes to the South Australian economy. Our state's success in this industry is underpinned by our diversity of agriculture, the innovation of farmers, and the natural advantages that we enjoy in South Australia.

One of South Australia's agricultural advantages is our strong biosecurity. Currently, around the world African swine flu is devastating pig production, phylloxera and xylella fastidiosa are damaging vine yields, and khapra beetle is destroying stored grain stocks. Each of these well-known biosecurity threats is costing agricultural industries significantly, but in South Australia our protections have so far prevented these threats from setting their roots in our state.

South Australia's strong biosecurity is a competitive advantage but not a coincidence. The state and federal governments have proactively defended the South Australian agricultural industry against biosecurity threats, allowing local farmers and businesses to reap the benefits. The baiting and trapping of Queensland and Mediterranean fruit fly is an example of how South Australia has successfully managed a biosecurity threat.

Fruit fly is one of the world's most destructive horticultural pests and poses risks to most commercial fruit and vegetable crops. Despite the first known discovery of fruit fly in South Australia occurring in 1947, early detection and eradication have allowed our state to maintain its fruit fly free status, resulting in favourable market conditions for growers. Being fruit fly free means fruit can be exported without undergoing fumigation, a cost and time pressure incurred by growers from regions across the nation and around the world.

Last year, eight outbreak locations of Mediterranean fruit fly were identified in metropolitan Adelaide, with a further site detected earlier this year. As a result of these locations, more than 250 metropolitan suburbs are now affected by a suspension area. Outbreaks of Queensland fruit fly were recently identified in the Riverland region—my home—during the Christmas and New Year period.

The state government has immediately commenced an eradication program, deploying significant resources on the ground, working to eliminate fruit flies from the outbreak area and nearby surrounds. Despite the work to reduce the impact on growers, the Riverland outbreaks will have devastating ramifications on growers in the affected areas. Restrictions affecting growers are currently short term, but it must be our priority to ensure that similar outbreaks do not continue to arise.

This state government has shown it is dedicated to preventing future fruit fly outbreaks in the long term. In 2019, this government committed over $20 million of investment in fruit fly controls over four years. As part of this funding, sterile fruit flies were released across Adelaide's suburbs in an all-out assault against the current metropolitan outbreaks. Other measures include the strict policing

of our borders, such as implementing random quarantine roadblocks and enforcing a zero-tolerance fine to ensure people are not bringing fruit or vegetables into South Australia.

There is no set process for managing a biosecurity threat and their evolving nature can create a challenge for governments. Government programs are integral to protecting South Australia's fruit fly free status, but managing the biosecurity threat will require the diligence of all South Australians, whether they live in the city or the country.

The fruit fly outbreaks in the past 12 months have been identified in a residential or backyard fruit tree. I urge all South Australians with fruit trees to be vigilant, maintain good backyard hygiene, clean up the dead fruit from the base of your tree and immediately report any fruit that appears to have maggots to the 24-hour fruit fly hotline. For those living in metropolitan Adelaide or affected parts of the Riverland, please do not move homegrown fruit from your property.

You can check whether your property is in an outbreak or suspension zone on the PIRSA website and learn more about how this affects your household and fruit movement. We are lucky to live in a beautiful part of the world unaffected by many pests, but we all need to work together to ensure we prevent biosecurity threats from permanently establishing in South Australia.

AUSTRALIA DAY AWARDS

The Hon. C.M. SCRIVEN (15:32): The Limestone Coast is home to many wonderful people who make a huge contribution to our community, and I was delighted that a number of these people have recently been acknowledged through Australia Day awards. On Australia Day morning, I had the pleasure of attending the City of Mount Gambier's Australia Day breakfast and citizenship ceremony.

With the council presenting awards to the citizen of the year, senior citizen of the year, young citizen of the year and the community event of the year, I was able to join with other members of the community in acknowledging these wonderful people and events.

There were many award nominees and I am sure the council struggled with making the final decisions. The Mount Gambier Citizen of the Year was jointly awarded to Dulcie Hoggan and the late Pamela Moulden, who sadly passed away before the award was given. Both Dulcie and Pamela campaigned for a lymphoedema compression garment subsidy after developing lymphoedema during treatment for breast cancer.

With the Lymphoedema Support Group of South Australia and the Mount Gambier Breast Cancer Awareness Group, they lobbied to ease the burden for cancer patients in our state. Dulcie and Pam's efforts and fierce campaigning resulted in a joint government commitment of $4½ million to boost existing schemes to subsidise the garments. Ian Moulden, Pam's husband of 48 years, received the award on behalf of his late wife and spoke eloquently about what the award meant to him and to their family.

Alan Warden was awarded the Mount Gambier Senior Citizen of the Year. Alan has been a scout leader in Mount Gambier and Millicent for 34 years and is a role model and mentor to thousands of young people in our local communities. Before he retired as a boilermaker, Alan would take unpaid leave from work to attend Scouting jamborees all over Australia. He also organises Scout participation in the ANZAC Day street march and assists in annual events such as the Christmas parade, Generations in Jazz and the Fringe. He also helps out on the gate at the Borderline Speedway.

The Young Citizen of the Year Award went to Faith Monger. Faith is only 19 and is involved in a number of community groups and causes. She donated 40 centimetres of her hair to the Hair with Heart program and is involved with the Australian Red Cross, the Mil Lel Tennis Club and the Rotary Club of Mount Gambier West. She received an Order of Australia SA Branch Student Citizenship Award and was the recipient of the Service Clubs Association of South Australia Allan Sloan Young Citizen Community Service Award. She is also part of the Mount Gambier City Concert Band, the Limestone Coast Symphony Orchestra and has been involved in musical productions as a performer, sound engineer and musical score conductor.

Recycled Runway was awarded the Community Event of the Year. This is a fantastic event that started in 2013 during environment month to highlight the issue of textile waste, which is one of the largest contributors to landfill. Since then, the event has grown and is now one of the biggest

social events of the year in the local calendar, educating people about the importance of sustainability and raising funds for ac.care and the Uplift Project. In 2020, the committee of volunteers who run the annual event—which includes dedicated Trudy-Anne Doyle, who I have known for many years—managed to host a COVID-safe Recycled Runway, which raised more than $7,000.

I was also delighted to attend the Australia Day awards of the District Council of Grant, which acknowledges outstanding citizens within our local community. Port MacDonnell resident Jeremy Levins was named the 2021 Citizen of the Year. He is a talented artist who has been involved with a range of community projects, causes and organisations over the years, particularly those focused on youth, the environment and mental health.

The Young Citizen of the Year is 24-year-old Libby Altorfer of Allendale East, who has been an active member of the Country Fire Service since joining as a cadet nine years ago and has recently joined the Port MacDonnell SA Ambulance Service. The Bay Escape was selected as the Community Event of the Year, with around 4,500 people descending on Port MacDonnell to enjoy the volunteer-run street festival.

Finally, the Kingsley and Mount Gambier District CFS groups were acknowledged with the new Active Citizenship Award. The group covers the entire district of the Grant council area and is the primary emergency service for fire, vehicle accident and other emergencies locally. It is made up entirely of volunteers, with over 300 active personnel available 24 hours a day, seven days a week. My Port MacDonnell neighbours Grant Fensom and Wade Chant were among those who were honoured through this group award. I congratulate all those award nominees and winners across our community and I thank them for their hard work and dedication.

KINDRED LIVING AGED CARE

The Hon. F. PANGALLO (15:37): Australia's aged-care sector is in crisis, with the royal commission into the quality of aged care due to report within weeks. Evidence given to the commission has been harrowing and heartbreaking. We are failing our vulnerable senior citizens in their time of need. There are dedicated and compassionate workers and operators who do strive to achieve an accepted level of care and, sadly, there are those who do not.

The Kindred Living aged-care facility in Whyalla is one such operator. Its treatment of residents and staff is contemptible. Last year, care workers reported to management numerous times an outbreak of the very painful and contagious Norwegian scabies in Cottage 3 of Annie Lockwood Court. Senior management's reaction to these very serious concerns was appallingly inadequate, almost in denial, despite the outbreak spreading to more patients and a number of workers assigned to the cottage. A consulting doctor warned the rash would spread quickly.

Management had the audacity to blame one resident's husband, Peter Strawbridge, for his wife Heather's infection, saying it was probably caused by mosquitoes during one of the daily walks he took his wife on. Heather was hospitalised for several days for scabies. Cottage 3 is home to residents with severe dementia who are unable to communicate and some of whom do not have regular visitors or family to check on their wellbeing, so they were helpless in telling staff about the pain they were experiencing.

If not for the courage of Mr Strawbridge and whistleblowers who grew increasingly worried by what they witnessed and management's intransigence, who knows what else could have befallen those residents. These brave whistleblowers contacted my office to share their concerns. I then visited the facility at Mr Strawbridge's invitation, along with a crew from the Nine Network's *A Current Affair*, to see for myself what was occurring inside Cottage 3. I was shocked and heartbroken.

Kindred Living's chief executive, Juanita Walker, tried to play it all down when I met with her, but when *A Current Affair* exposed Kindred's horror story on national TV, management embarked on a witch-hunt for whistleblowers, who would be protected by existing laws. One worker who inadvertently appeared in the TV story was then wrongfully targeted by management, threatened with the sack and accused, on the balance of probabilities, of privacy breaches—a totally false accusation. I wrote a detailed letter to Ms Walker pointing this out and that this staff member played no part in my visit, yet they continued their appalling conduct.

The media exposure prompted the federal government's somewhat toothless watchdog, the Aged Care Quality and Safety Commission, into action, despite previous complaints falling on deaf ears. In a rare move, commission investigators physically visited the site to interview management, staff and residents. The facility then rushed to clean up its act, throwing out bedding and furniture.

The commission's findings were published on the eve of Christmas and they were scathing. It found the facility posed an immediate and severe risk to the safety, health or wellbeing of care patients. Kindred Living failed in each of the eight compliance standards, including consumer dignity and choice, personal and clinical care, feedback and complaints, and human resources.

It is the third time in three years Kindred Living, or Whyalla Aged Care as it was previously known, a not-for-profit organisation that last year posted a $400,000-plus profit, has been sanctioned by the commission. Then today I received a disturbing photograph of another resident at Kindred admitted to hospital with a gangrenous toe. How could that happen?

I am now writing to its board, asking it to dismiss its inept senior management, the same management in charge for each of the three sanctions. I am also asking the federal aged-care minister, Greg Hunt, how an aged-care facility with such an appalling track record can continue to operate with current management in place and which actually controls the facility that takes millions of dollars in commonwealth funding.

What is it going to take before a facility like Kindred is brought to account? This is why I would like to see CCTV cameras in all aged-care facilities. I welcome today's announcement by my federal colleague Senator Rex Patrick that he is introducing an amendment into the federal Aged Care Act currently before parliament to allow for this technology to be used.

CHERRY GARDENS AND CLARENDON BUSHFIRES

The Hon. T.J. STEPHENS (15:42): I rise today to speak on the recent Cherry Gardens and Clarendon bushfires and to recognise and thank the emergency services personnel for their continued contribution to keeping South Australia safe. Whilst I will not be passing comment or judgement on how the fires started, we are continually reminded of the extensive risks posed by extreme heat, strong winds and natural dry-wooded fuel load, which all combined to present catastrophic fire conditions. The undulating landscape and general topography of the Adelaide Hills region also presents challenges in reaching the front and is a natural catalyst supporting the spread of fires.

Temperatures exceeding well over 40º Celsius on Sunday 24 January and rapidly changing winds from north-easterly to south-westerly and then south-easterly, pushing the fire in different directions, combined to create uncertainty for communities as to its direction and its potential threat. Evidence of the fire was the enormous plume of smoke cloud rising into the sky, visible from a wide radius, and strong winds distributed ash throughout the Adelaide Hills communities as far as Mount Barker and Littlehampton.

We are constantly reminded of the horrific tragedy and destruction of fires with the anniversary of the Black Summer fires of 2019-20 in South Australia and indeed across all of Australia. Engaged in an attempt to manage the fire were over 400 CFS firefighters, over 80 fire trucks and appliances and eight aircraft, complemented by MFS fire units, crews from the Department for Environment and Water and private firefighting units. CFS crews from far and wide came and converged on the fire region. Also assisting were the SA Police, SA Ambulance Service, State Emergency Service and SA Water. The selfless commitment of these individuals, organisations and communities must be admired and respected.

Concurrently, Country Fire Service firefighters and fire units were tackling fires underway at Finniss and Tilley Swamp to the south and Gumeracha and Shea-Oak Log to the north. Hundreds of people evacuated from their homes and communities, and the impact on families in bushfire situations cannot be underestimated. Fear, anxiety and uncertainty create enormous stress on those families. Praise must also be provided to those residents and landowners who have developed and executed their well-structured bushfire plans.

With a perimeter of nearly 30 kilometres, this fire destroyed 2,700 hectares; 19 buildings, including two homes of families whose lives will be disrupted for some time; and numerous assets. This does not include the loss of livestock and animals in their natural habitat. Having claimed much of the Scott Creek Conservation Park and the Mount Bold Reservoir Reserve, the fire could have

been much worse had it not been for the fast action of the highly skilled and coordinated team of firefighters and the good fortune of a favourable weather change. Approximately 60 homes were saved.

It was with quite some relief that we welcomed a significant change in weather that saw the arrival of rain on Monday. The ongoing downpour exceeded 30 millimetres, which eventually quelled the fire. It was a joy to witness some firefighters dancing in the rain on our news bulletins. Nonetheless, the risks remained and it still took time for firefighters to return and extinguish hotspots. It is ironic that those same rains created wet vegetation that by its very nature impeded firefighters' efforts to back-burn, reduce the fuel load and establish fire containment measures.

This was a wonderful demonstration of the resilience of our communities, particularly in our regional areas, serviced by the CFS and their volunteers, the same volunteers and emergency services professionals who had the horrific experience of fighting fires during the Black Summer of 2019-20. They do not question at the time how these fires start, but accept it and exhibit their bravery and skill to bring the fires under control and ultimately extinguish them.

It is not just those on the frontline of the fires that we must acknowledge. Bushfires present a significant logistical exercise, and often forgotten are those community volunteers at bushfire last resort locations, where residents gather for their safety but are provided support and supplies.

The Alert SA app was also tested on this day, given the rapid ignition of the fire, its spread and its changing direction. While some concerns were raised about how responsive it was to initially alerting residents to the fire, based on my own personal feedback from friends living in the Adelaide Hills, it was a very effective tool in directing residents to monitor informative bulletins.

Whilst I am sure a proper diagnosis of the fire and how it was managed will be undertaken by the various authorities, and recovery teams are assessing the structural damage and loss of wildlife, I commend all involved in working tirelessly to contain and extinguish the fire to protect our community and demonstrate strength in adversity. We should ensure they receive the support that they deserve. In conclusion, our thoughts and prayers go out to our Western Australian neighbours currently battling severe fires in Wooroloo, just east of the Greater Perth area in that state.

PUBLIC TRANSPORT PRIVATISATION

The Hon. J.E. HANSON (15:47): Ask anyone in politics if they can be trusted to keep their word and they will tell you that their word is their bond. However, if you step outside of this place and ask anyone out on the street what they think of politics or politicians, I imagine we would all be sadly disappointed with their response. I found that very much to be the case when I recently went out and spoke to commuters on public transport in our state. Be it on buses, be it on trains or be it on trams, for a service that is so regularly used by so many in this state, it is very hard to find many people who catch that service trusting those who are governing the use of it.

People are nervous about what is happening to their routes, people are nervous about what is happening with the cost of their service, and people are nervous about whether the bus or the tram stop that they use will even be there in a year's time. People are confused about why the free bus to the Christmas Pageant and the football were cancelled recently and why security guards were removed from their service, but equally why the cost of their ticket and the cost of their Metrocard have both increased.

People are concerned about the simple act of taking public transport to work and why it is not so simple anymore under the Marshall Liberal government. Of course, the irony is that this government claimed the reason it needed to privatise and cut services on the buses, the trains and the trams was to improve patronage. At least, that is the reason for privatisation that the Liberal Party is currently providing.

Before the last state election, Steven Marshall said that he had no privatisation agenda. That is right; we all heard him say it. The problem is that he then went and privatised the state-owned power assets, the generators at Elizabeth and Lonsdale; he privatised the Remand Centre; he threatened to sell SA Pathology; and he privatised portions of DPTI's facility services. For a party that wants the South Australian people so badly to trust them to deliver on health and the economy during a pandemic recovery, my question begs: why should they?

Not one person I have spoken to while on public transport has said to me that their services would be improved by privatisation—not one. Not one person who used the services of SA Pathology during the pandemic, or who worked with the Remand Centre said their service would be improved by privatisation—not one. Not one person thought that privatisation would create jobs, but they all said that they were aware of Steven Marshall's broken promises on privatisation.

All of them have said that the pandemic has made them more likely to buy local. All of them said they want more of our assets and services to be kept in public hands. People do not want privatisation of their services. People want to see jobs kept here—good jobs kept here—a message that seems lost on the Marshall government. All other privatisation attempts of the Liberal Party aside, the privatisation of our trains and trams has been nothing short of a complete shemozzle.

Steven Marshall's almost half a million dollar a day sell-off of our train and tram network is filled with scandals and stuff-ups: private operators who do not have enough train drivers to operate them; reports that train drivers are being bullied into working for them; other bidders have complained that the contract raised services around the legality and integrity of that process; a special loser fee of $1 million to make sure that you bid to buy the train network; and, of course, it has been revealed that it costs more for Keolis Downer, the new owner of our train and tram network, to run the network than it did when it was in government hands.

The Liberal minister and Steven Marshall say the privatisation of our trains and trams is about delivering a better service. My response to that is: why could you not have made it better yourself without privatising that service? It is your job as minister and Premier to improve our trains and trams, not sell them.

They told everyone that the privatisation of our trains and trams would be a win-win for everybody. The only winner I see in this train wreck of a privatisation is the new owner, Keolis Downer, which is pocketing half a million dollars a day to run our trains and trams. Trust in politics requires commitment. It requires you to keep your promises. Steven Marshall promised he did not have a privatisation agenda going into the last election. The fact is that he has broken that promise.

The Hon. T.J. STEPHENS: Point of order: the honourable member has been here long enough to know that you do not address a member in the other place by his name. He is either the member for Norwood or he is the Hon. Steven Marshall or he is the Premier.

The Hon. J.E. HANSON: I am happy to apologise to the Hon. Mr Stephens.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE: MOTOR VEHICLE REGISTRY PETITION

The Hon. N.J. CENTOFANTI (15:53): I move:

That the report of the committee, entitled Inquiry into House of Assembly Petition No. 1 of 2020—Government Retention of Motor Vehicle Registry Functions and Service SA Branches, be noted.

The Government Retention of Motor Vehicle Registry Functions and Service SA Branches petition was the first to be presented to either house since the amendments made by the Parliamentary Committees (Petitions) Amendment Act 2019 on 11 July 2019. Those amendments inserted section 16B—Certain petitions referred to Legislative Review Committee, into the Parliamentary Committees Act 1991.

Section 16B requires any eligible petition presented to either house containing not less than 10,000 signatures to be referred to the Legislative Review Committee. The amendments also inserted section 12(ba), Functions of Committee, into that act requiring the committee to inquire into, consider and report to parliament on any eligible petition referred to it.

As it was the member for Florey, Ms Frances Bedford MP, who presented the Parliamentary Committees (Petitions) Amendment Bill 2019 that ultimately brought about these amendments, it was fitting that it was also the member for Florey who, on 5 February 2020, presented the first eligible petition containing 12,705 signatures to the House of Assembly.

The petition urged the government to retain the motor vehicle registry and all its functions under public control, to especially protect personal data from being used for private profit and to keep all Service SA offices open, preserving face-to-face services upon which people rely. The petition arose in response to a government announcement as part of the 2018-19 state budget that it intended

to close three Service SA centres at Mitcham, Modbury and Prospect and the government's acknowledgement in February 2019 that it was looking at privatising the motor vehicle registry.

Once the petition was referred to the Legislative Review Committee by the House of Assembly, the committee invited the member for Florey to appear before it. Given the member for Florey's instrumental role in referring eligible petitions to the Legislative Review Committee, the committee also took the opportunity to query the member for Florey as to the process the committee might adopt in inquiring into petitions.

The committee next sought evidence from the then Minister for Planning, Transport and Infrastructure, the member for Schubert, the Hon. Stephan Knoll MP. The former minister provided a letter attaching his responses to questions posed by the committee. The committee intended to seek further evidence in the form of submissions and evidence from the public and stakeholders. However, in the view of the Legislative Review Committee, the issues raised in the petition were satisfactorily resolved by the decision of the government without the committee needing to take further steps in its inquiry into the petition.

The petitioners' first request is that the government not privatise the motor vehicle registry, an action that the petitioners feared could put customers' personal data, including medical information and banking details, at risk of being used for private profit. The former minister advised the committee that the government was required, under an agreement struck by the previous government during the privatisation of the lands titles office, to use reasonable endeavours to consider privatising the management of the motor vehicle registry. If it failed to do so, pursuant to that agreement, the government could be liable for a fee of $80 million. On 10 June 2020, the former minister confirmed to the committee that the government reached a decision in December 2019 not to privatise the motor vehicle registry.

The petitioners' second request is that the government maintain all Service SA centres and preserve face-to-face customer services at all centres. As members would be aware, Service SA provides important services to customers in South Australia, including registering vehicles, licensing drivers and providing numberplates.

The petitioners expressed concerns that the centres slated for closure—Mitcham, Modbury and Prospect—are amongst the busiest centres. The member for Florey and other members also voiced concerns that seniors, residents who are not fluent in English and those with lower incomes would be particularly disadvantaged by a shift to online services. Closure of these centres could result in longer queues, longer wait times and poor service delivery at other already busy centres.

The former minister confirmed in correspondence dated 23 July 2020 to the committee that the government would no longer be proceeding with the proposed closure of the Service SA centres at Mitcham, Modbury and Prospect. The former minister also advised the committee that the government intends to progress other improvements to the existing centres. The former minister's correspondence states as follows:

> We have trialled a new service delivery model in some of our centres, including the new flagship Currie Street Centre in the CBD, which has received positive feedback and seen a reduction in wait times. This new centre provides an alternative and modern way for customers to transact with five assisted self-service PCs and two self-service kiosks. Recognising that not everybody wants to or is able to transact online, the new Adelaide centre also offers six face-to-face service counters for customers that require or prefer this service.
>
> We are now looking to rollout these better services across other Service SA centres around Adelaide.

Despite the government's decision, the member for Florey requested that the committee continue its inquiry into the petition to seek details about the new model for operations of Service SA centres described by the former minister. The member for Florey expressed concerns that the kiosk model of delivery could be contrary to the petitioners' request to preserve face-to-face delivery of services.

The government's decisions not to privatise the motor vehicle registry and not to close the Service SA centres at Mitcham, Modbury and Prospect, have satisfied the committee that the petitioners' concerns have been addressed. The service delivery model described by the former minister and already in place at the new Currie Street Service SA office has reportedly received positive reviews and feedback and, importantly for the petitioners, includes a number of face-to-face service counters.

In addition, Service SA staff members are available to assist customers who choose to process their transactions at Service SA centres, self-service PCs and kiosks. Therefore, the committee has made the following findings:

1. The government has indicated that it will not proceed with the privatisation of the motor vehicle registry. This decision means that citizens' personal data will remain in the hands of government entities and not private companies.

2. The government indicated it will not proceed with the closure of Service SA centres at Mitcham, Modbury and Prospect.

3. The government's intention to progress improvements to Service SA centres includes a plan to retain face-to-face service counters.

As noted by the member for Florey in her speech on the Parliamentary Committees (Petitions) Amendment Bill 2019 on 20 March 2019, 'A petition…is the oldest and most direct way citizens can draw attention to a problem and ask parliament to act.' This petition is the first petition to be referred to the Legislative Review Committee under section 16B of the Parliamentary Committees Act 1991. The petition has enabled the voices of concerned citizens to be heard by both the parliament and the government.

In this instance the need for the committee to call for public submissions or receive further evidence from stakeholders was alleviated by the government's decision on the issues raised in the petition. Nonetheless, the outcome has demonstrated that a petition can be an effective means for the public to have an impact on parliament and the government.

I would like to thank the current members of the Legislative Review Committee: the Hon. Zoe Bettison MP, Mr Fraser Ellis MP, Mr Nick McBride MP, the Hon. Connie Bonaros MLC and the Hon. Irene Pnevmatikos MLC. I also thank former members of the committee who were involved in this petition: Mr Josh Teague, Speaker of the House of Assembly; Mr Dan Cregan MP; the Hon. Dennis Hood MLC; and the Hon. Terry Stephens MLC.

In addition, I thank the committee secretary, Mr Matt Balfour, and the research officer, Ms Maureen Affleck, for their assistance. I would also like to express the committee's gratitude to Ms Frances Bedford MP and the Hon. Stephan Knoll MP for their contributions to the committee's inquiry into this petition.

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

Bills

EMERGENCY MANAGEMENT (INFORMATION SECURITY) AMENDMENT BILL

Introduction and First Reading

The Hon. M.C. PARNELL (16:04): Obtained leave and introduced a bill for an act to amend the Emergency Management Act 2004. Read a first time.

Second Reading

The Hon. M.C. PARNELL (16:05): I move:

That this bill be now read a second time.

If someone was to have made a speech or written an opinion piece or a blog at the end of 2019 suggesting that within 12 months all Australians would be legally compelled to notify the government every time they set foot inside a shop or a business they would have been dismissed as barking mad. The reaction would have been that such things are the stuff of conspiracy theorists, or dystopian novels or movies. It would never happen in Australia; Australians value their freedom. Many of us marched in the street against the proposal to carry an identity card back in the 1980s.

The idea of the government knowing every time you went out to buy bread or went to the gym or got your hair cut or went to a cafe, such a regime would have been inconceivable just a year or so ago. Yet, here we are. Not only is this now the law but the vast bulk of us willingly comply. We do so not because we are politically naive or gullible or stupid, we do it because we have come to realise that it is our collective effort and our collective compliance with public health measures that keeps us all safe. That is what the COVID pandemic has done to our collective consciousness.

Things that would normally be completely unacceptable in a free society are now part of the price that we know we have to pay to help keep everyone safe.

That brings me to the world of contact tracing and the new system of QR codes that we scan on our smart phones multiple times every day. From what I have seen, this new state-based system is mostly being complied with, although it does take some getting used to and I am sure that most people have probably forgotten once or twice as they duck into a shop for 30 seconds to buy some milk or bread.

From the community's perspective, the quid pro quo of us agreeing to tell the government about just about every place we go outside the home is that the deal is as follows: firstly, that the information will only be used for contact tracing for public health purposes in relation to the COVID pandemic and, secondly, that the information will be permanently and irretrievably deleted once it is no longer useful or relevant for that purpose.

As I have said many times in this place, the major currency in this bargain between citizens and the state is trust. We trust that our health officials know what they are doing and we trust that the government will be true to their word and will not allow the misuse of this extraordinary amount of personal information that we are handing over.

Let me say at this point that I acknowledge the Attorney-General's consistent assurances regarding the protection of privacy in the use of QR codes for contact tracing. Most recently, these assurances were repeated in the House of Assembly just yesterday. I do not doubt the integrity of those commitments and I have no evidence that anything untoward has happened or that suggests that the government is doing anything other than what they have promised.

That is not something that I say in relation to other areas of government administration or government policy but in this case I, along with most South Australians, am prepared to trust that the government is honouring their compact with the people, that they are not allowing the misuse of the information and they are deleting it when it is no longer relevant for contact tracing.

I also acknowledge that there are some legal protections in place already. The minister has pointed to section 31A of the Emergency Management Act as one of those protections. However, there are a number of voices, including the Law Society, which remind us that the laws to protect our privacy are not comprehensive and they do not cover every situation.

It is also important that, wherever possible, public assurances from the government are backed up by comprehensive legislation. If the glue that holds this together is trust, then why would we not add emphasis to that trust by allowing the government to say, 'This is what we are doing and it is against the law to do otherwise'?

That is especially important when assurances are given by political players. Ministries can be reshuffled, senior officials may come and go, governments can change hands at elections and circumstances can change. For example, the government may, during times of relative calm when there is no community transmission of disease, make cool-headed assurances that the protection of our privacy is paramount, but we only need to cast our minds back to the attitude of the Premier towards the Spanish pizza worker during the height of the so-called 'Parafield cluster'.

The fuming Premier, no doubt spurred on by the social media mobs, wanted to throw the book at the Spanish pizza worker. In fact, SAPOL launched Taskforce Protect to investigate how to do just that. It was only when SA Health refused to release the information obtained by their contact tracing team, on the grounds that it was confidential and privileged, that the pursuit of the pizza worker came to an end.

The Premier told David Bevan on the ABC on 10 December that he understood 'the reasons why public health officials have made that decision, and will support it in this instance'. The words 'in this instance' are the operative words in that comment from the Premier. It is a caveat. It leaves the door open to overriding principles of confidentiality if the demand for retribution is strong enough. If the crowds wielding pitchforks and burning torches are large enough and loud enough then maybe the assurances might not hold.

The opposition health spokesperson, Chris Picton, on FIVEaa on the same day questioned why SA Health did not release the information, saying, 'The Public Health Act gives a number of

different ways in which information could be released to authorities.' So there was a bipartisan push to make an example of the Spanish pizza worker, and that was at the expense of the confidentiality of contact tracing information.

This is also despite the public health advice from people like Dr Nicola Spurrier or the University of New South Wales Adjunct Professor Bill Bowtell or the professor of epidemiology from Deakin University, Catherine Bennett, who have all suggested that COVID witch-hunts could deter potentially infected citizens from coming forward to get tested. Adjunct Professor Bill Bowtell, on 23 November, said:

> I [really] abhor this idea of blaming & shaming people. We cannot have politicians & senior people believing that they only claim responsibility when things go well, but everything that goes wrong is the fault of other people.

Meanwhile, Professor Catherine Bennett on the same day stated, 'People will not come forward either to work in a system or to be tested if they feel that their trust is being violated, their confidentiality is being ignored.'

In order to really mean anything, such safeguards must be included in the legislation, and that is what my amending bill seeks to achieve. The bottom line is that the law trumps promises every time if you want to instil confidence and trust in the community. The maintenance of public trust is an essential component of any public health strategy, and we all know too well that the words of politicians do not inspire the same level of trust as the black letter ink of legislative provisions.

In relation to the adequacy of existing legal safeguards, the Attorney-General has pointed to existing legislative protections as being adequate, particularly section 31A of the act; however, the Law Society of South Australia disagrees. In his letter to the Premier of 14 December last year, outgoing Law Society president, Tim White, asserted that the society's Humans Rights Committee was 'unable to identify any provisions within the Emergency Management (Public Activities No 15) (COVID-19) Direction 2020 which are to the same effect, or otherwise restrict the use or disclosure of the information collected by COVID-Safe Check-In'. He then expressed:

> We are concerned about the lack of legislative safe guards in place to manage the collection, storage, use and disclosure of the personal information of persons...This particularly so given that a person is compelled to provide their relevant contact details to the COVID-Safe check-in to go about their day to day lives.

The Law Society repeated these concerns in response to the Attorney-General's speech. In today's *Advertiser* they state that 'these oral guarantees should be prescribed in law'. In their letter to the Premier, they stated that the commonwealth government's approach to privacy protection is a suitable model for South Australia.

Whilst the Morrison government's COVIDSafe app may have been much maligned, the legislation that accompanied it, the Privacy Amendment (Public Health Contact Information) Act 2020, did contain some sensible provisions which this bill seeks to apply at a state level to our own contact tracing regimes. The explanatory memorandum to the Morrison government's legislation explained that contact tracing during a pandemic must straddle a fine line; it is a line where the fundamental human right to enjoy the best attainable standard of health conflicts with the right to privacy.

Under article 17 of the International Covenant on Civil and Political Rights, the right to privacy may be restricted provided that such limitations are consistent with the aims of the treaty and serve a legitimate objective and are not arbitrary, with 'arbitrariness' defined under article 17(1) as 'lacking necessity or proportionality'. There is no doubt that the collection of personal details for the purpose of contact tracing during a pandemic is a legitimate purpose. As previously mentioned, doing so ensures the protection of the human right to health and life, arguably the most fundamental right, the one upon which all others depend.

The next question then is, given this legitimate objective, what degree of limitation is necessary and proportionate or, more specifically, who needs to have access to the personal information and how long do they need to hold on to it? This bill seeks to provide answers to those questions and in doing so ensures compliance with obligations under article 17 of the international covenant. Clause 3 adds a new section 31B to the part 5 offences of the Emergency Management Act 2004. Section 31B is a definition section. It defines the terms 'approved tracing system', 'contact tracing', 'contact tracing data', 'relevant contact details', and 'written contact tracing record'.

New section 31C makes it clear that these amendments apply to directions made under section 25 of the Emergency Management Act or under the COVID-19 Emergency Response Act 2020, an act that we extended in this place just last night. New section 31D creates the new offence of unauthorised collection, use or disclosure of COVID-19 contact tracing data, and then defines 'authorised collection, use and disclosure'. The penalty for this offence is a maximum of five years' gaol, which equates to the maximum penalty for a minor indictable offence, which aligns with identity theft provisions under the Criminal Law Consolidation Act 1935 and the penalties under the Privacy Amendment (Public Health Contact Information) Act 2020.

According to the Queensland Law Society in their 'Information Security During the COVID-19 Crisis: A quick reference guide', criminals are exploiting COVID-19 by, amongst other things, 'sending COVID-19-themed phishing emails and SMS in the form of "urgent" warnings and notifications'. In this time of great uncertainty and changing social norms, nefarious cyber actors will be looking to capitalise, and this new offence seeks to penalise those who try.

New section 31D(3) provides for a defence to the offence, with the onus on the defendant to prove that they did not know and could not reasonably know that the data they collected, used or disclosed was COVID-19 contact tracing data. New section 31E requires that contact tracing data be destroyed within a prescribed period by the prescribed person, and it defines both of those terms and specifies when the prescribed period commences.

The intent is for the data to be deleted or destroyed after 28 days, but the prescribed person has a leeway of seven days, so in other words up to 35 days, to destroy the data without incurring the penalty, which has a maximum fine of $10,000. Twenty-eight days is a period that is both necessary and proportionate as it equates to two COVID-19 incubation periods. It is also the length of time at which contact tracing data is automatically deleted in Tasmania, the Northern Territory and the ACT, while in Victoria the data is to be deleted as soon as practicable after 28 days. Western Australia and New South Wales set 28 days as the minimum but do not set a maximum, while Queensland, being Queensland, hold onto their data for twice as long as everybody else, for 56 days.

Clause 4 of the bill removes Crown immunity from the offences discussed above and, given the role that the Crown and employees of the Crown have in collecting and storing contact tracing data, the preceding provisions would lack teeth if Crown immunity remained.

This bill seeks to replicate sensible provisions adopted at the commonwealth level and by various state and territory governments. Doing so would ensure that our COVID-19 response balances competing international human rights obligations and instils public trust in our institutions at a time when it is much needed.

I would say finally that I understand all parties are sympathetic to what my bill seeks to achieve. I understand that the Attorney is keen for her lawyers to have a good look at it to see if there are any unintended consequences or things that might have been missed out. My call is very similar to the calls that have been made by the opposition. Perhaps it is just because of my more efficient office practices that I got my bill in first. I certainly know from conversations with the opposition that they have been thinking about something very much the same.

I am looking forward to further debate on this bill. I will say that, given the COVID collection QR code system is live and operative, the sooner we can give the public the assurance that the privacy commitments made by the government are backed up in law the better. I will be looking to bring this to a vote at the earliest possible opportunity, and I will advise all members accordingly.

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

Motions

INTERNATIONAL HOLOCAUST REMEMBRANCE DAY

The Hon. C.M. SCRIVEN (16:21): I move:

That this council—

1. Notes that 27 January was International Holocaust Remembrance Day; and

2. Rejects and condemns any form of racial discrimination and anti-Semitism.

In November 2005, the United Nations General Assembly proclaimed 27 January, the day on which Auschwitz was liberated, as International Holocaust Remembrance Day. Six million Jews were murdered in an act of unspeakable genocidal barbarism and so, too, were homosexual men, Roma gypsies, people with a disability and political dissidents, among others. Writer and philosopher George Santayana is attributed as penning the saying, 'Those who cannot remember the past are condemned to repeat it.' This is often paraphrased as, 'Those who do not learn history are doomed to repeat it.' It is why we must remember.

It is therefore very important to have special days and events to mark historical events, including terrible events that are a blight on our claims to humanity. We know that in the camps the old or those with less physical capacity—that is, the most vulnerable—were killed first. People often ask: how could it have happened? How could people no different from ourselves have been involved, have stood by or have tolerated such atrocious treatment of a whole group of people? It is why we must remember.

The theme guiding Holocaust remembrance and education in 2021 is 'Facing the aftermath: recovery and reconstitution after the Holocaust'. It focuses on the measures taken in the immediate aftermath of the Holocaust to begin the processes of recovery and reconstitution of individuals, community and systems of justice. Integral to the process of reconstitution was the accurate recording of the historical account of what happened before and during the Holocaust.

Challenging the denial and distortion of the historical events was interwoven into the processes of recovery and reconstitution. Then and now, people attempt to deny the events. Then and now, people try to justify the horrors inflicted on innocent people. Then and now, people use euphemisms, smokescreens and diversions to hide the reality of the suffering that occurred, which is why we must remember.

We are fortunate to have people such as Andrew Steiner here in Adelaide who will talk about their experiences. I spoke at the end of last year about his fine work in establishing the Adelaide Holocaust Museum and Andrew Steiner Education Centre, which will provide in-house education programs for secondary and tertiary students. It will teach about the consequences of prejudice, racism, discrimination and anti-Semitism and also about the consequences of apathy and silence, of being a bystander. I remind members of the words of one of the Adelaide historians who worked on the project, who said:

> The history of resistance and collaboration in Nazi Germany reveals the extremes of which human beings are capable. Those who went along with the Nazis were ordinary people but so were those who resisted them. We get to choose what kind of human beings we want to be.

Which is why we must remember. I commend the motion to the council.

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

VIOLENCE AGAINST WOMEN

The Hon. C. BONAROS (16:26): I move:

That this council—

1. Acknowledges the 55 Australian women who died as a result of violence in 2020;
2. Expresses its deepest condolences to the families, friends and loved ones of the murdered women;
3. Acknowledges the importance of the annual Pay Our Respects event in honouring the women whose lives were tragically taken in the preceding year in Australia;
4. Recognises the importance of the annual Pay Our Respects event in highlighting the prevalence of violence against women;
5. Recognises the role of gender equality in ending violence against women;
6. Condemns all forms of violence against women; and
7. Calls upon all members of parliament to continue to advocate for the prevention of violence.

Each and every day, each and every one of us has a responsibility to work towards ending violence against women. The numbers, the grim death tolls, are simply unacceptable. In 2020, 55 Australian women were tragically killed and murdered. Fifty-five families were broken and so many, many more hearts were broken. In 2019, that number was 63. In 2018, 71 Australian women were murdered.

While these crushing statistics have decreased in recent years, one woman's death caused by violence is one death too many, so we certainly still have a long way to go.

On Saturday, I joined a number of my parliamentary colleagues in honouring those women and highlighting the continued need for change. One of the most poignant moments during the event was when the parents of Semaphore teenager Chelsea Ireland, allegedly murdered alongside her boyfriend, Lukasz Klosowski, stood on the steps of parliament and raised her number—number 37. We took a moment to pay our respects to both Chelsea and Lukasz, whose murder last year shook us all to the core.

Chelsea's parents had seen the event in the media by chance the previous day and attended in her honour, as did family members and, indeed, the mum of Lukasz. It took almost an hour to read each and every woman's name, number and age, if we had those details, and pay our respects to each with a moment's silence. We put a name to a number where we could because, as we know, these are all so much more than just a number, and we remembered them: real women, real daughters, real mums, real sisters, real aunts, real friends and real loved ones.

The silence was hauntingly deafening, and I do not think there was a dry eye on the steps or in the crowd. The pain of those loved ones present was written all over their faces, and it was gut-wrenching. What do you say to those families and friends, other than we can and must do better in the names of their loved ones.

We heard from the Assistant Minister for Domestic and Family Violence Prevention and we heard from Senator Penny Wong, who, like many of us, reflected on one question: what else can we do? Senator Wong focused on sowing the seeds of respect amongst our kids, teaching them to respect themselves and others equally. It was such a simple yet important message. Just this morning, I attended my son's welcome ceremony at his school and I was really heartened to see that respect is one of the five core values our school includes amongst its teachings.

We all have a role to play in this, and this is such a simple first step we can all take in our homes, with our kids, in our offices, in our workplaces, in our daily lives generally. It is one of many things we can do, but it is of course not the only thing. Award-winning journalist Lauren Novak highlighted in an article on the day of Pay Our Respects:

> We cannot endure this senseless and preventable waste of life for another year. And especially not in 2021, when we have named a survivor of sexual violence, Grace Tame, as our Australian of the Year.

If, as Lauren points out, politicians are holding up their end of the bargain, there are definitely roles for every South Australian man and woman, even those who think it has nothing to do with them. To quote Lauren:

> If you reckon you're not affected by domestic violence in SA, think again. Given SA Police investigate more than 10,000 related crimes each year and South Australians made more than 15,000 calls to the 1800 RESPECT hotline in 2019-20, the chances are high that you know someone who is a survivor and/or a perpetrator.
>
> Hundreds of millions of your tax dollars are also going towards the enormous cost of police and ambulance officers, crisis housing, counselling hotlines, incarceration and rehabilitation required to address the problem. So, you've got skin in the game.

Lauren also wrote:

> There are thousands more women, in SA alone, who are physically and mentally scarred or disabled by violence perpetrated largely by men they thought they could trust.

Lauren has hit the nail on the head. We all have skin in the game, politicians, educators, families and community members alike. We are all, I think, doing our bit in here. This government has committed more funds than we have seen in decades. The opposition has put up legislation for tougher penalties, covering off on breached court orders for family violence and criminalising non-physical abuse. The crossbench has done its bit with various measures of their own and supporting government and opposition measures. I think we are all trying, and we all want the same result. There are good women and men in this place who, with a little political will, can do so much good.

As Lauren so articulately put it, 'While the politicians work on their end, you can act, too.' We can all act in our private capacities. Lauren continued, 'Don't turn away because it's all too grim. Don't

switch off because it doesn't affect you.' Do not look away as we did with Kim Murphy, whose screams for help while she was being violently murdered went unanswered. As Lauren wrote:

> Take a moment to think about what might be happening behind closed doors in your street. Who might need your support? Or is it you that needs to reach out?

It is my hope that next year the event will be much shorter. It is my hope that there will be many fewer women we need to pay our respects to in January next year. Even more, I, like every member in this place, I am sure, look forward to the day when we do not need to attend these services, other than to honour those lives already lost.

In closing, I would like to take the opportunity to thank and pay tribute to the organisers of the Pay Our Respects event, Gillian Lewis and Stacey Nelan. Their selfless advocacy is admirable and, unfortunately, much needed. What they do is not easy, but we are forever grateful that the memories of all those women who have lost their lives so tragically and so needlessly are being commemorated in such a fitting way. From me, thank you for doing your bit to raise awareness and remember those lives already lost.

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

PERIOD POVERTY

The Hon. C. BONAROS (16:33): I move:

That this council—

1. Congratulates Isobel Marshall, co-founder of social enterprise TABOO, on her 2021 SA Young Australian of the Year award;
2. Highlights TABOO's exceptional commitment to ending the stigma surrounding menstruation in South Australia, Uganda and Sierra Leone;
3. Acknowledges the valuable work of TABOO in providing free access to menstrual hygiene products to many women and girls in need in South Australia, Uganda and Sierra Leone;
4. Recognises the significant impact period poverty has on the heath and education of women and girls;
5. Encourages all members of parliament to work towards eliminating period poverty in South Australia;
6. Notes the Commissioner for Children and Young People report and recommendations into period poverty 'Leave No One Behind'; and
7. Calls upon the state government to provide a free and unrestricted access program to menstrual hygiene products in all South Australian schools, as is occurring in other countries and Australian states.

I rise today to congratulate Isobel Marshall, co-founder of social enterprise TABOO, on her recent 2020-21 Young South Australian and Young Australian of the Year awards. Isobel is indeed a most deserving winner of those awards. She is now a full-time student at the University of Adelaide, where she is studying a Bachelor of Medicine and a Bachelor of Surgery. As a freshly graduated year 12 student, along with co-founder Eloise Hall, she established a social enterprise business, TABOO, to ensure that women all over the globe have access to safe and affordable menstrual hygiene products and appropriate education to deal with their menstrual health.

Isobel has tirelessly pursued TABOO's mission to help break cultural and social taboos surrounding menstruation in Australia and overseas. TABOO does this through selling their own brand of organic cotton pads and tampons, with all profits dedicated to sanitary health projects in developing countries as well as in Australia. They offer a top-quality brand of menstrual hygiene products that enable customers to practically combat period poverty by subscribing to support the provision of those products to disadvantaged women and girls in Uganda and Sierra Leone.

TABOO also facilitates the donation of pads and tampons to disadvantaged women requiring emergency care in South Australia. They have partnered with St Vincent's Women's Crisis Centre to offer TABOO customers the option to subscribe to TABOO's pads and tampons on behalf of a woman who is requiring emergency accommodation in SA. Free access to pads and tampons provides vital and practical support for these women, as financial pressures and dangers of leaving the centre can come with significant stress and burdens. This is an issue that I have spoken about at length in this place. TABOO also supports the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council.

What a joy and delight it was to see Isabel share the podium for the Australian awards with such an impressive group of women. Women like Australian of the Year, Grace Tame, an outstanding advocate for survivors of sexual assault; Senior Australian of the Year, Dr Miriam-Rose Ungunmerr Baumann AM, Aboriginal activist, educator and artist; and Local Hero of the Year, Rosemary Kariuki, advocate for migrant and refugee women—all amazing women doing absolutely amazing work to create a difference in our communities.

Isobel has been a visionary. She is an innovative and courageous young woman who has chosen to tackle head-on what could have easily been seen as an embarrassing or private issue beyond the influence of two young South Australian women. She is doing her bit to end period poverty.

As I have said in this place before, we all have a lot of work to do in this jurisdiction to tackle period poverty, especially in our schools. We have a lot of work to do to ensure that every young girl and woman alike is able to manage their menstruation hygienically and without stigma regardless of personal or financial circumstances. We have a lot of work to do to ensure that access to sanitary products is not a barrier to girls getting the most out of their education. We have a lot of work to do to ensure that in a society as rich as ours, period poverty is brought to an end and we leave no-one behind.

Isobel Marshall is doing her bit and we ought to be doing ours. She is a deserving recipient of Australia's recognition as Young Australian of the Year and I would like to take this opportunity to congratulate and applaud her and Eloise's achievements, and TABOO's achievements, and I look forward to hearing so much more about her future and the exciting and innovative projects that TABOO undertakes.

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

Bills

ROAD TRAFFIC (MEDICINAL CANNABIS) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:38): Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:39): I move:

That this bill be now read a second time.

It is not the first time the issue of medicinal cannabis and driving while a legally prescribed medicinal cannabis patient has been raised in this place. Before I go much further, I credit the work of the Hon. Kelly Vincent in the previous parliament. I also note that the bill, which is based on a fair, just and effective system for drug-driving laws for medicinal cannabis patients, is very much based on the work of Drive Change, and their wonderful leadership on this issue must be recognised.

Medicinal cannabis patients generally reduce the use of other impairing prescription drugs, such as opioids and benzodiazepines. In some states of the United States, where legal medicinal cannabis is present, they have seen no increase in road toll statistics. Indeed, there is no evidence in the Australian road toll that there has been any impact as a result of the mouth swabs for cannabis in making our roads safer.

However, patients who seek legally available prescription medication, if it is cannabis, are denied the ability to have a medical defence when it comes to drug-driving charges and drug-driving detection. Germany provides such a defence if the driver is not impaired. Ireland provides such a defence if the driver is not impaired. New Zealand, Norway and the United Kingdom all provide such a defence if the driver is not impaired.

However, on mainland Australia, because Tasmania already covers this ground, such a defence is not available. In Australia, the average medicinal cannabis patient is a 49 year old. This is not somebody who is undertaking this lightly. The most likely reason they are taking the medication is for pain, anxiety or multiple sclerosis. Indeed, 60 per cent of the legal products that are available

are oil based, which means that the THC within them, should there be THC within them, is metabolised at a very slow rate.

Yet, of some 35,000 active legal medicinal cannabis patients in our nation, some 70 per cent of whom are taking a medication with THC in it in some form are not able to legally drive on mainland Australia should they fall foul of our drug-driving detection systems, and our drug-driving detection systems are more profound and present than ever. In the last few years, the approximate number of roadside drug tests undertaken annually in South Australia was 49,000 or so.

Of those tests, the saliva or mouth swab test would detect an amount of THC in that person's saliva for some 24 to 72 hours after the cannabis had been taken. Should it be a blood test, it can detect it for six days after the cannabis was taken. A urine test is actually an entire month after it was taken and a hair follicle test may detect it for some three months. Yet, the peak period at which somebody might be impaired, if they are to be impaired by this medication, would be some two to three hours after taking the medication.

Tests that find it three days, almost a week, or a month to three months after it has been taken clearly are not testing for impairment, they are testing for presence. Presence does not mean impairment, yet that very presence at a first offence could see somebody facing a fine of over $1,000 or disqualification of their licence. Should they not go to court, the expiation fees start at $803 and upwards. These are quite serious penalties.

A second or third offence sees further punitive actions being able to be taken against a patient who is simply seeking a medication; as I noted, the most likely common cause being for pain, anxiety or MS. Medicinal cannabis is prescribed for a range of reasons, including disordered eating. As many members are aware, it has now been legal in Australia since 2017.

Our prescribing system is developing, but GPs are successfully prescribing medicinal cannabis for a range of reasons in our state, yet often those patients find themselves, say with chronic pain or fibromyalgia, unable to take the very medication they know will help them. In fact, they often know it will help them to function more safely in our society with less chronic pain, but they know that they will fall foul of our drug detection laws should they take the medication, and not just for two to three hours after taking the medication but for days and weeks after taking the medication.

In effect, this makes it impossible for a patient. They risk losing their licence, they risk losing their access to work or to the usual leisure activities enjoyed by all in South Australia should they find themselves the subject of a roadside drug test or should they find themselves in an accident and subject to the various other testing regimes that would take place then.

We heard today in the Balcony Room in this parliament from Adjunct Professor David Heilpern. He has been a magistrate for some 21 years, but he is a magistrate no longer because last year he actually quit over this very issue and he is now the lead agent in the campaign to drive change. Former magistrate Heilpern was joined at that round table by a local doctor, an Adelaide GP and member of the Australian chapter of Cannabis Clinicians and the Australian Medicinal Cannabis Association, Dr Joel Wren, acting in his own individual capacity.

Dr Wren gave us evidence of the difficult situation patients are put in, having to choose between taking the medication they know will help them or not falling foul of these particular laws that are not present in other countries, are only present in Australia, and that only detect presence not impairment. They are in some ways nonsensical laws due to that.

They have been identified as laws worthy of this bill before us today by no less than the Australian Lawyers Alliance. I draw members' attention to their press release of today, which reads:

> Current drug driving laws are not fair to drivers who can lose their license for taking prescribed cannabis when this is no evidence of impaired driving…

To quote Sarah Vinall, the South Australian state President of the Australian Lawyers Alliance:

> 'Current drug driving laws in South Australia are simply not fair...People lose their license, and sometimes their job, not because of impaired driving, but because of flawed laws.

They go on to say:

> 'We support the bill introduced today because it will fix this unfair and outdated law that severely penalises medicinal cannabis patients.

'Drivers who take opioids or other prescription medication do not find themselves in court or risk losing their license, and neither should drivers who have taken a prescribed and legal dose of cannabis.

'These drug driving laws were developed before cannabis became a legally recognised prescribed medication and the law needs to change to stay relevant.

Currently, it is illegal to drive with any presence of [THC] detected, regardless of whether a person is impaired. This makes cannabis the only prescription medication—

the only prescription medication—

that excludes an individual from driving completely.

'We urge all legislators in South Australia, and the South Australian government to support this Bill.'

This bill is replicating a bill in Victoria that has received the support of the government there. The Hon. Fiona Patten MLC in Victoria introduced last year an almost identical bill, and there, in cooperation with the Andrews government, has referred that off to a task force, which late last year reported back to the parliament and continues to meet.

Indeed, a great body of work has been done in Victoria with the police and with other stakeholders to try to find a model that will ensure that medicinal cannabis patients can safely take the prescription medication their doctor believes is suitable for them but not find themselves further criminalised by drug-driving laws that have not kept pace with the legalisation of medicinal cannabis.

It is cited as a major barrier to patient access, and that was identified during the recent Senate inquiry. That Senate inquiry identified the reform of driving laws as one of the key recommendations of the Community Affairs References Committee. That was certainly backed by many involved in the inquiry and, most notably, the Lambert initiative, which recommended options for law reform here. Again, I will leave the final words today to then Magistrate Heilpern, who stated:

Throughout the thousands of cases I dealt with, the police were never able to allege that the person was showing any signs of affectation. They weren't wobbling as they walked, they weren't slurring their words, they didn't have bloodshot eyes. Most, if not all, of the people who are prosecuted in NSW have a level of THC in their bodies that bears no connection to their ability to drive safely.

Ultimately, these laws should be completely abolished. There is simply no justice in these laws and the way they're applied, particularly for those who are using cannabis medicinally. They're a waste of money, they're a waste of police time, and they aren't achieving any of their aims. It's high time we got rid of them.

That is what the then magistrate was quoted as saying, and I could not agree more. With that, I commend the bill to the council.

Debate adjourned on motion of Hon. J. E. Hanson.

Motions

DEVELOPMENT ACT REGULATIONS

The Hon. M.C. PARNELL (16:51): I move:

That the regulations under the Development Act 1993 concerning the Flinders Chase Tourist Accommodation, made on 21 January 2021 and laid on the table of this council on 2 February 2021, be disallowed.

On 21 January, the government published amendments in the *Government Gazette* to both the Development Regulations and the Native Vegetation Regulations. These amendments operate immediately and they are designed to fast track and appeal-proof major private tourism developments valued at over $1 million inside Flinders Chase National Park on Kangaroo Island. Under the regulations, other tourism development outside the park can also be fast tracked.

The new regulations work by exempting any development 'for the purpose of tourism' from any proper scrutiny or assessment. Under these new regulations there will be, firstly, no requirement to assess the merits of the development against the local planning scheme, also known as the Development Plan for Kangaroo Island. The only component of development approval that is required is in relation to building rules consent, not the appropriateness of the development for the location.

For those who understand the finer points of planning law, I refer you to schedule 1A of the Development Regulations. The heading is 'Development that does not require development plan

consent'. When you look at that list, you find things that you would expect to find: a carport, a verandah, a shade sail, a water tank, solar panels on the roof. Then you work down the list to Flinders Chase National Park Tourism Development worth more than $1 million. They have bundled with carports and solar panels and pergolas, massive private tourism developments inside one of our most important national parks. That is what these regulations do.

Secondly, the effective approval of these tourism developments has been delegated to a public servant who is answerable to the minister, and that is the Coordinator-General. The person currently holding that role is Ms Caroline Mealor, the CE of the Attorney-General's Department. I do not believe I have met Ms Mealor so I do not know if she has any qualifications or experience in the assessment of development applications generally, or any expertise about the ecology or management of national parks.

Under regulation 9, it just says that if a Flinders Chase National Park tourism development has been approved by the Coordinator-General it does not need development planning consent, so it does not have to be consistent with the planning scheme.

Thirdly, what the regulations do is say that there is no requirement to consult any other agencies, bodies or experts in relation to the development. So none of the usual referrals to expert agencies and bodies apply. For example, if it were a development on the coast, you do not need to talk to the Coast Protection Board. Fourth, there is no requirement to consult the local council.

Fifth, there is no public consultation at all and no right of comment, no right of representation and no right of appeal. As members would know, the only consultation ever undertaken is in relation to planning consent, and if planning consent is not required there will not be any public consultation. The public are not allowed to comment on building matters. Sixth, even when it comes to building matters that is likely to be signed off by a private certifier. This is how we manage one of our most important public national parks.

My understanding of the government's rationale for these regulations is that they say, 'Well, it gives effect to an agreement or settlement that has been reached between the Australian Walking Company and the conservationists who challenged various approvals in the Supreme Court.' I am not part of that court case, although I have strongly supported it, so I do not know for sure whether there is any agreement or settlement that has been reached.

If there has been, I sincerely hope it reflects the campaign objective of the Public Parks NOT Private Playgrounds campaign, which is to get all development back onto the track. In other words, low impact development that is close to the Kangaroo Island Wilderness Trail, not kilometres away and requiring new roads and tracks to be cut through the wilderness.

This fight has always been about the location and scale of infrastructure and how it will be managed in the public interest in a public national park. However, even if it is the case that the Australian Walking Company can convince its critics that it can more sensitively deliver its project, these regulations are still a massive overreach, because they are not just about the Australian Walking Company and the development along the Kangaroo Island Wilderness Trail. They relate to all future tourism developments anywhere in Flinders Chase National Park, provided they are worth more than $1 million.

The legitimate fear in the conservation community and, I think, for the public at large, is, 'What will they do next? What is the next monstrosity? Will it be Club Med Flinders Chase, a high-rise hotel with golf course and spa?' In fact, the possibilities for degradation and destruction are nearly endless. These regulations are not about just one project, they are about all future unknown projects as well.

I believe this government's agenda of privatising our national parks has reached a new low with these appalling regulations. The Marshall government is going to extraordinary lengths to ensure that nobody can stand in the way of their dream of allowing private developers into our most hallowed and significant wild places. It is a very sneaky sleight of hand for the government to apply regulations designed for insignificant backyard pergolas and shade sails to multimillion dollar tourist developments in one of our most important national parks.

Under these new laws, the government will not require developers to obtain planning consent for any tourism-related developments in Flinders Chase. Whether it is a group of small cabins in the bush or a major hotel resort, if the government likes it that is enough. These new laws deny any right

of public participation and they ensure that no environmental experts will be consulted. They are anti-environmental and undemocratic. It is an appalling way to manage our national parks, and these regulations should be disallowed.

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

NATIVE VEGETATION ACT REGULATIONS

The Hon. M.C. PARNELL (16:59): I move:

That the regulations under the Native Vegetation Act 1991 concerning Flinders Chase National Park, made on 21 January 2021 and laid on the table of this council on 2 February 2021, be disallowed.

This is the second lot of regulations made on 21 January designed to fast-track and appeal-proof major private tourism projects valued at over $1 million inside Flinders Chase National Park on Kangaroo Island. I have already explained the problem with the amendments to the development regulations, but the situation under the Native Vegetation Act is equally disturbing.

Under these regulations, clearance of unspecified amounts of native vegetation inside the national park for roads, tracks, accommodation, service buildings, car parks, fire breaks, or anything else regarded as incidental to tourism no longer requires the approval of the Native Vegetation Council. Under these regulations, tourist developments worth more than $1 million in Flinders Chase do not require NVC approval if the clearance is incidental to a development that has been approved by the state Coordinator-General who, as I pointed out earlier, is a public servant answerable to the minister. There is a pretence of accountability and balance—

Members interjecting:

The PRESIDENT: Order! The honourable member needs to be heard in silence.

The Hon. M.C. PARNELL: —by requiring the developer to prepare a vegetation clearance management plan. They must also convince the state Coordinator-General that the clearance will result in an overall significant environmental benefit and they must pay some money, or at least promise to pay some money, into the Native Vegetation Fund. The Native Vegetation Council, which normally decides these applications, is completely sidelined.

I should note that the government has a habit of stripping the Native Vegetation Council of its powers if they think the NVC is protecting the environment too much. They did this last time to override the Native Vegetation Council's rejection of massive land clearing for The Bend motor racing track at Tailem Bend. This is how governments respond to help their mates when the proper authorities do their jobs properly, as the Native Vegetation Council did in relation to Tailem Bend.

When you look at the list of project-specific exemptions from our native vegetation laws, the roll of dishonour in part 4 of the regulations only includes two items: the Tailem Bend Motorsport Park and now Flinders Chase National Park tourism developments. The irony, of course, is that the Native Vegetation Council had actually approved the Australian Walking Company's clearance application, whereas the Tailem Bend application was rejected. My understanding is that these regulations are a protective measure to make sure that, in relation to any compensation payable for the clearance of vegetation, the amount will be set by a public servant answerable to the minister, rather than by an expert-based and more independent body: the Native Vegetation Council.

As I explained in more detail in relation to the development regulations, even if we disallow these regulations at the very next opportunity, my understanding is that the damage could well have been already done because the proponent, the Australian Walking Company, will have already lodged their application by the time we get around to disallowing these regulations. In other words, their application will be assessed against the regulations that existed at the date they lodged their application, regardless of whether this parliament subsequently throws them out.

My information is that applications have already been lodged, but of course the Coordinator-General has nothing on her website in relation to this so we cannot know for certain; however, I can bet you that an application will be lodged in the next two weeks, if it has not been already. This is an appalling situation. That is why I am again moving to disallow native vegetation regulations, just as I did in relation to Tailem Bend.

Our environmental laws should be applied fairly and uniformly to all projects, without special treatment and special exemptions for the government's favourite developments. That approach is morally bankrupt and I would urge the Legislative Council to send that message to the government by disallowing these regulations at the earliest opportunity.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT REGULATIONS

The Hon. M.C. PARNELL (17:04): I move:

That the general regulations under the Planning, Development and Infrastructure Act 2016 concerning Planning and Development Fund (No. 3), made on 10 December 2020 and laid on the table of this council on 2 February 2021, be disallowed.

It will come as no surprise that I have not needed to prepare a speech in relation to this motion because this is the fifth time that I have moved it and it will be, next Wednesday of sitting, the fifth time that it has passed this chamber. For the benefit of *Hansard*, I will say a little bit more. These are the regulations that allow the government to pilfer from the open space fund money for the use of budget shortfalls for administration.

I think the last count was some $21 million that they have taken. It is probably more by now. They are taking money out of a fund that was dedicated for the provision of open space facilities. They are taking that money and they are misapplying it, in my view, for administration. But it is not just my view, it is also the view of the Legislative Council because every single member of this chamber who is not a member of the Liberal Party has voted to disallow these regulations on the four previous occasions that I have moved them.

I see no reason why the same outcome will not result again. I think I said it quite simply last time, 'Dear honourable members, you know what this is and you know what to do.' I will add one more thing. What has happened in the past is that we disallow regulations on a Wednesday afternoon and the government put them back in the *Government Gazette* the following day, on the Thursday. That is what they have done on previous occasions. Sometimes they have waited a week and put them in the week after, but other times they have put them straight back in.

I would urge the government, after the fifth time they have heard this message from the Legislative Council, to heed that message and say, 'Maybe one of the houses of parliament doesn't like what we've done. Maybe we won't do it anymore. Maybe we will show some integrity. Maybe we will say, yes, the open space fund really is for the provision of open space. Why don't we just commit to spending it on its proper purpose?' I am not holding my breath for that outcome.

I did ask the Attorney-General some while ago, 'Is there a record number of disallowances and the same regulations going back in?' I do not know what the record is. I do not aspire to hold the record for the greatest number of disallowances of the same regulation. I would much prefer that the government does the right thing and lets this go and makes sure that money that is provided by developers in lieu of open space that goes into that fund is used for the provision of future open space for the benefit of the whole community. I give notice now that on the very next Wednesday of sitting, we will be bringing to a vote for the fifth time this motion to disallow these regulations.

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

ST KILDA MANGROVES

The Hon. T.A. FRANKS (17:08): I move:

That this council—

1. Condemns the inaction of the Minister for Environment and Water and the Minister for Energy and Mining in dealing with Buckland Dry Creek Pty Ltd, resulting in the mass die-off of mangroves in St Kilda;

2. Calls on the government to act to ensure that the hypersaline brine filling the ponds near the south of St Kilda Road is drained out as a matter of urgency;

3. Calls on the ministers to commit to closing and repairing the ponds as directed in the Crown land lease conditions; and

4. Calls on the ministers, and their departments, to work with the public to create an action plan for the closure of the ponds and restoration of the surrounding tidal wetlands.

For many months now, the community—and, damningly, the government—have known that the St Kilda mangroves are dying. The signs point to the cause of the mass die-off being the refilling of the old gypsum ponds with hypersaline brine at the nearby Dry Creek salt field, which is being managed—I use the word loosely—by the Buckland Dry Creek company. These ponds have been empty against advice, which I will get to later, since 2014, when the site ceased operating. As they dried out, their gypsum lining dried too, rotting, cracking and leading to the production of acid.

Small amounts of hypersaline water started leaking out of the ponds in early 2020, ramping up in May 2020. By July, we started to see sick mangroves and sick household gardens in the area too. By August, the trees on the common were dead and all the gum trees in the gardens had dropped their leaves. The mangroves were, of course, seriously sick. Then the saltmarsh as well started dying.

In late September, DEM, DEW, the EPA, the Coast Protection Board and the mining company came for a visit to the mangroves and found areas of leakage where you could see and hear the brine trickling out of the banks. At that time, you could even see where the acidified brine had reached the surface. So the government had seen for themselves as far back as September 2020, but those warning signs and the damage had actually been there for longer. In fact, following that time, Geoscience Australia were able to track via aerial imaging the mass die-off occurring over just a few weeks.

Yesterday, 2 February 2021, was World Wetlands Day. Myself and my colleague the Hon. Mark Parnell and members of both sides of parliament, but more notably the Labor side, held a vigil on the steps outside, mourning the destruction and degradation of what we now understand to be about 193 hectares of vegetation.

Prior to this, myself and others attended the launch of the new St Kilda Mangroves Alliance. This is a collective of local, national and international organisations and individuals representing the environment, industry, science and community. They have come together to ensure that urgent and best practice action is taken to ensure the recovery and long-term health of this globally significant wetland.

The launch of the alliance had 16 member organisations, and that number is growing. The St Kilda Mangroves Alliance are calling on the Marshall government to intervene, and they have four demands:

1. The immediate removal of the damaging, hypersaline brine in the ponds to the south of St Kilda Road.

2. Providing much greater transparency and a genuine two-way exchange of information between Buckland Dry Creek Ltd, the Department for Energy and Mining and the public.

3. The development of a closure and rehabilitation plan, in partnership with the public, for the damaged ponds, and a restoration plan for the surrounding tidal wetlands.

4. A permanent solution to the unstable holding pattern operating in the northern ponds, preferably the transition of those ponds to self-sustaining natural habitats that do not pose ongoing risk to the surrounding tidal wetlands.

The impacts of this die-off are drastic and widespread. Even where the mangroves and saltmarsh have not yet died, the environment is under significant stress. Recent spatial analysis has shown just how big the impact zone is: 2.4 hectares of back swamp, 20.5 hectares of chenier and dunes, 12.8 hectares of high saltmarsh, 78.7 hectares of mid to low marsh and 78.7 hectares of mangroves.

That is a total of 193.1 hectares that are already dead or stressed. The damaged area is actually almost the size of 100 Adelaide Ovals. This is not including the further 150 hectares of vegetation that falls in the 'at risk' or 'declining but not yet enough not evidence to attribute cause' categories.

It is worth noting that the Minister for Environment dismissed this yesterday on ABC radio, saying 'perspective is important' and that this is not a huge area of mangroves. Let me be clear: that was in a reference to what had been previously understood as the impact area, which is smaller than what we now know to be the case. He was referring to the 10 hectares of mangrove forest and

35 hectares of saltmarsh. Even if we did not now know that the numbers are so much higher or more horrifying, 45 hectares of mangroves and saltmarsh can hardly be dismissed, as it was.

But that is not all. These leaking salt ponds have killed the gardens of almost half a dozen houses, and the groundwater in the area has been negatively affected, with further impacts likely and far-reaching. This could continue to affect estuaries at Helps Road drainage and the Little Para River, where native freshwater fish could suffer.

Intertidal and shallow subtidal seagrass and sand habitats around the area support at least 56 species of fish and invertebrates identified. These species are vital to local fisheries, and the area acts as a nursery for these species. The dieback also has expected flow-on effects for native animals, such as the endangered samphire thornbill and the blue-winged, elegant and rock parrots.

This area is so beloved and so significant, not just for the environment but of course for the community as well, and the outpouring of support and the desire for action from the community has been incredible. On 27 January, we saw around 40 enthusiastic citizen scientists come together to help collect data on the condition of the saltmarsh and the wetland, though it is worth noting that they were joined by some departmental staff.

The local and broader community does care about mangroves deeply, and there is an enormous amount of local, community and scientific expertise that has been ignored, downplayed or dismissed, which has consistently led to decisions that have not only been too little but too late. They have allowed the damage to continue. The community's understanding of the scope of the damage is growing, with many contributing their time and their resources to ensure that we have a firm understanding of the real impacts of this disaster and of course how it can be fixed.

The Minister for Environment and Water has bemoaned the situation on radio and in the media in past weeks, citing this as 'the most complicated environmental matter I've ever come across since being environment minister'—this from our current minister who, had he acted much earlier, would not be facing such a crisis at all. That complication is by the Marshall government's own hand.

It did not need to be this way. It is common knowledge that, had the government acted when the issue was first detected, the solution would have been far more simple. Rather than pumping out the brine immediately when the issue became apparent, it has been left in the salt ponds, where it is now well over 10 times saltier than seawater. It is now crystallising, which means it cannot be moved through pipes and ponds as easily.

The disaster did not come out of nowhere and, regardless of what the minister says on morning radio, it was not unforeseen and did not need to become this complicated. That minister, when confronted about how this has been allowed to happen, has simply said:

> I believe the sufficient environmental checks and balances were taken into account...Previous activity has been reinstated—in the past it hasn't caused issues, but this time, for whatever reason, it has resulted in hypersaline water affecting the mangroves.

This statement would be laughable if it were not so blatantly false and with devastating consequences. As far back as 2012, before the salt ponds were originally retired, a briefing report was prepared for the Adelaide and Mount Lofty Ranges NRM Board, outlining the risks and opportunities following the potential closure of the Ridley Dry Creek salt fields.

Some of those risks that were identified nearly nine years ago now include: the risk of potential acid sulphate soils being activated once ponds are dried out or if there is an attempt to mine gypsum deposits from the ponds; possible impacts from the discharge of hypersaline brines—discharges from the salt ponds may have hypersalinity impacts on the receiving environment; and the risk of long-term liability from failed ventures and insufficient remediation.

In particular, I would like to highlight the section of that briefing paper:

> Some aspects of the closure could result in immediate impacts, while other aspects are medium to long term…Some of the immediate concerns include managing brine discharges to minimise high sodium impacts, stabilising drained ponds to minimise [Acid Sulfate Soil] production and prevent subsidence, making a decision about the ultimate rehabilitation targets for the site and determining whether the Crown wishes to allow the miner to pass some ponds over for other mining or commercial use.

This is not actually some random report that has been hidden away over the years and then suddenly dug up again. This is a briefing paper that was initially requested by the government, but also a

briefing paper that the DEM has uploaded onto the department's information page relating to this specific issue. It has been there since at least late last year, or we are assuming that is the case given the department's website currently lists its first notification on the issue as being from the future—indeed, December 2021. We assume they meant December 2020.

I certainly hope that we will not still be having this same conversation at that time, at the end of this year, because then it will be far too late. The previous updates from the website were Thursday 14 January 2021, then 12 January 2021, 8 January 2021 and 24 December 2021, obviously a date we have not yet reached. However, I am more hopeful for the future than the government's own website and this report is. That report, as I have noted, states:

> An updated program for environmental protection and rehabilitation for the Dry Creek salt fields was approved by the Department for Energy and Mining (DEM) on 24 December 2020, which allows Buckland Dry Creek Ltd (BDC) to reconnect Section 2 and Section 1 of the salt fields, though ML 6514. This approval enables BDC to move water within the Dry Creek salt fields which is a critical step to address impacts that have occurred in Section 2 of the salt fields. This approval does not allow the re-commencement of commercial salt production. If Buckland Dry Creek Ltd (BDC) wish to re-commence full scale commercial salt operations, a review of the program for environment protection and rehabilitation is required and would require subsequent government assessment and approval.

It goes on. I note that that was on 24 December. I also note that both ministers are involved in this. Through the words of the Minister for Environment and Water on ABC radio, I note that they are so committed to this issue that they came in on Boxing Day, 26 December or thereabouts, taking time out of their holidays to address and have a meeting about this most urgent issue—this most urgent issue that would not have been urgent had they acted much earlier than Christmas and much earlier than they did.

While this is an environmental disaster, it risks also becoming a health issue as the mosquito population is now exploding. As the mangroves die and vegetation recedes, this is leading to an absence of birds, fish and other wildlife that would be natural predators for that mosquito population that has now grown very quickly. It is already quite noticeable down at the mangroves. Should anyone visit, you will need a lot of mosquito repellent as there are plenty of them swarming around. We risk a growing mosquito population starting to enter areas where people live, which is obviously quite undesirable and has other health risks.

Despite all this, despite there being a clear way forward suggested by the community, despite the problems and the dangers that were identified, the damage continues, and not a single drop has been transferred to the designated holding ponds. Instead, the brine has been moved between impacted ponds, where it continues to seep out into the environment. It is doing so right now as I speak.

The magnitude of this disaster is only outstripped by the ineptitude of this government in dealing with it. We see departments passing the buck from one to the other, we see ministers diminishing the scale of the damage that has been done and we see that it is actually too late to save the mangroves and salt marshes that we have already lost.

If we act now, we can ensure that future generations will be able to enjoy those mangroves once more but, more importantly, that the environment will benefit from those mangroves once more. Unlike what the minister said on radio yesterday, we are not talking about a quantum of some 20 years, as he very optimistically noted, we are talking about two or three generations before we even begin to restore the damage that has been done under the watch of this government.

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

ARMENIA-AZERBAIJAN CONFLICT

The Hon. I. PNEVMATIKOS (17:24): I move:

That this council—

1. Notes the actions and belligerence of Azerbaijan towards the Republic of Armenia and the Republic of Artsakh in commencing military action on 27 September 2020;

2. Notes the serious concerns that have been raised from Armenian-Australians regarding the existential threat to the indigenous Armenian population of the Republic of Artsakh by this military action and in any attempts by Azerbaijan to prevent the peaceful resettlement of the indigenous Armenian population following the agreement to a provisional ceasefire on 9 November 2020;

3. Notes the serious concerns raised by Armenian-Australians and independent international organisations regarding the risk of Azerbaijan destroying sites of global cultural and historical significance;

4. Condemns the actions of President Erdogan of Turkey and President Aliyev of Azerbaijan in their pursuit of a policy of Pan-Turkish nationalism, which has previously led to genocide and which now threatens the Armenian population of Artsakh with ethnic cleansing;

5. Calls on the federal government to condemn these attacks and advocate for the safety and security of Armenia and Artsakh in the context of international support for a stable and enduring peace settlement;

6. Recognises the right to self-determination of all peoples including those of the Republic of Artsakh and calls on the federal government to also recognise the Republic of Artsakh as the only permanent solution to the conflict to avoid further attempts of such military aggression.

I rise to speak on the motion to condemn the actions and belligerence of Azerbaijan towards the Republic of Armenia and the Republic of Artsakh in commencing military action on 27 September 2020. This motion notes the serious concerns that have been raised by Armenian-Australians regarding the existential threat to the indigenous Armenian population of the Republic of Artsakh by this military action and in any attempts by Azerbaijan to prevent the peaceful resettlement of the indigenous Armenian population following the agreement to a provisional ceasefire on 9 November 2020.

Further, the motion highlights the serious concerns raised by Armenian-Australians and independent international organisations, such as the United Nations, on the Azerbaijan regime destroying sites of global cultural and historical significance. I ask that members of this chamber join me in condemning President Erdogan of Turkey and President Aliyev of Azerbaijan in their pursuit of a policy of Pan-Turkish nationalism, which has previously led to genocide and which now threatens the Armenian population of Artsakh with ethnic cleaning.

We, as a state, have the ability to voice our concerns to the federal parliament and through this motion call on them to condemn these actions and advocate for the safety and security in Armenia and Artsakh to ensure stable and enduring peace. This chamber should recognise the right to self-determination of all peoples. As such, we must recognise the Republic of Artsakh as the only permanent solution to the conflict to avoid further attempts of such military aggression.

I would like to acknowledge members of the Armenian Cultural Association of South Australia who join us in this chamber today. I thank them for their continued advocacy of the Armenian people, not only in Australia but also overseas. We have seen many motions like this over the history of this parliament. One of those was in 2009, when both houses recognised the genocide of 1½ million Armenians in 1915 through the deliberate expansionist policies of OttomanTurkey.

Today, we are again highlighting and condemning the atrocities of Turkish forces on the Armenian people. After many decades of simmering conflict between Armenia and Azerbaijan, violence erupted in late September 2020 predominantly over the Nagorno-Karabakh region, turning it into the worst fighting the area has seen since the 1915 genocide.

The disputed region of Nagorno-Karabakh is likewise populated by ethnic Armenians and has been a historical home for Armenians for a millennium. Backed by Turkish forces, Azerbaijan was equipped with sophisticated attack drones and powerful long-range artillery that has left a horrific mark of devastation.

Turkey's direct involvement in supporting its ethnic ally, Azerbaijan, escalated what was a local conflict into one of large proportion across the whole region. Over the conflict, thousands were killed and over 100,000 people were displaced. Towards the end of the conflict, Azerbaijan forces captured the Nagorno-Karabakh regions, the second largest city and cut a key access road needed for military supplies to reach the mountain area.

A ceasefire agreement brokered by Russia was reached on 9 November last year. Immediately following the agreement, Russian peacekeepers were deployed to the conflict zone, guarding access and overseeing handover of land. Although the continued suspension of conflict under the ceasefire arrangements is a welcome reprieve, for many displaced or those who have lost loved ones, it is a difficult and uncertain time.

Questions must also be raised about the ruling of the ceasefire. Alongside Russia, Turkey has military officials working at a peacekeeping command centre in Azerbaijan. With their involvement in diplomatic and military support for Azerbaijan during the conflict, it seems somewhat extraordinary to place Turkish forces as peacekeepers in the area.

Armenia is a small nation of three million people and in 2018 democratically elected a government that was a shining example of democracy and justice in the region. Turkey has much to answer for and their actions show their disregard for the rights of other peoples in the region. Their growing assertiveness is of concern. It extends beyond their borders, having ramifications for stability across the whole region. For far too long the Armenian people have suffered at the hands of greater powers in the region. It is time that stability and normality returns to Armenia and its people, and I urge the chamber to support the motion.

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

LEGISLATIVE REVIEW COMMITTEE: INFORMATION GUIDE

Adjourned debate on motion of Hon. N.J. Centofanti:

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

(Continued from 9 September 2020.)

The Hon. I. PNEVMATIKOS (17:30): Since its formation in 1991 through the Parliamentary Committees Act, the Legislative Review Committee has been an instrumental part of this parliament. The committee's Information Guide gives parties reporting who submit regulations an outline of how the committee should be operating. In South Australia, the focus of the Legislative Review Committee is to scrutinise subordinate legislation or, as usually referred to, delegated legislation.

The committee's main purpose is to inquire into, consider and report on any matters concerned with legal, constitutional or parliamentary reform or the administration of justice; any act or subordinate legislation; and any other functions imposed on the committee by an act or resolution of both houses of parliament. A review of legislative scrutiny committees in Australia identifies that the basic role of legislative review committees is to scrutinise legislation to ensure good lawmaking processes and outcomes.

The committee also interacts with the Subordinate Legislation Act 1978. This act requires the Legislative Review Committee to review every regulation, rule or by-law made by state or local governments, the courts or statutory authorities. In addition to these requirements, the committee was formally placed in charge of inquiring, considering and reporting on eligible petitions tabled in either house of the parliament with the passing of the Parliamentary Committees (Petitions) Amendment Act in 2019.

Currently, there are three petitions before the committee. I understand there are more petitions in the pipeline that will gradually make their way to the committee in due course. The Legislative Review Committee utilises scrutiny principles in considering all delegated regulations referred to it. The committee does not have regard or consider the substantive elements of any delegated legislation as to its merits or otherwise, this is the role of the parliament. Rather, the committee has a technical function to ensure that the regulations are within legislative requirements and any qualifying act.

The committee assesses whether the regulations are constitutionally valid, that adequate consultation, particularly by those likely to be affected, has occurred, does not unduly trespass on personal rights and liberties and the drafting is not defective or unclear, to mention a few of the scrutiny principles.

The Legislative Review Committee is scheduled to meet on Wednesday morning in any given sitting week. The committee is comprised of three government members (two from the other place and one from this place), two opposition members (one from the other place and one from this place) and one crossbench member from this place. The chair of the committee is an upper house government member. As well as committee members, the committee has a secretary and research officer to provide support, guidance and assistance to members in their deliberations.

With increasing work pressures in terms of both the volume of subordinate legislation to be considered and scheduling of hearing evidence that arises from the petitions the committee is considering, various ad hoc times have been added to the scheduling of meetings. Insufficient scheduling time for meetings and inadequate resourcing to facilitate the committee's undertakings is of great disadvantage to this parliament. This means that meetings have been scheduled in lunch breaks in sitting weeks, which are already burdened with various other meetings and commitments.

As a consequence, delegated legislation is not always considered thoroughly, nor are the inquiries able to be considered in a timely and thorough fashion to address the petitions, in addition to reporting to both houses of parliament and despite the best endeavours of staff and members of the committee. This committee provides parliamentary oversight on laws that have been delegated by the parliament to the executive branch, and the lack of support given to this committee risks the committee's integrity.

Inadequate reporting by the committee to both houses of parliament on any disallowance motions, in particular no reason provided to both houses of parliament in terms of why no action or a disallowance motion is put by the committee. Whilst the committee itself does not have the power to disallow regulations, as a legislative scrutiny committee we should be providing recommendations for the consideration of parliament. This would bridge the gap between the committee and the parliament, making the committee transparent and efficient in deliberating subordinate legislation.

In other Australian jurisdictions, the scrutiny committees provide a dedicated legislation monitor and disallowance alert during each sitting week. This outlines the comments of the committee in relation to the various regulations to be considered. Other scrutiny committees also publish on their website correspondence with ministers and responses to issues raised, thereby further enhancing the accountability and transparency of issues pertaining to delegated legislation under consideration.

The bipartisan nature of the committee and its role in scrutinising regulations lends itself to open and proper consideration of delegated legislation away from party political debate, which appropriately should occur on the floor of parliament. Nonetheless, the reality is that the committee functions in a very partisan way. This is reflected in a perceived tussle between government and non-government views to the extent that on every occasion there has been any discord within the committee in its deliberations, the chair of the committee has always exercised a casting vote with government members of the committee. This approach runs counter to the scrutiny principle that this committee is directed to uphold.

In order for the Legislative Review Committee to function as a scrutiny committee there are certain changes that require attention. These changes should be discussed within both houses of parliament and this should include but not be limited to:

- proper and adequate resourcing of staff allocated to assist in the committee's work;
- apportionment of adequate meeting time to enable the committee to undertake its duties by either increasing set meeting times or creating two committees, if required, to be able to adequately undertake the work required of the committee;
- moving away from a partisan to a more bipartisan approach in terms of both discussion and decision-making within the committee, which accords with scrutiny principles; and
- increasing accountability and transparency in the workings of the committee with the establishment of a delegated legislation monitor and disallowance alert provided to all members of parliament in any given sitting week.

The lack of support given to this committee ultimately undermines its validity and although the committee has clear governance direction there is a difference between the rhetoric and reality in terms of the committee's actions.

At the end of the day, it is up to members' discretion to adhere to the committee's rules. The committee is essential to this parliament operating as efficiently and as democratically as possible and, as such, it should be used and supported appropriately.

The Hon. C. BONAROS (17:39): I rise to speak to the report of the Legislative Review Committee on its Information Guide and echo the sentiments expressed by my colleague the Hon.

Irene Pnevmatikos. As we know, delegated lawmaking functions provide a degree of flexibility for the executive. The trade-off for that flexibility is that those laws are not always subject to the same level of scrutiny as legislation, which is open for debate, challenge and amendments. The public and the parliament ought to expect proper scrutiny of all laws, delegated or not, and that is why the work of the Legislative Review Committee is so important.

A recent parliamentary inquiry into the making of delegated legislation in New South Wales considered the submission of Associate Professor Neudorf that delegated legislation in that jurisdiction is the principal form of lawmaking. While South Australian statistics are difficult to come by in the absence of a register of delegated legislation, it is fair to draw the same conclusion here. Indeed, in the absence of a register, the task of working out the numbers is more time consuming but nevertheless possible.

For instance, if you work your way through the government's legislation website you will find that in 2019 50 acts were enacted by the South Australian parliament. In that same time frame, the committee was responsible for inquiring into, considering and reporting to parliament on some 346 instruments. In other words, 87 per cent were delegated instruments. In 2020, 45 of the 514 pieces of legislation enacted were enacted by primary legislation, while 469—that is 91 per cent—were delegated instruments. It is a consistent pattern over a number of years.

This begs several very important questions. First, and most importantly, we should all be asking how this serves us in terms of ensuring appropriate levels of scrutiny and transparency in our lawmaking. Second, it begs the question of how much importance we place on parliamentary oversight. Thirdly, and as my honourable colleague has pointed out, it also begs the question: where are the resources for the committee that considers the bulk of our laws?

If successive governments are going to insist on using delegated instruments as our principal means of lawmaking, then surely the committee whose core function it is to scrutinise that legislation needs to be more adequately resourced to deal with that workload. Right now I can tell you categorically that it is not. Indeed, unless the Legislative Review Committee is to be nothing more than a rubber stamp, more resources need to be made available.

Regardless of an instrument's size—as a recent example, the Uniform Civil Rules 2020 surpassed 1,100 pages—both large and small instruments can present extremely complex matters. In fact, just a few words in the smallest of instruments can present the most complex of issues. Faced with limited time and resources in considering complex instruments, the committee has chosen to publish this Information Guide.

In giving evidence to the Select Committee on the Effectiveness of the Current System of Parliamentary Committees, Dr Sarah Moulds spoke of the time-saving benefits of this type of guide document. She said:

> Some of the efficiency gains that we have seen with other delegated legislation review committees is where they are able to spend that time articulating some of the criteria or common things that they look for, turn that into standard or guideline practice that can be passed to departments or ministers or counsel. We see that a lot at the commonwealth level, where there has been a standard way. If you wanted to change a penalty or if you wanted to introduce different reporting powers or delegation responsibilities, 'Here's a way to do it that the committee considers to be best practice,' and that could save everyone's time if that was a consistent, available piece of information for people before it gets to the enactment stage.

The Information Guide aims to improve the quality of information provided to the committee so that the committee can spend less time chasing information from government departments and ministers with its limited resources and more time performing its important scrutiny role. I cannot stress enough how time-consuming this process has been. As a member of that committee, I can tell members that I spend a lot of my time outside the committee chasing down ministers and their staff, alerting them to issues that we know could be easily fixed—and ministers are usually amenable to fixing that if you point it out to them.

That is not something I should be running around doing as a member of that committee, but I am doing it. Often, I will approach a minister and tell him or her about a problem, they will get a staff member from the department onto the issue, they will send a letter to the committee indicating that they are willing to fix it, and we can resolve the issue that way. But that is a practice that we have

adopted as a means of getting things fixed, it is not a viable or feasible option in considering every piece of delegated legislation that comes before that committee.

As I said, the guide is intended as a valuable starting point in providing report writers with a better understanding of the sorts of information that the committee requires and to provide a better understanding of the sorts of issues that the committee is likely to see as a concern or attract its attention. The parameters set out in the guide are consistent with the expectations of the public and of the parliament of what the work of the committee should be.

What should those expectations be? The public and indeed the parliament ought to expect delegated legislation is made in accordance with the enabling act under which it is made. The public and the parliament ought to expect delegated legislation is constitutionally valid and that it does not unduly trespass on personal rights and liberties. The public and the parliament ought to expect instruments are clearly drafted and certainly not defective in any way. The public and the parliament ought to expect instruments are accompanied by sufficient explanatory information to give the committee a clear understanding of the instrument itself. Importantly, the public and the parliament ought to expect delegated legislation is not made in a way contrary to the intent of parliament.

We saw in the case of Gayle's Law what can happen when delegated legislation is not made in accordance with the intent of parliament. You will recall the first set of regulations were heavily criticised for creating a loophole permitting remote health workers to attend callouts alone if a risk assessment was completed, contrary to the intent of parliament when passing those laws.

The Information Guide elaborates on the types of issues the committee may consider in meeting the expectations of the public and the parliament, including whether the instrument is made outside the scope of the delegated authority, whether those affected by an instrument have been afforded the opportunity to voice their concerns, or if there are any unintended consequences. These are all really important considerations for committee members. What is most helpful to the committee is understanding the type of consultation, who said it, what was said and how did the minister or a government department respond? It is a useful tool in aiding the committee to shape its investigations accordingly.

One of the main beefs of anyone in opposition or the crossbench is that it is becoming more and more apparent to the Legislative Review Committee that this government is relying overwhelmingly and increasingly on cabinet-in-confidence as a way of circumventing transparency. I do not accept cabinet-in-confidence should be a blanket excuse for a lack of openness and transparency. It cannot impinge on the committee's ability to do its work and deliver what the public and the parliament expects and deserves of it. It compounds the strain on the limited resources of the committee. We spend hours on end trying to get to the bottom of issues that again have this blanket cabinet-in-confidence label put over them.

The Information Guide, as I said, is a starting point. Its aim is to enable the committee to meet its ultimate obligations and expectations. But, of course, as my honourable colleague has pointed out, more can and has to be done. There is certainly room for the work of the committee to evolve further. As Dr Sarah Moulds highlighted previously, there is an opportunity to support a committee like the Legislative Review Committee with the option of utilising a panel of expert advisers, something that we have done informally up until this point. That is also included in the guide.

The committee could then routinely consider independent legal analysis of complex instruments as a support system for their own work. There is a host of experts who are more than willing to provide advice on these issues to the committee. These are the people in the know who operate in these areas every day and they are more than willing to offer advice to the committee if we provided them the ability to do so. The public and the parliament ought to expect this high standard of scrutiny and it would certainly provide additional assurance that instruments are being appropriately examined.

When it comes to legislation, various key stakeholders—the Law Society, for one—already perform this role on an ad hoc basis; in fact, I do not think they can keep up. I think that is a fair analysis. Consultation on delegated legislation by external panels is just one possibility that we could consider more formally. In any event, the question still remains: how do we maintain the integrity of a committee with a government chair? With all due respect to the government chair, who is in this

place—and again I say this with all due respect to the current chair and previous chairs; there is one sitting next to her—we cannot put aside our partisan politics.

If you have served on that committee in recent times, you will know that the make-up of the committee, as has been pointed out, does not promote a multipartisan approach to the review and scrutiny of the work of the committee when considering government legislation. As I said in a recently cosigned minority report, it has become common practice for successive chairs of the committee to exercise their casting vote to wave through legislative instruments that clearly do not meet the scrutiny expectations of at least half of the members of that committee.

The lack of appropriate reporting on the work of the committee in this place means that other members are not alerted to these contentious votes. For the rest of you guys, it seems like we are just waving everything through, when in fact everything is being waved through by virtue of the fact that the chair is using their casting vote. This really is a crying shame because if there is one committee in this place that has previously enjoyed a reputation of—

The Hon. T.J. Stephens interjecting:

The Hon. C. BONAROS: —you used it more than once—working collaboratively across political parties it is this one, and it has done so historically—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens is out of order, and there should not be a conversation across the chamber. The Hon. Ms Bonaros will be heard in silence.

The Hon. C. BONAROS: As I said, if there is one committee in this place that has previously or historically enjoyed a reputation of working collaboratively across political parties it is this one, and it has done so historically because, as we know, there are inherent risks associated with doing otherwise.

There are inherent risks associated when we do not scrutinise legislative instruments appropriately, and they can have far-reaching ramifications and consequences. You need not look further than the previous changes to our retail and commercial leases legislation and the legal saga that created to be convinced otherwise. How do we ensure legitimate avenues of inquiry are pursued when a Chair with a casting vote can shut down issues that clearly warrant further scrutiny? As I said, clearly we need to do more in this space. This guide is intended as a valuable first step.

I think all members of this committee are tired of having the same debate week in, week out about the considerations of technical aspects of bills that really deserve the attention of committee members and should not be waved through miraculously. It is not good lawmaking. We are not, and should not strive to be, a rubber stamp committee. I am genuinely hopeful that we will get to a stage where the committee can work on the technical aspects of the bills in a truly multipartisan approach in accordance with the core functions and objectives of the committee.

With those words, I look forward to the impact that the Information Guide will have in improving the quality, openness and transparency of information provided to the committee. Despite what the government may say about cabinet-in-confidence, I urge them in the strongest possible terms to do away with this practice of not providing details of consultation to members of the committee or to members of this place and to be open and transparent about the consultation processes that are taken on key pieces of legislation, whether they are bills or whether they are regulations, that they would like us to support.

The Hon. N.J. CENTOFANTI (17:54): I would like to acknowledge and thank the Hon. Connie Bonaros and the Hon. Irene Pnevmatikos for their contributions on this important report. I think those of us on the government side would argue that we do look thoroughly at the technical aspects of the bill. In fact, there have been a number of pieces of delegated legislation that have had a number of notices of motion to disallow, and I certainly reject the notion that we simply wave these regulations through.

As I have previously commented, the Legislative Review Committee performs a very important role, particularly because of its work in providing parliamentary oversight of 400 or more instruments each year, delegated by the parliament to the executive branch of the government. This

committee aids this house by regularly reporting about its scrutiny of subordinate legislation and other matters to the house so that the house may act, if it chooses, on the matters brought to its attention. The committee also matters because of its work inquiring into and considering acts or bills referred to it by the house of parliament from time to time and its work inquiring into and considering eligible petitions of 10,000 or more signatures.

The Information Guide is a tool for members, ministers and departments to understand what the committee is looking for in order to deliberate on the matters that are brought before it. Providing succinct and informative reports to the committee allows the committee to deliberate in a timely fashion and aids in the smooth passage of regulations through the chamber and the other place.

Motion carried.

Bills

STATUTES AMENDMENT (REPEAL OF SEX WORK OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 June 2020.)

The Hon. C.M. SCRIVEN (17:56): I rise to speak against this bill. We have already dealt with a very similar bill in this term of parliament. It was defeated in the other place, yet here we have it back again with very few changes. I think we should vote this bill down if for no other reason than it has already been dealt with to a large extent. I will be voting against it for that reason as well as because it is simply a bad bill.

However, if it passes the second reading today on the understanding that it will be sent to a select committee, I will not oppose the select committee and, indeed, I will seek to be a member of that committee. Nevertheless, there will be a second reading vote on the bill that is before us, so we owe it to the women exploited through prostitution, the women who are sexually abused on a daily basis, to make some comments on it.

This bill will decriminalise pimps and brothel owners. It will therefore increase their power and ability to exploit vulnerable women. It will also continue the existing situation where sex buyers are largely invisible in terms of prostitution law. In this place and the other, as well as in the community, we have spoken about the scourge of sexual violence, that women are still not equal in our society and that they still do not receive equal respect. Indeed, Minister Lensink in this place yesterday said:

> 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.'

She went on:

> … we do know from the research that there are some pervasive views which continue in our communities…in terms of just letting people know that sexual violence is unacceptable both for the perpetrator and for the potential victims…

Yet, it is such pervasive attitudes that would be supported and enabled by this bill. Attitudes that are pervasive and that contribute to sexual violence in general include partners saying, 'I am supporting you financially, so you owe me sex,' or at the end of a date, 'I've spent money on you, so you owe me sex,' or the simple entitled attitude, 'I have a right to sex.'

Dr Caroline Norma PhD is a member of the Coalition Against Trafficking in Women Australia. She is also the author of *The Japanese comfort women and sexual slavery during the China and Pacific wars* among other publications. Dr Norma co-authored a book about prostitution and in the introductory chapter, 'Prostitution survivors speak out,' she said:

> [The book] presents powerful stories by women who have survived the prostitution industry. The testimonies collated…bear witness to the effects of prostitution on women and girls, and bring to life its dismal statistics.

She says such stories are rarely published. Instead, it is the profiteers who are most dominant and influential in speaking and writing about prostitution. This billion dollar industry seeks to persuade the world that prostitution is a service like any other that allows women to earn vast sums of money

and to travel and enjoy life's luxuries. In large sections of the media, academia, public policy and the law, the sex industry has had its way. With money no obstacle, its polished representatives repeat the mantra 'Sex work is work, prostitution is a job like any other and the sex industry should be treated as just another business enterprise.' She continues:

> Prostitution is euphemistically described as 'compensated dating' and 'assisted intercourse' with women who are 'erotic entrepreneurs'. But the sex industry's public relations campaign makes little mention of the damage, violation, suffering and torment of prostitution on the body and the mind nor of the deaths, suicides and murders that are common. It is in its economic interest to do so.

Melissa Farley, in 'Prostitution, trafficking and cultural amnesia: what we must not know in order to keep the business of sexual exploitation running smoothly', which is an article published in the *Yale Journal of Law and Feminism*, observes:

> Much of the business must be concealed and denied in order for it to continue. There is an economic motive to hiding the violence in prostitution and trafficking. Prostitution is sexual violence that results in massive economic profit for some of its perpetrators. The information on the harms of prostitution, pornography and trafficking has to be culturally, psychologically and legally denied, because to know it would interfere with the business of sexual exploitation.

The book authors continue:

> In critiquing the business of sexual exploitation, the accounts in this book sit outside the sphere of mainstream publishing in exposing the prostitution trade for what it is: violence against women.

We often hear claims that violence decreases in a decriminalised environment. Yet, the following are among the findings of the New Zealand Prostitution Law Review Committee. It found that violence in prostitution continued after prostitution was decriminalised in New Zealand. It stated:

> The majority of sex workers felt that the law could do little about violence that occurred.
>
> 35% reported that they had been coerced to prostitute with a given john in the past 12 months.
>
> A majority of respondents felt that decriminalization made no difference with respect to the violence of johns in prostitution—they felt that it was inevitably a part of the sex industry.
>
> The Report notes that 'few' sex workers, regardless of whether they were prostituting indoors or outdoors, reported any of the incidents of violence or crimes against them…

I will quote Dr Norma quite extensively. She says:

> Acts of prostitution themselves cause the most psychological and physical harm to people in the sex industry, and are experienced as instances of paid rape. The women must therefore self-medicate, use drugs and stay inebriated to cope with the constant sexual violation. The harm and violence that pimps and sex industry customers inflict on women is additional to this.

She rebuts a number of myths, such as that it is the laws against prostitution that actually cause stigma. She explains:

> Women in the sex industry are inherently stigmatised because their sexual violation and humiliation is what is being traded. Pornographic sex with disposable women is exactly what customers are paying for, and the intrinsic aspect of prostitution inevitably stigmatises women, and can't be avoided except to shut down the industry.

She continues:

> Decriminalising the activities of pimps and customers strengthens their power over prostituted women, because they are empowered by government sanction and public acceptance in their exploitation.

She rebuts the myth in regard to prostitution being about a woman having a right to use her body as she chooses. She says:

> Yes, but men do not have a right to use the bodies of others as they choose. Prostitution is not the autonomous exercise of bodies by women, but in fact the sexual use of other people's bodies by men.

Any law that says that women can be bought is damaging to every woman in our community. It undermines our struggle for equality, it normalises violence against women instead of working to overcome, decrease and eliminate violence against women. It tells men that they have a right to sexual access to women, so long as they can pay of course, and that affects the status of all women. It turns us into products, it dehumanises us, it says we can be sexually exploited for the pleasure and gratification of men.

This is terrible for the status of all women in society. It legitimises the sexual subordination of women in society, ending the possibility of gender equality. It also funnels those who are already socially vulnerable into prostitution because it reframes prostitution to gloss over its damage and its degradation, and it agitates for the wholesale decriminalisation of sexual and financial exploiters, such as brothel keepers, the punters and the pimps.

Men who frequent prostitutes have a sense of entitlement. They feel entitled to abuse and use any woman wherever they want. They have paid after all and if they can pay for one woman why can they not use another woman for whom they have not paid? It comes back to those pervasive attitudes of some men that 'I have a right to sex.'

Women in prostitution report that sexual harassment is part of the trade, being raped is part of the trade, being treated as totally worthless except as an orifice for men's sexual gratification is part of the trade. Decriminalisation does not change any of that, which is why I oppose this current bill.

The Hon. I. PNEVMATIKOS (18:06): I will keep my remarks brief today as I am sure everyone in the chamber is well aware of my position. This will be the 14th bill before the parliament to change laws on sex work in South Australia. In my eyes, that is 13 bills too many. However, we persevere and I once again thank the Hon. Tammy Franks MLC for bringing this bill to the council. I have spoken at length on this issue during the Statutes Amendment (Decriminalisation of Sex Work) Bill 2018.

The crux of the issue for me is that sex workers deserve the same rights as any other worker. Some do not see decriminalisation as the way to do that, so this committee that is to be established is essential for them. For those who still refuse to put sex workers in charge of their own lives—often women, I might add—and recognise their own autonomy to make the decisions, the establishment of this committee will be for you.

I can guarantee that we will hear the same evidence, the same stories, and come to the same conclusion that decriminalisation is the best model, but if that is what it is going to take, I am prepared to do that. I will be supporting this bill and fighting for all people of South Australia to be equal, and that includes sex workers. Decriminalisation is supported by the community, it is supported by the research, so it is about time it was supported by this parliament.

The Hon. C. BONAROS (18:08): I rise to speak very briefly on the Statutes Amendment (Repeal of Sex Work Offences) Bill 2020 and I note for the record, given the nature of the bill, SA-Best, as with other parties, has determined that the broader issue will be a conscience matter for the party. That being said, my colleague and I are both supportive of the matter being referred to a select committee for inquiry. As has been mentioned, this is certainly not the first time that we have done this; in fact, it is the 14th time.

I do not intend to unpack the issues in any detail today. What I will do briefly is acknowledge the good number of past members championing this cause. As I have said on the record previously in relation to other conscience vote debates, and will continue to say, I do not believe it is my place to judge others and their choices. Legislation needs to be premised on a solid evidence-based foundation rather than on any personal, ideological, moral or religious beliefs. It also needs to be considered in the context of the overwhelming majority of voices of the community.

In this instance, a select committee is well placed to inquire into this. I look forward to its recommendations and their implementation because I think we can all agree that this type of work will not miraculously disappear from our communities. With those brief words, I indicate our support for the bill's referral to a select committee.

Members interjecting:

The PRESIDENT: Order! Those who are congratulating the member on being concise are delaying the debate.

The Hon. N.J. CENTOFANTI (18:09): I rise to indicate that I will not be supporting the Statutes Amendment (Repeal of Sex Work Offences) Bill for several reasons, and I will be voting against this bill at the third reading.

However, I would like to indicate that I am happy to support its referral to a select committee of this chamber to look into the policing of the sex work industry in this state. I would hope that the

terms of reference of this committee would include investigating a variety of models of reform, including legalisation, decriminalisation and the Nordic model.

I would like to acknowledge the mover of the bill, the Hon. Ms Tammy Franks, and those who have moved similar, if not identical, bills in both this place and the other place. I think we are all here for similar reasons: first and foremost to improve the safety and wellbeing of those in prostitution. We are simply debating the method with which to do so.

With this, I believe this current bill will not give these women the protection they so deeply desire and deserve. In saying 'women', I also acknowledge that it is not just women. However, for the sake of this contribution I will refer to women, given they make up the overwhelming majority of the sex industry.

I also acknowledge that there are no quick fixes when it comes to protecting those who are most vulnerable in our society. Not all women in prostitution are vulnerable. I realise and acknowledge this. However, we do know that many vulnerable women enter prostitution due to reasons such as extreme poverty, lack of opportunity and drug addiction, to name a few.

Let's be honest, brothels are predominantly cash businesses. The vast majority of clients do not want to leave an electronic payment record of their visit. In an era where cash use is declining and cash businesses are becoming not only a premium find but increasingly scarce, for illegal enterprises brothels provide the perfect opportunity for money laundering for drug traffickers and other gang-related criminal activity.

An example of this can be seen in Sydney in 2018, well after the passing of a similar bill that we are debating here today decriminalising prostitution. A young man was arrested after $1 million was seized from a sports bag hidden in the boot of his car after making daily trips to Sydney from Melbourne to visit Sydney brothels to recruit young women who could assist him in laundering money.

Even more recently, a man from Western Australia was arrested no less than a month ago when police found $95,000 cash and $10,000 worth of gift cards in the back of his Mercedes-Benz. Through this arrest, 10 sex workers have been referred to Australian Border Force as part of an ongoing investigation into an international money laundering scandal. The investigation has since established links between residential brothels in Western Australia and an Asian crime network, which is allegedly involved with sex workers from Thailand and China after information received from the ANZ bank regarding suspicious transactions.

I realise that the Western Australian government has not decriminalised prostitution. However, according to Australia's number one online brothel platform, Veneev, where you can find, rate and review Australia's best brothels on an unsecured platform, the website states:

> Unlike Melbourne and Sydney, brothels in Western Australia are illegal. In saying that, the government and the business owners have an unofficial agreement in which brothels are tolerated. Great news for the local punters.

It then goes on to list all the brothels in Perth. I would like to quote Detective Sergeant Matt Edmunds from the Proceeds of Crime Squad about the continued investigation into the organised crime element of residential brothels in WA. He says:

> The involvement of established criminal networks in the operation of residential brothels causes great concern to police. Such involvement is known to lead to other serious crimes being committed, including money laundering.

Sergeant Edmunds also adds:

> While there are women who make a conscious decision to become involved in the sex industry, there are also many cases where young and/or vulnerable women are coerced into being involved, or who find it difficult to stop being involved in the industry due to the controlling nature of those involved in running the operations, particularly for workers who are in Australia on temporary visas.

In a parliamentary select committee on an earlier version of this bill, South Australia Police argued the need for regulation that both protects the workers in the industry and prevents the infiltration of organised crime. They argued that a completely unregulated environment will only lead us to problems in the future. South Australia Police also told the committee that it is often the people behind

the scenes, such as outlaw motorcycle gangs, who may be a silent partner providing funds or being paid protection money.

We know that SAPOL are experts in criminal organisations and those individuals that inhabit them in our state. A decriminalised sex industry removes police as regulators of the industry and regulates brothels by the same standard industry codes that are enforced on any other industry, such as the hospitality industry. I would argue that a SafeWork SA inspector does not have available to them the same knowledge, experience and resources that SAPOL does to be able to minimise criminal gang involvement in the sex industry. Therefore, it is a real risk that completely decriminalising brothels will provide ample opportunity for money laundering and other criminal activity in our state.

Following decriminalisation, the responsibility of brothels will also largely be transferred from law enforcement to local councils. In this way, councils will be forced to dedicate funds and administration staff to manage the industry without police authority or resources to investigate, penalise or shut down brothel owners. This puts an unfair burden on a tier of government that one could argue is not best suited to the complexity of the task.

The underlying aim of this legislation is to make prostitution another form of labour, and to incorporate it into the labour market as sex work. Liberal discourses of empowerment, agency and sex positivity advance the notion that sex can be labour, and hence exchanged on a market. This makes the large assumption that women in prostitution choose to be there. In fact, coercive labour relations have been common in many markets throughout history and, while it has since been abolished in most forms, the International Labour Organization estimates there are still over 12.3 million forced workers worldwide. Others estimate that about 600,000 are trafficked each year in the sex industry alone.

As we know from the basic free-market economy 101 theory, a saturated market results in lower prices, an increase in demand and increased acceptance of the merchandise. When we apply this to the sex trade, this means more women abused in prostitution, more men paying for sex and further risk of pressure to practice unsafe sex. This mantra of free choice exists only for a select few women, and distracts from the greater work that must be done to facilitate full societal inclusion of women with the least amount of choices.

If we decriminalise prostitution, I believe this will create a pathway for some of the less legitimate brothel owners to prey on the most vulnerable women in our society. If brothels are just like any other business, no different from a restaurant, this will mean that brothel owners will be able to present themselves as doing their employees a favour by giving them a job.

I find it concerning that some relatively privileged, mostly university-educated sex workers, who feel they have made a choice to enter the industry, are being held up as representatives of all women in the sex industry and applauded when they silence the growing survivor movement, who are calling for an end to prostitution.

I refer the chamber to an excerpt from a well-known Australian porn actress, Madison Missina, who spoke out about the abuses she witnessed within the sex industry. She describes sexual harassment, exploitation and rape as just part of the job she was expected to do, and speaks about the consequences of prostitution survivors speaking out, and I quote:

> I have also experienced firsthand how when a supposed 'happy hooker' speaks out about the exploitation within the current Australian Sex Industry she gets excluded, ignored if she's lucky. If she's not well it will escalate to bullying, abuse and violence. The price I've personally paid for speaking out is the exclusion from the ugly mug list (which is a list of Johns who have been violent, committed crimes against women in the industry or refused to pay); I've had my legal name, personal phone number, and home address published. I've been stalked, verbally assaulted publicly twice, been threatened with physical violence, had the locks of my front door removed, and the front door of my building smashed in.

Led by survivors, the prostitution abolitionist movement is growing. They are speaking out against the sex trade in all its forms and calling for the adoption of the Nordic model and exit programs.

Long-time Australian Indigenous abolitionist, Simone Watson, when asked about how it felt to tell her story, said:

> It has definitely been empowering. Genuine empowerment. It gives me hope. I'd like to believe I'm opening people's eyes to what is really going on. I'd like to believe I'm maybe giving some women still in the industry…maybe I'm getting through to some of them that there is life after this, you can get out and start changing things and bringing

some light into your life. Some days it's hard because it can start bringing some of the trauma back. Overall it has been a really positive experience despite anyone trying to silence me. It just fuels my fire and my passion to speak out more.

Finally, I will speak about Sabrinna Valisce, who was a prostitute in support of decriminalisation in New Zealand until she experienced what a decriminalised industry looked like. She now argues that men who use prostitutes should be prosecuted. After her father suicided when Sabrinna was 12 years old, it changed her life completely. Within two years, her mother remarried and moved the family from Australia to New Zealand, where her stepfather was violent and she felt very isolated and alone. Within months, she ran away and found herself on the streets selling sex to survive.

In 1989, after two years working on the streets, Sabrinna visited the New Zealand Prostitutes Collective in Christchurch. She said, 'I was looking for some support, perhaps to exit prostitution, but all I was offered was condoms.' She was also invited to the collective's regular weekly social nights. She remembered that they started talking about how stigma against sex workers was the worst thing about it, and that prostitution is just like any other job. To her, it somehow made what she was doing more palatable. She became the collective's massage parlour coordinator and an enthusiastic supporter of its campaign for the full decriminalisation of all aspects of the sex trade. She said:

> It felt like there was a revolution coming. I was so excited about how decriminalisation would make things better for the women.

However, decriminalisation arrived in 2003 and she soon became disillusioned. The Prostitution Reform Act allowed brothels to operate as legitimate businesses, a model often hailed as the safest option for women in the sex trade. But Sabrinna said that in New Zealand it was a disaster and only benefited the pimps and punters. One problem was that it allowed brothel owners to offer punters an all-exclusive deal whereby they would pay a set amount to do anything they wanted with a woman. Sabrinna stated:

> I thought it would give more power and rights to the women. But I soon realised the opposite was true. One thing we were promised would not happen was the 'all-inclusive' because that would mean the women wouldn't be able to set the price or determine which sexual services they offered or refused—which was the mainstay of decriminalisation and its supposed benefits.

There are countless stories about the abuse and hardship that women face within the industry. In the #MeToo era, where sexual harassment, sexual objectification and gender inequality are being called out everywhere, it beggars belief that it is not called out in prostitution. We cannot abandon the majority of women in the sex industry who would leave if they could.

The Hon. J.M.A. LENSINK (Minister for Human Services) (18:23): I rise to indicate that the Liberal Party will be supporting the referral of this particular bill to a joint select committee. My views on this issue are very well known because of the number of speeches I have given and, having chaired the previous committee in the last parliament, it is a subject that I am well versed in. So I do not intend to speak at any length at all, only to say that I believe a lot of people would be in agreement that the current laws are difficult to police and certainly do not serve their particular purpose and are quite out of date.

I would like to address some of the references that the Hon. Ms Scriven made in relation to my comments about a particular campaign yesterday in question time because I believe that those comments were really pointing out that consent is important. Consent is important in this issue as well, and it is my firm belief that consent between mutually consenting parties—I have not structured that very neatly—is important and that therefore decriminalisation would be a useful way forward. With those comments, I commend the bill.

The Hon. T.A. FRANKS (18:24): I thank those members who have made a contribution this evening and also those who are willing to serve on the select committee looking at this matter. This is actually quite a different bill from the last one I moved in this council which did, indeed, get the support of this council. It actually goes to the nub of the matter. It asks whether or not the criminal offences we currently have in our statutes are serving a useful purpose or whether they are actually bad laws, because I do not think it is the workers in this industry who are bad, I think it is the laws that fail them and fail us as a society.

I note that since we last debated decriminalisation in this place it has been embraced by the Labor Northern Territory government. It has also seen a referral by the Victorian Andrews

government, led by Fiona Patten MLC, to look at decriminalisation in that state as well, and I understand the Queensland government has also made pledges to look at decriminalisation. So at least in the Northern Territory, as well as Victoria, we have a lot we can learn from their recent law reforms, as well as New South Wales and New Zealand, of course.

The support for decriminalisation by groups such as the World Health Organization, Amnesty International, UNAIDS, and the various reputable international groups against trafficking should not go unnoted. Indeed, I agree with the Hon. Michelle Lensink when she points to consent being the important point here. I note not all sex workers are women; they are men, they are transgender people, they are gender fluid people and, of course, they are women. Also, not all clients are men; they are women, they are transgender people, they are gender fluid people and, of course, they are women. We cannot assume—

The Hon. C.M. Scriven interjecting:

The Hon. T.A. FRANKS: You were heard in silence, Hon. Clare Scriven. It would be appreciated if you would not heckle anyone who does not agree with you. I hope this inquiry will look at the laws we currently have, because I believe they fail. I hope this inquiry will keep an open mind, and have a look at the various models of regulation that are done by police in these jurisdictions and abroad.

Sitting extended beyond 18:30 on motion of Hon. R.I. Lucas.

The Hon. T.A. FRANKS: The issue of money laundering is something that I raise in the second reading contribution to this bill because at the moment money laundering is used as a quasi charge related to the sex industry, particularly if people use credit cards as opposed to cash. Credit card use is literally criminalised under our current operating laws. So if one is concerned about money laundering, one would imagine that law reform would be something that we might seek at the present time.

I note that I will be moving the contingent notice of motion in amended form. There is a typo, so I draw members' attention to the fact that it will not be the 'Emergency Services Act' but the Emergency Management Act that is referred to. I also look forward to us hearing the voices of those involved in this industry without judgement and without moralising, that we hear from clients, that we hear from workers, that we hear from SAPOL, that we heed the advice of jurisdictions that have undertaken law reform in this area that we have a lot to learn from, and in particular that we get the statistics and the data that we need to have this debate in a way that is actually informed by truth and not by stigma and rumour.

Bill read a second time.

The Hon. T.A. FRANKS (18:31): Contingently, on the Statutes Amendment (Repeal of Sex Work Offences) Bill being read a second time, I seek leave to move contingent notice of motion No. 2 in an amended form.

Leave granted.

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

1. That the bill be referred to a select committee of the Legislative Council for inquiry and report.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That, during the period of any declaration of a major emergency made under section 23 of the Emergency Management Act 2004 or any declaration of a public health emergency made under section 87 of the South Australian Public Health Act 2011, members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.

4. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

5. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

Motion carried.

Referred to Select Committee

The Hon. T.A. FRANKS (18:33): I move:

That the select committee consist of the Hon. Dr Nicola Centofanti, the Hon. Irene Pnevmatikos, the Hon. Clare Scriven, the Hon. David Ridgway and the mover.

Motion carried.

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

That the select committee have the power to send for persons, papers and records; to adjourn from place to place; and to report on Wednesday 31 March 2021.

Motion carried.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (COSTS) AMENDMENT BILL

Final Stages

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

At 18:34 the council adjourned until Thursday 4 February 2021 at 14:15.

Answers to Questions

SUPERLOOP ADELAIDE 500

In reply to **the Hon. T.A. FRANKS** (12 November 2020).

The Hon. R.I. LUCAS (Treasurer): The Premier has advised:

The terms and conditions of the sanction agreement, including the financial details of the arrangement, remain confidential. The contractual duty of confidence exists independently of the decision to cease hosting the Adelaide 500.

SUPERLOOP ADELAIDE 500

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (12 November 2020).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The overall expenditure on the Adelaide 500 was approximately $30 million, offset by corporate partnerships, hospitality and ticket sales. The net cost of the event was over $10 million.

The South Australian Tourism Commission has provided the following estimates of the economic benefit of the 2020 Adelaide 500:

- Economic benefit of $38.6 million;
- 354 jobs created.

RAIL STAFF INCENTIVE OFFERS

In reply to **the Hon. J.A. DARLEY** (12 November 2020).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The following two matters will apply to a Rail Commissioner employee who: (a) is covered by the Rail Commissioner Rail Operations Enterprise Agreement 2020, Rail Commissioner Infrastructure Employees Enterprise Agreement 2019 or Rail Commissioner Maintenance Employees Enterprise Agreement 2019; (b) accepts an offer of employment from the new service provider (or an associated entity) by 31 January 2021; (c) commences employment with the new service provider (or an associated entity); and (d) resigns from the Rail Commissioner and the South Australian public sector effective from not later than 31 January 2021 or such other date as is agreed by the Rail Commissioner:

1. A one off $15,000 (gross) incentive payment to or for the benefit of such employee, payable within 2–4 weeks of their commencement with the new service provider; and

2. The inclusion by the Rail Commissioner in its contract with the new service provider for the new service provider to offer a minimum 'three-year employment period' for such employees commencing on and from the date of commencement of the new rail operations enterprise agreement. In respect of each such employee, that period will be subject to the ordinary requirements applicable to an employee, namely satisfactory performance and the absence of serious misconduct, provided that during that period the employee cannot be made redundant.

A current Rail Commissioner employee who accepts an offer of employment from the new service provider, commences that employment, and resigns from the SA public sector by 31 January 2020, will receive the one-off incentive payment, not a voluntary separation package.

If a current Rail Commissioner employee who is covered by either the Rail Commissioner Rail Operations Enterprise Agreement 2020, Rail Commissioner Infrastructure Employees Enterprise Agreement 2019 or Rail Commissioner Maintenance Employees Enterprise Agreement 2019, decides not to express an interest in receiving an employment offer from the new provider, chooses to reject an employment offer, or does not receive an offer, the employee continues as a rail commissioner employee. Such employee would remain subject to industrial arrangements that include redeployment, retraining and redundancy provisions, which include the possible option of expressing an interest in being offered a voluntary separation package.

Under the relevant previous enterprise agreements entered into by the former Labor government an employee who accepts a voluntary separation package within the first three months of being declared excess, is entitled to an additional payment of $15,000.

This is distinct and unrelated to the $15,000 payment that employees who accept an offer of employment from the new service provider and resign from the public sector will be eligible for.

Lands Services SA

I am advised as follows.

Employees who were within the Land Services SA process were covered by the state salaried employee enterprise agreement that was in place at that time. Those who accepted an offer of employment were provided with transfer of business arrangements, which did not include the provision of an incentive payment. Not all Lands Titles Office employees were provided with employment offers by Land Services SA. Of those who did not take up

employment with Land Services SA and remained South Australian public sector employees, some were temporarily assigned duties to work with Land Services SA and support the transition process over the first two years. Once they had completed the temporary duties, they continued in their substantive department and commenced a redeployment process, which included the possible option of expressing an interest in being offered a voluntary separation package.

TOURISM ADVERTISING

In reply to **the Hon. M.C. PARNELL** (12 November 2020).

The Hon. R.I. LUCAS (Treasurer): The Premier has advised:

The SATC takes every care possible to ensure their promotional material captured is consistent with responsible environmental management practices and compliant with the relevant legal regulations. Through consultation with stakeholders and various government authorities, the SATC ensures that promotional imagery and content is kept up to date and is captured with full respect of relevant state government, transport or local government environmental policies. Any issues or complaints received about possible environmental management are taken seriously by the SATC and actioned immediately.

GREAT STATE VOUCHER SCHEME

In reply to **the Hon. M.C. PARNELL** (1 December 2020).

The Hon. R.I. LUCAS (Treasurer): The Premier has advised:

The voucher system was not designed for a subsequent allocation as this would have caused multiple issues. The primary reason was that the deals submitted by the hotels expired during a set period–at the request of the tourism industry. As soon as the booking period ended, the deals were no longer visible to both the consumer and the South Australian Tourism Commission's (SATC) team and therefore any consumers with subsequent allocations of vouchers would not have had access to the accommodation deals.

In addition, the SATC had set up this system to automatically manage the vouchers when the data is entered by the consumer. To allow for subsequent allocation of vouchers would require significant manual handling and the cost of any change to vouchers would be prohibitive. This would also create data privacy issues.

Based on how many people were interested in claiming vouchers, we will now offer a second release of vouchers as well as making the booking period longer.

PLANNING AND DESIGN CODE

In reply to **the Hon. J.A. DARLEY** (2 December 2020).

The Hon. R.I. LUCAS (Treasurer): The Minister for Planning and Local Government has advised:

All development plans and development plan amendments (DPAs) will be transitioned into the new Planning and Design Code (the code) under the Planning, Development and Infrastructure Act *2016* (PDI Act).

Over the past 12 months or so, councils undertaking DPAs have been encouraged to work with the Attorney-General's Department (and the former Department of Planning, Transport and Infrastructure) to establish an appropriate pathway for transitioning DPA policy into the code. This includes identification of code zones which appropriately reflect the intent of the DPA, as well as parameters which will transition to technical and numeric variations (TNV) in the code, for example, building heights.

During this transitional period, it is important to recognise that there will be some changes to the policy content in DPAs when transitioned into the new format and structure of the code. For example, desired character statements are not included in the code and concept plans are only used in a limited way to denote key infrastructure requirements.

A number of recent DPAs also include either a copy of the intended code policy or a discussion about the intended policy transition to make clear how the DPA will be incorporated into the code.

The Attorney-General's Department will continue to work closely with councils' administration throughout the transition process to ensure best fit and certainty moving forward.

FINANCIAL LITERACY EDUCATION

In reply to **the Hon. T.A. FRANKS** (2 December 2020).

The Hon. R.I. LUCAS (Treasurer): The Minister for Education has been advised of the following:

As the lead Australian government agency for financial capability, the Australian Securities and Investment Commission (ASIC) commenced a review into school banking programs in October 2018 to understand how such programs operate in schools, and to provide a national perspective on the benefits and risks.

Financial literacy is embedded in the Australian curriculum which is mandated in South Australian schools. As is the case for all learning areas of the curriculum, schools make local decisions regarding the resources and programs that they use to support teaching and learning. The Department for Education does not require schools to report on resource or program selection for any area of the curriculum, including school banking programs.

In making the decision to use or participate in external resources and programs, schools are expected to meet legislative requirements, as well as whole-of-government and Department for Education policy and guidelines.

In relation to school banking programs, schools are additionally guided by Education Services Australia's National Code on Commercial Sponsorship and Promotion in School Education (1992), the principles of which are reflected in departmental policy.

With regard to measures being taken by the state government to record funding received by schools from the Commonwealth Bank, Department for Education policy requires that the financial results of promotional activities such as school banking programs are reported to school and preschool governing councils or management committees, and that this income is recorded in the annual financial statements and governing council/management committee minutes for audit purposes.

The Department for Education has recently issued updated financial instructions for schools, which will come into effect from term 1, 2021. As part of this, the legal and governance frameworks regarding promotional activities have been strengthened.

The Department for Education is making a significant ongoing investment in the development of curriculum resources for schools. The first round of resources were released in September 2020 and include curriculum resources relating to financial literacy. Further curriculum resources will be developed by the department as part of its focus on curriculum support for schools, embedding financial literacy in the learning areas of the Australian curriculum.

LAND TAX

In reply to **the Hon. J.A. DARLEY** (3 December 2020).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

1. RevenueSA has re-designed the notice of land tax assessment for the 2020-21 financial year but has not altered the process of land tax invoicing. Taxpayers continue to be provided with the opportunity to pay in full or by four quarterly instalments. Should a taxpayer not pay the full tax amount by the first due date, RevenueSA will issue instalment notices throughout the payment period as they fall due, according to the taxpayer's preferred correspondence method.

2. As no changes have been made to the land tax invoicing process, there are no savings to report.

3. In regard to the Emergency Services Levy, a single notice of emergency services levy assessment is issued. Payment of a notice of emergency services levy assessment is required to be made in full as per the total amount due on the notice or, upon request, by monthly instalments. Levy payers can request payment by four consecutive monthly instalments. In these cases, a single notice of emergency services levy assessment enclosing all four instalments is issued by RevenueSA by mail, or by email where the levy payer has elected to receive bills and correspondence electronically.

As the instalment arrangements for land tax and the emergency services levy differ, RevenueSA is unable to provide a direct comparison, however as at 23 December 2020, 101,288 emergency services levy final notices had been issued.

Further, due to the government's COVID-19 land tax deferment relief measure land tax instalment notices were not issued to those taxpayers who had not paid their third or fourth instalment.

MINISTERIAL CODE OF CONDUCT

In reply to **the Hon. T.A. FRANKS** (3 December 2020).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The Premier does not agree that the circumstances which gave rise to the honourable member's question involved any breach of the Ministerial Code of Conduct.