

LEGISLATIVE COUNCIL

Thursday, 4 February 2021

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2019-20—

Capital City Committee

Tandanya National Aboriginal Cultural Institute

Urban Renewal Authority (trading as Renewal SA) Charter

ANSWERS TABLED

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

Question Time

HOMELESSNESS

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 Human Services regarding homelessness.

Leave granted.

The Hon. K.J. MAHER: The opposition has been contacted by a woman aged around 70 who is living with a disability and who has been a public housing tenant for decades. The minister's agency is well aware of her circumstances and the woman informs us that she has also spoken with the minister's office.

In mid-2020, a SACAT eviction order ended her ongoing tenancy agreement due to property condition issues, such as clutter in the home. A short-term lease was granted to provide time to find another home, but SACAT set a new eviction date effective around two weeks ago. The tenant says she now spends every day waiting in panic for bailiffs to throw her onto the street with nothing but the clothes on her back.

When talking with staff yesterday, the woman was in constant tears. The minister has spoken repeatedly about the issue of homelessness for older single women, let alone those who are also on very low incomes and experience health and disability issues. My question to the minister is: why are you allowing an older single woman to be evicted into potential homelessness?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): I thank the honourable member for his question. Of course, we do have to always go behind the allegations the Labor Party comes in here and makes, as we have seen time and time demonstrated by the Labor Party. Sometimes their stories—

The Hon. K.J. Maher interjecting:

The PRESIDENT: If the opposition want to get the answer, then please let the minister speak and then you will have a further opportunity on this matter, if you wish. The minister has the call.

The Hon. S.G. Wade: Is 20 more than 3?

The PRESIDENT: And the minister's colleagues on the front bench aren't helping either, so the minister will continue.

The Hon. J.M.A. LENSINK: Sometimes their stories have been fabricated, sometimes in entirety and sometimes by a significant amount.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I would be more than happy to look at the particular case of this particular individual. I don't know every detail of every person who contacts my office. Certainly, in terms of correspondence or anyone who has contacted me directly, I make sure that I know about those details.

Can I say in general terms in relation to SACAT matters, the reason for referring matters to SACAT isn't always for evictions. Tenants do sign a lease agreement when they enter public housing and there are times when the conditions of the lease agreement need to be taken to SACAT to enforce matters. Sometimes there are works to be done on people's properties and they won't actually allow the maintenance people to inspect the homes. That's another reason why matters are sometimes taken to SACAT.

I am obviously more than happy to look into the individual circumstances of this case, if the Labor Party is genuine about what they are saying, and see what we can do.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary arising from the answer: has the plight of a woman aged around 70, potentially being evicted into homelessness from the housing stock, been brought to the minister's attention in the last fortnight?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:23): I receive a lot of correspondence from a lot of people. If there are telephone inquiries made to the office those are not necessarily things that I am made aware of, but I certainly see a correspondence log and any of those matters that I think need to be escalated I will retrieve those and take further action. But certainly, if it has been a telephone inquiry I would not necessarily know about it because the staff in my office are very experienced at dealing with matters, particularly the staff from the agencies, and they will deal with the agencies directly.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary arising from the original answer: minister, does your agency, through SACAT processes, evict people who have no other place to go?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:24): There can be occasions when people—

Members interjecting:

The PRESIDENT: Order! The leader has just asked a supplementary. Allow the minister to answer it.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader! The minister has the call.

The Hon. J.M.A. LENSINK: I am speaking in general terms, not in relation to the specific case that the Leader of the Opposition has raised. But it is interesting because the previous policy for the Housing Authority, particularly relating to antisocial behaviour, was something that was very problematic because it was very vague and therefore very difficult for the agency to enforce. They were to get involved in all sorts of matters which might relate to people keeping dogs without consent on their property or disputes about where rubbish bins were located, a whole range of things.

We have made sure that, for instance, the antisocial behaviour policy is much clearer. I would have to say that I still do receive letters from Labor members, saying, 'There's a problematic tenant.

Can your agency please do more?' On the one hand the Labor Party wants to criticise our policies for being stricter than under their regime, and at the same time their local members will write to me and say, 'Can you do something more about this particular tenant?'

I am not aware of what the particular circumstances are in this case. I am more than happy to take that on notice. Where tenants have been evicted, whether it is for antisocial behaviour—and I am not saying that that is the case in this matter—I have spoken to people with lived experience who have said that, 'Yes, you know, that was fair enough. When I did re-enter a Housing Trust property I was a better tenant because of it, because I knew that there were rules that would be enforced.' There are three things that we ask our tenants to do: to pay their rent on time, to be neighbourly and good neighbours and to look after their properties.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Final supplementary: just to be very clear, minister, does the Housing Trust ever issue eviction proceedings that would result in eviction into homelessness?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): It depends on what your definition of homelessness is, because some people do have other opportunities. They can stay with friends and family. So if you are to use the particular instance of antisocial behaviour, then I think in terms of—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —what the public opinion is—for instance, if we are talking about someone, and I am not saying that this has any relationship to this particular case, say somebody is using their Housing Trust property as a meth Labor, those people will be taken to SACAT and evicted. If we are not providing them an alternative property, then they will need to find their own place.

The Hon. K.J. Maher: 'Find their own place', that's what you are saying?

The Hon. J.M.A. LENSINK: Yes. Let it be noted—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

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

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! I am going to ask the minister to conclude and we will move to the next question.

The Hon. J.M.A. LENSINK: Let it be noted that the specific example—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —that I was referring to was a specific reason for eviction, being that somebody might have a methamphetamine lab in their property. The Labor Party thinks that in that instance those people should not be evicted from their properties. Let that be noted.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter! Order!

Members interjecting:

The PRESIDENT: I call the Deputy Leader of the Opposition. Let's move on.

PUBLIC HOUSING TENANTS

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

Leave granted.

The Hon. C.M. SCRIVEN: On 13 January, 10 News reported the story of Karen and her son, Sean, who are public housing tenants. Sean is living with a disability, and the family said they were at breaking point because their home is not disability accessible and they had to wait 16 months for another home to be modified. Due to the wait for modifications, two homes were used for the family. This prevented another needy family from being housed. Once the new home was allegedly ready, it turned out that second-hand equipment had been used, makeshift ramps were installed and doors had been hung backwards in the bathroom. As 10 News reported:

Human services minister Michelle Lensink said in a statement that work is being done to get Karen and her family into the new home in the coming weeks.

My questions to the minister are:

1. Are Sean and Karen now in their new home?
2. Why did it take 16 months to modify a home?
3. How many other public housing families are currently allocated two properties at once because critical modifications are delayed for a year and half?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:29): My recollection of this particular case is that indeed the modifications were about to be rectified.

The Hon. K.J. Maher: When?

The Hon. J.M.A. LENSINK: Were about to be rectified.

The Hon. K.J. Maher: When?

The PRESIDENT: The Leader of the Opposition needs to be quiet. The minister has the call.

The Hon. J.M.A. LENSINK: It was a matter of being weeks away from being rectified, and I stand by that particular statement. In terms of how many other families are using two properties, I will need to see whether we have any information on that, and the reason for the delay I will also look into, but I think it is also worth reminding the council that, particularly due to COVID, there have been delays in supplies for particular items. That may have been the case in this case, but I will see whether we have any more information on that.

The PRESIDENT: The deputy leader, a supplementary.

PUBLIC HOUSING TENANTS

The Hon. C.M. SCRIVEN (14:30): That was now some weeks ago—

The PRESIDENT: Straight to the question.

The Hon. C.M. SCRIVEN: Can the minister answer whether Sean and Karen are in their new home?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): I stand by my previous statement—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition!

The Hon. J.M.A. LENSINK: —and I will also say that we are spending record amounts of money on maintenance in South Australia. I can repeat a whole range of things in relation to the record spending that we are putting into Housing Trust properties. I have avoided—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition and the Opposition Whip are out of order.

The Hon. J.M.A. LENSINK: I have resisted going to that place that the Labor Party wish me not to go to, but they have provoked me, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I think in terms of the—

The Hon. K.J. Maher: Telling someone to 'find their own place'?

The PRESIDENT: If the Leader of the Opposition does not cease, we will move straight to the next question.

The Hon. J.M.A. LENSINK: I think in terms of the maintenance, it's worth reminding the council that we have some 34,000 or 35,000 properties in the portfolio. When I came to office—

The Hon. I.K. Hunter: What about this one where you intervened in the media? What about this one in particular?

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

The Hon. J.M.A. LENSINK: —they were in a sorry state. It takes time and investment to improve this particular portfolio.

The Hon. I.K. HUNTER: Point of order, Mr President.

The PRESIDENT: There is a point of order. The minister will resume her seat.

The Hon. I.K. HUNTER: Very plainly, sir, the minister was asked about one property and two people. She intervened in the media on it, and she is not responding to that question. She is talking about properties from years ago.

The PRESIDENT: The member will resume his seat. There is no point of order, but I am sure the minister is heading towards a conclusion to this answer, because we are going to move on soon.

The Hon. J.M.A. LENSINK: It is interesting. I am not sure that I am going to take tutorials from the Hon. Mr Ian Hunter about how to respond in question time.

The Hon. I.K. Hunter: It's simple: answer the question.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Three no-confidence motions.

The PRESIDENT: No pointing.

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

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will be quick. Labor routinely cut the maintenance budget. We have maintained the maintenance budget. We have put \$30 million into it. We have been fast-tracking a whole lot of properties. We have been working through these in priority and—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —doing a much better job than the Labor Party could ever have dreamed of.

PUBLIC HOUSING

The Hon. E.S. BOURKE (14:33): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding public housing.

Leave granted.

The Hon. E.S. BOURKE: On 6 November last year, a Kilburn public housing tenant who has an intellectual disability reported having no hot water. The plumber attended within four hours, but there was nothing they could do because the system needed replacing. The installation was not completed until 12 November, after the member for Hurtle Vale in the other place contacted the minister directly to intervene in the issue.

The lack of hot water supply appears to contravene section 11 of the Housing Improvement Regulations 2017, for which the minister is responsible. I quote:

- (a) the residential premises must have a sufficient and continuously available supply of—
 - (i) hot and cold water plumbed to each bath, shower, hand basin, kitchen sink and laundry wash trough or basin...

My questions to the minister are:

1. Is hot water an essential service in a home?
2. What is an acceptable time frame to replace a hot water service?
3. What does the minister have to say to the other tenants who have no shower for a week and no alternative options provided by the South Australian Housing Authority?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): I thank the honourable member for her question. We do have a tiered system, in terms of the required response times for the works that need to be done.

In terms of hot water services, I do know that in one particular case—I'm not sure if it's the one that she is referring to—there was a particular hot water service where it did take more than a week for that to be replaced, but that was quite a complicated matter because there were additional works because it wasn't just a straight replacement but one whereby the gas line needed to be moved and the like, so that was clearly much more complicated. I think in that particular instance this tenant may have been offered alternative accommodation, but we do try to rectify these things within the KPIs to ensure that people are not disadvantaged.

LABOR GOVERNMENT FUNDING

The Hon. D.W. RIDGWAY (14:36): My question is to the Treasurer. Can the Treasurer please outline the actions being taken by the government to recover taxpayers' funds that might be potentially lost as a result of either loans or grants made by the former Labor government, of which there are two ministers sitting opposite listening?

The Hon. R.I. LUCAS (Treasurer) (14:36): I thank the honourable member for his question. This particular issue has attracted some recent widespread publicity in relation to actions that the government has had to take in some circumstances, in other circumstances other creditors have had to take, such as banks, in relation to businesses that received either significant loans and/or grants just prior to the last election in a cash splash by the former government in a desperate attempt to get re-elected. I am told that 932 financial packages in the 12 months leading up to the state election were offered to different businesses—\$420 million in loans and grants in that 12-month period.

I think all members will recall that, in the weeks and months leading up to the election, there was almost a daily press statement that new jobs were going to be created because the government had generously provided millions of dollars in grants or loans to, as I said, up to 932 different businesses in South Australia.

The Hon. D.W. Ridgway: That's three a day.

The Hon. R.I. LUCAS: It's a very large number, that's right. Sadly, two or three years down the track we are starting to see the first signs of action having to be taken to try to retrieve taxpayer

funds significantly at risk. Sadly, the Ellen Hotel in Port Pirie is one example of that, where a considerable sum of money was loaned to that particular business and the government, after a long period of time of trying to come to an arrangement about the repayment of that particular loan by extending the provisions and making other arrangements from a generous viewpoint to try to encourage repayment, was eventually forced to appoint receivers.

As I said, there has been recent publicity on regional radio about this particular issue, and the government's receivers, KPMG, have indicated publicly that they will be placing the hotel up for sale within the next two weeks to try to recoup some of the considerable taxpayer funding that is at risk. Another example is Somark, which was given \$4 million in loans and \$1 million in grants to establish a base at Tonsley Park. They were to employ up to 50 people. I am told in recent times they have terminated all 50 staff, so that there are no longer any staff employed in South Australia as a result of that \$5 million in grants and loans.

Members interjecting:

The PRESIDENT: Order! I can't hear the Treasurer, and he is not being assisted by members of his backbench.

The Hon. R.I. LUCAS: The government is desperately trying to see whether or not we can—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. R.I. LUCAS: —retrieve any of the \$5 million in grants and loans that are potentially at risk in relation to that.

The Hon. J.E. Hanson interjecting:

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

The Hon. R.I. LUCAS: As I said, contrary to the former Labor government's announcements that 48 full-time equivalent staff would be provided in terms of much-needed jobs, all the staff have been terminated. I am advised that there isn't a single employee left here in South Australia for the \$5 million offered by the former Labor government, of which, of course, the Hon. Ms Bourke was a very significant and senior adviser in relation to their policy direction, so I am advised.

Sadly, the third example in relation to trying to retrieve government funding—there are quite a number of other examples. I won't go through all of them; perhaps those two for the moment, because Australian Fashion Labels has already been much publicised. This was the much-spruiked \$50 million Unlocking Capital fund that former Treasurer Mr Koutsantonis spruiked as being the job saviour—a \$50 million program.

The member for West Torrens loved the Australian fashion label industry sector, it gave him plenty of opportunities for attending important A-list functions in Adelaide in the period leading up to the election. Sadly, again, almost \$2 million of taxpayers' money is now at risk because the bank involved in that particular case has brought in administrators because of the inability of the business to be able to repay the loans, and of course the taxpayers' funding is at risk.

Time doesn't permit, and nor would I waste too much more time of question time to list many, many other examples, at the moment, of taxpayers' funds at risk as a result of the former Labor government's reckless pursuit—unsuccessful, thankfully—of trying to win an election on the basis of splashing cash and picking winners. Sadly, we are having the taxpayers pick up the cost.

PERSONAL MOBILITY DEVICES

The Hon. M.C. PARNELL (14:42): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Minister for Infrastructure and Transport, about personal mobility devices.

Leave granted.

The Hon. M.C. PARNELL: Every day that I come into the city, I can be sure to see a range of electric personal mobility devices (PMDs). These include electric scooters and electric skateboards. Most are being ridden on footpaths and shared-use paths, such as the Mike Turtur Bikeway, which is the route that I cycle into parliament most days.

On 12 May last year, I asked a question about any government plans to regulate the use of privately owned e-scooters. These are different from the commercial e-scooters that are available for hire for short trips under trials currently underway in Adelaide and along the coastal path. By way of an answer, on 30 June last year, the Minister for Transport and Infrastructure advised that the National Transport Commission was conducting a review into the use of personal mobility devices, generally, and that this would inform the government's plans for PMDs. I understand that draft legislation is intended to be delivered to transport ministers by the National Transport Commission by May this year to legalise the use of PMDs on public infrastructure.

In the nine months since I last asked about this, the rise in popularity of privately owned scooters has continued unabated. For example, Scooter Hut on Marion Road has a range of almost 30 models of e-scooters that can be bought, not to mention the hoverboards and other personal devices. I also note that in other jurisdictions private electric scooter usage has been successfully regulated. These include New Zealand, Canada, Germany, France, South Korea and Austria. In South Australia they remain illegal, with the government website pointing out all the fines that riders will be subjected to if they use a private rather than a commercial electric scooter. My questions of the minister are:

1. Will the proposed legislative reforms in South Australia include the legalisation of privately owned PMDs, such as e-scooters, or will it be limited to commercial devices?
2. If not, how does the government propose to manage the hundreds if not thousands of these privately owned devices already in use in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:44): I will take the member's question on notice and bring back a reply.

NURSE SAFETY

The Hon. J.E. HANSON (14:44): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding nurses.

Leave granted.

The Hon. J.E. HANSON: The nurses' federation has revealed 22 assaults on nurses this year alone at the Whyalla Hospital, including punches, bites and strangulation. This has resulted in numerous injuries. SafeWork SA recommended in 2019 that security guards be brought in to the emergency department and that point has been repeatedly raised with the minister by the member for Giles in the other place. In May 2019, the minister told ABC radio that the report on security arrangements at the Whyalla Hospital was 'expected imminently'. My questions to the minister are:

1. Why has the minister refused calls from nurses, SafeWork SA and the local MP for over two years to introduce security guards at the emergency department?
2. Will the minister release the report he received in 2019 into security measures at the Whyalla Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I have certainly noted the public statements by the Australian Nursing and Midwifery Federation. I want to preface my remarks by reaffirming this government's abhorrence of violence in any form and particularly against our health workers when they are going about their daily lives. That is why it was this government that introduced the most stringent legislation protecting health workers in the workplace.

The government's determination to deal with violence in the health workplace has particularly been expressed through the Challenging Behaviour framework, which is a statewide framework that, consistent with our belief that real action happens on the ground, is led by LHNs to respond to particular challenges in their communities. Certainly, Whyalla has been an ongoing problem, and when I visited Whyalla I made a point of going to the emergency department. Some of the problems are structural; for example, the visiting area is in two separate waiting areas and that often is problematic in terms of managing the flow of both people who are needing emergency care and those who are attending them.

In the context of the ANMF statements today, I did seek information from the Flinders and Upper North Local Health Network and I can advise the following:

The safety of our staff and patients is always our top priority and any acts of intentional violence and aggression within our hospital are not tolerated. Our staff are highly skilled in preventing and responding to challenging behaviour and caring for complex cohorts of patients requiring close observation and care. Staff are trained in the Management of Actual or Potential Aggression—

which is a training program that is commonly called MAPA—

and Code Black training and are supported by additional nurses and trained support staff. As part of a security review, recent improvements have included a review of the duress alarm system, enclosing some nurses' stations and practical Code Black response training. We have also committed to establishing a Challenging Behaviour Prevention and Response Committee to oversee the implementation of the statewide Challenging Behaviour toolkit.

I certainly support the efforts of the local health network to work with staff to ensure that violence is reduced. Staff are encouraged to report instances of violence, and staff are supported, having been the victims of violence.

NURSE SAFETY

The Hon. J.E. HANSON (14:49): Supplementary: what are the conditions of the 22 nurses at the Whyalla Hospital who have been assaulted in the past month? Have any been seriously injured or required time away from work to recover, and were they protected by security guards at the time of that assault?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): Let me make clear that any assault is of concern. Certainly, the numbers of reported assaults do not tally with what the ANMF said in its press release and what the network has told me, so I am not going to look for 22 assaults. I will ask for information in response to the honourable member's question and I will bring that back.

NURSE SAFETY

The Hon. C.M. SCRIVEN (14:50): Supplementary: can the minister advise what were the recommendations of the 2019 review into Whyalla Hospital? Did those recommendations include security guards, and why will he not release the report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): The honourable member is jumping to conclusions that I am refusing to release the report. I will certainly seek advice as to the current status of—

The Hon. C.M. Scriven: 2019.

The Hon. S.G. WADE: As I said, I will seek advice as to whether or not that review has been released. In terms of the statement provided by the network, they have already indicated that they have responded in terms of duress alarm system review, enclosing some nurses' stations and also practical Code Black response training.

It would also be worth mentioning at this point that the Marshall Liberal government's investment in emergency departments is not limited to metropolitan Adelaide. The emergency department at the Whyalla Hospital will also be getting an upgrade, and that will help address some of the structural issues I referred to earlier.

NURSE SAFETY

The Hon. F. PANGALLO (14:51): My question to the minister in relation to this topic is: what is the level of security in place at the hospital, and is the minister aware that elderly tea ladies or orderlies have been given the task of raising the alarm when things go wrong?

The Hon. K.J. Maher interjecting:

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:52): I am going to ignore the interjection of the honourable leader and I thank the honourable member for his supplementary question. In terms of people being expected to report violence, I think it is a responsibility for all of us in the community, whether inside or outside a hospital, if we see violence to report it.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: As the adage goes, the standards we walk past are the standards we accept. If the opposition is wanting us to ignore violence, then say so. We are not.

Members interjecting:

The PRESIDENT: If the opposition continues to ignore answers—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter! We will move on. The Hon. Jing Lee has the call.

PUBLIC HOUSING

The Hon. J.S. LEE (14:53): My question is to the Minister for Human Services regarding public housing. Can the minister please provide an update to the council on how additional maintenance funding is being spent to improve public housing for tenants in South Australia?

The Hon. I.K. Hunter interjecting:

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): I thank the honourable member for her question.

The PRESIDENT: I could say the Hon. Mr Hunter might need to take a cold shower.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I know that she was listening intently and wanted to know more information, which is why she has asked this specific question.

If I could return briefly to a question I was asked earlier in question time in relation to the case raised by the Leader of the Opposition—and I thank him for not naming, as Labor members have done in this place, a particular client—I am advised that she has been in touch with my office by telephone. The reason for the eviction is that the property is a safety risk due to hoarding and clutter. This particular tenant has been offered alternative accommodation, which she has refused. On eviction she will be offered emergency accommodation. So once again we have an example of the Labor Party omitting facts—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —fabricating facts—

Members interjecting:

The PRESIDENT: Order! The minister has the call and will be heard in silence.

The Hon. J.M.A. LENSINK: Thank you, Mr President. Indeed, in relation to maintenance it is also worth reminding the house that I didn't talk about the asset condition inspection program, which commenced in 2018, because the Auditor-General had, in the previous year, identified that the South Australian Housing Trust properties had not had asset condition inspection reports since 2003.

That made it very difficult for asset management to be done in any sort of coordinated way, because the Housing Authority didn't have records of the condition of particular properties and therefore which property should be prioritised in terms of progressive maintenance and the like, which we are rectifying. I am expecting that report to be provided fairly soon, which will advise our comprehensive asset management program going forward in a comprehensive way.

As I stated earlier, we have actually increased the maintenance in the last 12 months. The maintenance budget was something that the Labor Party, when they needed cash for other pet projects and the like, would regularly raid. We have committed the full amount of the budget, and indeed have increased it by \$30 million in recent times, to work through things in a much more strategic way.

Of course, we had the COVID stimulus that has now been completed; \$10 million was allocated and has gone to the walk-up flat sites and to enable improvements to shed areas. This involves a range of sites including Parkside, Glengowrie, Christie Downs, Fullarton, Elizabeth, Oaklands Park and the like. We have also had a number of other properties that have required new kitchens, bathrooms and roofs in the Riverland, Mount Gambier and Port Augusta.

That is consistent with an additional commitment we brought through in our housing strategy, Our Housing Future 2020-2030. In addition, there is \$21 million worth of maintenance stimulus, which will be completed by mid this year. That includes upgrades to properties in metropolitan Adelaide and Kangaroo Island.

In addition to addressing the needs of our tenants who have properties that need to be upgraded, we are able to do things in a more strategic way. Fixing a roof in a timely manner prevents leaks that cause all sorts of other problems; as they say, a stitch in time saves nine. We have been cracking through for the benefit of our tenants—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —and also for the benefit of tradies in South Australia.

Members interjecting:

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

KANGAROO ISLAND PROPERTY REVALUATION

The Hon. J.A. DARLEY (14:58): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General, a question about revaluation of properties on Kangaroo Island.

Leave granted.

The Hon. J.A. DARLEY: Immediately following the bushfires on Kangaroo Island in January last year, the district council of Kangaroo Island made a request to the Valuer-General to review the capital valuations of all properties where the improvements on the land were completely or substantially destroyed, in accordance with section 15(1) of the Valuation of Land Act, so that the council could then provide ratepayer relief to owners for the period of January to June 2020. I understand the Valuer-General refused the request and will only adjust the valuation of these properties from 1 July 2020 rather than 1 January 2020, when the bushfires occurred.

1. Can the minister advise whether the Valuer-General will reconsider this decision?
2. Can the minister advise what action the Valuer-General has taken regarding the bushfires in Cudlee Creek, the South-East and, more recently, Cherry Gardens?

The Hon. R.I. LUCAS (Treasurer) (14:59): I will be pleased to refer the honourable member's questions to the minister and bring back a reply.

DISABILITY TRANSPORT SERVICES

The Hon. I. PNEVMATIKOS (14:59): My question is to the Minister for Human Services, but I seek leave to make a brief explanation before asking the question.

Leave granted.

The Hon. I. PNEVMATIKOS: In October 2019, the minister announced that the federal government had agreed to fund the SA taxi subsidy scheme for NDIS participants until 31 October 2021 or until longer term NDIS funding was agreed—so either/or. Due to the COVID-19 pandemic, many NDIS plans have simply been rolled over by the commonwealth government. This means that many people are still completely reliant on the SA taxi subsidy scheme. Further, it has been discovered that people with intellectual disabilities are being excluded from the scheme and are being told that they can catch public transport without proper checks on their safety and capacity. My questions to the minister are:

1. Will the minister rule out the taxi scheme ending in October for NDIS participants if they don't have the same or better transport assistance under the NDIS?

2. What discussions has the minister had with the commonwealth about extending the taxi scheme until all South Australian NDIS participants get adequate transport assistance from the NDIS?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): If I can answer the last part of her question first, this matter is an active discussion point through the Disability Reform Council, and South Australia's views are made known to the commonwealth in that respect. In relation to transport, as I think I may have described previously, there are three transport levels, ranging from \$1,600 to \$3,500, depending on whether participants are working, looking for work, studying or attending day programs.

SATSS supports people with permanent and severe disability who are unable to use public transport, providing a subsidy of up to 75 per cent on taxi fares. From 1 March last year, participants have been able to flexibly use their plans' core support funding to claim service provider costs associated with transport to and from NDIS-funded community-based activities, and providers are able to claim some of their vehicle running costs.

There is a program which is known as independent assessments which is being rolled out, and that has delayed some of the uplift, if you like, that I have spoken about previously, into people's NDIS plans. There are some developments in terms of a potential extension to the program, but those decisions have to be made via the Disability Reform Council process, so I can't provide those details until all jurisdictions have agreed, but that is something that we are continuing to support and advocate for.

DISABILITY TRANSPORT SERVICES

The Hon. I. PNEVMATIKOS (15:03): Supplementary arising from the original answer: how, exactly, will the minister ensure that people who do not have adequate transport subsidies in their NDIS plans, such as those with intellectual disability, are not excluded or disadvantaged?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:03): I do find, from the member's original question, the concept of people being excluded from having that in their plans disturbing, and if there are any individual cases, we are more than happy to advocate for those. The process, in terms of people's plans—there is a particular process in place, and people are able to seek reviews of those, and indeed they can even take those rulings to the Administrative Appeals Tribunal if they are not satisfied.

The Hon. C.M. Scriven: So you won't do anything. Is that the answer? You won't do anything to help.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: But we are also able to make inquiries through the members' and senators' contact office, which—

The Hon. C.M. Scriven: So nothing to do with you, yet again.

The PRESIDENT: The Hon. Ms Scriven will come to order.

The Hon. J.M.A. LENSINK: Mr President, I think the honourable member wasn't actually even listening to what I was saying, that we are able to advocate on behalf of individuals through that MASCO process, and I am more than happy to take up any of those. I find it hard to believe that it would be a particular policy decision of the NDIS, but if there are individuals who have been impacted then we are more than happy to take up their case on their behalf.

DISABILITY TRANSPORT SERVICES

The Hon. T.A. FRANKS (15:04): Supplementary arising from the original answer: has the rate or format of the independent assessments been affected by the COVID-19 pandemic in any way? If it has been adverse, has any advocacy been undertaken to the commonwealth with regard to this?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): The independent advocacy process is being tested at the moment and there is a lot of feedback being received,

including from South Australia. I think it would probably be premature to state what changes might be made to that particular system at this stage.

DISABILITY TRANSPORT SERVICES

The Hon. F. PANGALLO (15:05): Supplementary arising from the initial answer given by the minister when she referred to the extension of the program: does that also involve or is the government considering or negotiating with rideshare providers to be part of the taxi voucher scheme?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): I would need to take that on notice and refer that to the Minister for Transport, who is actually responsible for the SATSS scheme, but I am happy to ask him that question and bring back a response.

HEALTH SERVICES

The Hon. T.J. STEPHENS (15:06): My question is to the Minister for Health and Wellbeing. Can the minister update the chamber on what this government is doing with regard to preventative health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): I would like to thank the honourable member for his question. The COVID-19 pandemic has been with us for a little over a year. It has presented many challenges and we have learnt many lessons along the way as part of our rapidly evolving response. One lesson the pandemic has underlined is the importance of preventative health, with complications and death from COVID-19 frequently associated with comorbidities, including preventable conditions such as obesity.

After the McCann review, the former Labor government took millions of dollars out of preventative health programs, but the Marshall Liberal government, from opposition, recognised the importance of preventative health and made a number of clear commitments, and we are delivering on them.

One commitment was to invest in the Healthy Towns Challenge. The Healthy Towns Challenge initially committed \$1 million over four years to support projects in rural and regional South Australia that promote health and wellbeing in the local community. Applications for the fourth round opened last month and will close on 26 March.

I am very much looking forward to hearing the ideas that will come from rural and regional South Australia this year, because the first three rounds have been so exciting. The previous three rounds have seen a number of innovative projects, such as a school kitchen, helping students and their families learn how to prepare nutritious meals; a bike program aimed to encourage physical recreation and develop the skills to maintain a bike; and also a partnership with a community co-op store and University SA to support increased activity and healthy eating in the community.

On their own, each of these projects receive modest levels of funding, but collectively their potential is significant. By bringing people together and helping them to embed the sort of healthy behaviours that can make a real difference to people's lives, they can have an ongoing impact on the broader community.

I know that when the Hon. Terry Stephens was the legend of the South Whyalla Football Club, organised sport was a dominant presence in country South Australia. I know that it is still very strong. In fact, I am now getting memories of the Hon. John Dawkins' illustrious sporting career. I am feeling more and more inadequate being in such a constellation of sports champions.

Pushing on, I would simply say that I would encourage all South Australian communities to visit the Healthy Towns Challenge website, to be inspired by the stories of other towns and communities across the state and decide what innovative ideas you might bring forward to be part of the future wellbeing of your community.

SOUTH EASTERN FREEWAY SPEED CAMERA TESTING

The Hon. F. PANGALLO (15:09): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing, representing the Minister for Police in another place, questions about speeding fines on the South Eastern Freeway.

Leave granted.

The Hon. F. PANGALLO: Yesterday, on ABC radio, the South Australian police commissioner, Grant Stevens, said SAPOL withdrew the south-east expressway trial case because, and I quote:

The process that we have in place for testing the cameras, which requires particular information to be recorded on—forms that are then certified—that information was not recorded by an individual.

In addition, he noted, and again I quote:

There was a failure to retain a video of the testing process and because of those two failures—a failure of our obligations—it was appropriate that we withdrew that particular matter.

Mr President, I have a series of questions here, but rather than soak up valuable question time, can I seek leave to have them inserted?

Members interjecting:

The Hon. F. PANGALLO: Would you like to hear them?

The PRESIDENT: You need to put them on the record, but I will indicate that I would prefer that you be concise.

The Hon. F. PANGALLO: I will look up if you are waving the stick at me. My questions for the minister are:

1. Can he please advise for how long had the failure of the south-east expressway camera procedure been operative or undetected?
2. On what date was the failure of the camera testing procedure, as described by the commissioner, first detected?
3. Did SAPOL prosecutions discover the failure of the camera testing procedure in preparing to prosecute these offences?
4. If not, who and what SAPOL process detected the failure of the camera testing process?
5. On what dates have the south-east expressway cameras been tested, as per the correct procedure; that is, the correct form was properly certified and the video footage was retained and any other parts of the process were adhered to, as was required?
6. On what dates were the south-east expressway cameras tested, as per the failed procedure described by the commissioner?
7. The commissioner also said a few dozen cases were similarly aligned with the test case. How many cases since May 2019 are affected by this camera testing procedural failure?
8. What is SAPOL doing about the cases that were affected by the same procedural failure but have been paid, demerit points lost and licence suspensions have been or are being served?

The PRESIDENT: Before calling the minister, I just remind the Hon. Mr Pangallo that in the case of such a complex set of questions he could look at putting those questions on notice. That is just another alternative. I call the minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I thank the honourable member for his questions, and I certainly undertake to refer them to a colleague in another place and bring back an answer.

VACCINATION

The Hon. T.T. NGO (15:12): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding vaccines.

Leave granted.

The Hon. T.T. NGO: The minister would be aware of the significant pressure on our healthcare workers this year to deliver both the COVID and influenza vaccines. The minister has

previously resisted calls to allow community pharmacies access to the National Immunisation Program stockpile of influenza vaccines for people over the age of 65. In contrast, the other states allow pharmacists to use these vaccines. Pharmacists have now been told they will help to deliver the COVID vaccines, but there is no answer from the state government about flu vaccines from the National Immunisation Program stockpile. My questions to the minister are:

1. How exactly will the state government make sure that people can get both influenza and COVID vaccines this year?

2. Will the minister allow pharmacists to administer the influenza vaccines through the National Immunisation Program stockpile?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I thank the honourable member for his question. I must admit I am disappointed with it in many ways because the Hon. Tung Ngo is less inclined to misrepresentation than other colleagues on the other side. To try to give the impression to this chamber that all other states and territories provide National Immunisation Program vaccines to pharmacists on the same basis as doctors is simply misleading. My recollection is that two or three jurisdictions allow a pharmacist to access NIP vaccines for very limited cohorts.

Having put aside the distortion, let me address the issue, which is about what role pharmacists might have. I suppose the honourable member was specifically talking about the influenza vaccine, but in relation to the 2020 response you cannot think about pharmacists and influenza vaccines without thinking about pharmacists and COVID-19 vaccines. What the commonwealth is doing, and I strongly commend them for this, is engaging with a whole range of immunisation providers who might be able to help assist in the immunisation program.

That is a very sound approach, considering that not only in this state but right across the nation we are faced with the largest peacetime operation since World War II. I suppose World War II wasn't peacetime, but let's be clear, this is huge. We must be realistic. An operation of that size will have road bumps, but what we need to make sure is that, just as we have as a community pulled together all our resources to respond to the pandemic in year one, we need to do exactly the same to back the vaccination program.

What has the commonwealth done? What they have done is they have issued an expressions of interest process to both GPs and pharmacists. They are both underway. I haven't had this confirmed, but I understand the GP EOI might well have been extended to make sure that we maximise the engagement. The commonwealth, as I said, is looking at a range of immunisation providers. It is talking about engaging Aboriginal community-controlled health organisations and other immunisation providers.

What is going to be a particular challenge this year is to make sure that we maintain our effort on immunisation generally as well as the COVID-19 vaccine. That's not just influenza. This house is well aware of this government's proud investment in meningococcal B vaccinations.

Members interjecting:

The Hon. S.G. WADE: I am sorry, if the Labor Party wants to condemn us for meningococcal B vaccination, just feel free to put it on a notice of motion, but don't do it with—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition did become quiet for a little while, but he is behaving badly again. The minister, I am sure, is seeking to come to a conclusion, but he will be heard in silence. The minister.

The Hon. S.G. WADE: If I could try to reconstruct the train of logic to keep it simple for the members of the opposition, simply the point I am making is that we have a huge vaccination program that we face in 2021. We have a series of national and state-funded immunisation programs, e.g. flu and meningococcal B vaccinations, to deliver in the same year. The commonwealth has very wisely engaged a whole range of immunisation providers in the COVID response and the rollout of the NIP vaccines in 2021.

Members interjecting:

The Hon. S.G. WADE: If I could continue to answer without being heckled—

The PRESIDENT: Order! If the opposition has asked this question and they are not willing to listen to the answer, we will move on.

The Hon. S.G. WADE: Even if the honourable opposition members are not interested in the answer to their own question, I can assure you the broader community is because the broader community is willing to back vaccines. That's why—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —the report on government services showed that we are within a hair's breadth of reaching the 95 per cent vaccination rate for—

The Hon. K.J. Maher: What's the rate for COVID, though?

The Hon. S.G. WADE: The question wasn't about COVID. It was about influenza.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Minister, conclude your answer and we will move on.

The Hon. S.G. WADE: To go to the point the honourable member was raising, in the context of COVID, in the context of the need to maintain our ongoing vaccination programs, of course the commonwealth is engaging pharmacists. We will need to look at the management of the health workforce to support both the COVID response and the National Immunisation Program response. Certainly, in the context of the demands on the GP network, particularly in relation to COVID, there may well be a case for engaging pharmacists in areas that they haven't been engaged in before.

Bills

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (OMNIBUS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2020.)

The Hon. C.M. SCRIVEN (15:20): I indicate that I am the lead speaker for the opposition. This bill is another that relates to South Australia's important role as the lead legislator in this sphere. It is an omnibus bill that makes a series of changes to tidy up various national energy laws. It amends the National Electricity Law, the National Gas Law, the National Energy Retail Law and the Australian Energy—

Members interjecting:

The PRESIDENT: Order! I am not sure what cordial some people have been having at lunchtime, but we have too much noise in the chamber today and it would be nice to hear the speaker who is on, on this occasion, her feet.

The Hon. C.M. SCRIVEN: This amends the National Electricity Law, the National Gas Law, the National Energy Retail Law and the Australian Energy Market Commission Establishment Act of 2005. The COAG Energy Council agreed, so I am told, on 19 August 2019—so a bit of time ago—that there should be a legislative package to reduce some administrative burdens.

I am advised that this omnibus bill clarifies the meaning of a participating jurisdiction to address an ambiguity in the context of participation of non-interconnected jurisdictions to the National Energy Market (NEM). That includes the Northern Territory, which is a member of the NEM, and Western Australia, which is not a member of the NEM but a state nevertheless that participates in

the Energy Council. It also amends the meaning of 'minister'. I am not quite sure what the disparity was, but apparently that needed to be clarified.

It removes a redundant reference to the limited merits review regime. Former energy minister and current Treasurer, the Hon. Josh Frydenberg, committed to removing the ability of a limited merits review from regulated assets. He believed that the process was flawed and that it enabled regulated assets to inflate their return and they were therefore gaming the process. The debate in the other place recorded that the commonwealth government acted unilaterally without the consent of the COAG Energy Council to remove the limited merits review, and this bill now recognises that change.

It also removes the current limitations on the National Gas Law that will enable any party to propose rule changes. I am advised that currently only the Victorian minister and the commonwealth minister can propose rule changes for the Victorian gas market, and given this is a national market the amendments will allow all jurisdictions to request rule changes of the Australian Energy Market Commission.

This also removes the requirement for advertising in newspapers. We are told the council believes this will be a more efficient and timely way of getting information out to the community by using source means other than newspapers. I think this is not a good move. I am sure this will save some money, and it might well be that they are thinking of the bureaucracy behind it, but that advertising money is crucial to many papers, in particular those in regional areas.

Regional publications rely on advertising revenue. In particular, it is important that regional newspapers have the level of support that is available through simply ensuring that communications from government are advertised in regional newspapers, and this is not the only area where the need to advertise is being removed.

The government will say that in fact they have spent more money on regional newspapers over the last 12 months, but of course that ignores the fact that there has been a need to advertise in regard to the COVID pandemic. It is important that we maintain advertising within regional newspapers, and I think this is a retrograde step. However, given that it is a national reform, the opposition will not oppose it, but we are not actually convinced that it is a good thing.

I am advised that every state has its own arbitration measures and that the current national energy law requires you to use those. I understand this bill is being amended to give these requirements and makes reference to certain provisions of the Commercial Arbitration Act of this jurisdiction. That will ensure that there is one set of rules across the entire jurisdiction for commercial arbitration.

There are a number of other reforms that do not appear to be particularly controversial. The bill removes some inconsistencies in the reading down provisions in the NEL, the National Gas Law, the National Energy Retail Law and the schedules to avoid commonwealth officers being subject to state legislation. This is what the opposition has been advised, and we take that information from the government and assume that it is appropriate. In line with the longstanding policy to support national reforms of this nature, Labor will be supporting this bill.

The Hon. R.I. LUCAS (Treasurer) (15:25): I thank the speaker for her indication of support for the bill, as well as thanking the other members who have, by way of separate indication, indicated that there is no opposition to the passage of the legislation. I look forward to its speedy passage through the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (15:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RADIATION PROTECTION AND CONTROL BILL*Final Stages*

Consideration in committee of message No. 89 from the House of Assembly.

Amendment No. 3:

The Hon. J.M.A. LENSINK: I move:

That the council does not insist on its amendment No. 3.

The other place has considered the amendments to this bill that were passed in the Legislative Council on 15 October last year. The assembly has agreed to six of the seven amendments but disagreed with amendment No. 3, which seeks to amend clause 49. Six out of seven demonstrates a strong collaborative approach between the houses on this important legislation. The government supported four of the amendments when the bill was initially considered in this place and has amended its position on two of the other amendments since then.

In the other place, the government agreed to amendment No. 2 at clause 28, which removes the ability for the clause to be repealed by proclamation, and amendment No. 4 at clause 65, which allows the court to consider whether an applicant is furthering a wider group interest or the public interest or whether the proceedings raise significant issues relating to the administration of this act when determining orders for security costs, undertakings as to damages and compensation.

The government has given further consideration to amendment No. 3 following its passage in this place and remains of the view that it is deficient and cannot be supported. This was reflected in debate in the other place, where the amendment was disagreed to with the support of the opposition. The opposition indicated in the other place that it would hold the same position in the Legislative Council.

Amendment No. 3 would allow the EPA to set regulatory obligations on the mining and mineral processing industry contrary to national and international standards that are based on internationally recognised, best available science—national and international standards recognised by the United Nations.

In 2004, the then Labor South Australian government agreed through the Australian Health Ministers Conference to implement the National Directory for Radiation Protection, which establishes a nationally agreed and uniform approach to radiation protection and safety. The adoption of national standards and codes of practice are a key part of national uniformity in radiation protection and reflect the best available international science.

The amended provision would not apply to Olympic Dam due to the Roxby Downs Indenture, so for BHP the international standards would remain in place. During the second reading in this place, the Hon. Mr Parnell noted his intention that the amendment was to apply to Olympic Dam, so it does not actually even achieve that objective.

Instead, it would create an unlevel playing field in the mining industry, allowing the EPA to set different rules for each of the other mining companies licensed under the legislation, which include Heathgate, Boss Resources, Murray Zircon, Iluka and OZ Minerals, without any scientific basis or any certainty for business as to what those limits might be. The EPA could unilaterally apply whatever limits it likes that are more stringent than the international standards. We do not believe that parliament should be establishing legislative schemes that create unnecessary and unwarranted uncertainty for business.

In reality, however, I am advised that the EPA would simply not apply limits contrary to international best available science, and that is because this amendment makes no sense. The occupational standards we are talking about are applied equally across all industries where there is occupational exposure to radiation. Radiation does not act differently on people in different mines or different occupations. These are standardised dose limits applicable across the spectrum of occupations exposed to radiation based on best available science on the potential for impacts of radiation on the human body.

The fact that the EPA have indicated that they would not apply stricter controls is, unfortunately, no remedy for the uncertainty for business that this amendment creates because it could be used, hence the residual uncertainty that may impact on investment decisions. It is for these reasons that the government strongly opposes the amendment and agrees with the message from the House of Assembly.

The Hon. K.J. MAHER: I place on the record that we will agree with what has come back from the House of Assembly.

The Hon. M.C. PARNELL: You are not giving me much to work with there, are you? The Greens strongly believe that the council should insist on its amendment. The council's amendment was to clause 49 of the bill, and I want to put that clause on the record again because it is a unique and bizarre provision that, as far as I am able to determine, exists nowhere else in Australia. It is a clause that ties the hands of regulators to ensure that South Australia can never be the safest jurisdiction. Clause 49 reads:

Despite any other provision of this Act, no limit of exposure to ionising radiation may be fixed by the regulations or a condition of an authorisation imposed under this Act in relation to an operation for mining or mineral processing that is more stringent than the most stringent of all the limits, or less stringent than the least stringent of all the limits, for the time being fixed in the codes, standards and recommendations applied, approved or published under the Australian Radiation Protection and Nuclear Safety Act 1998 of the Commonwealth or any other Act or law of the Commonwealth or by the National Health and Medical Research Council, the International Commission on Radiological Protection or the International Atomic Energy Agency.

That is the clause. When we last debated this bill on 15 October last year, I was pleased to have the support of the Labor Party for a number of important amendments. Back then, the Labor Party accepted an important legislative principle that when it comes to health and safety the parliament ought not constrain the executive to impose appropriately tough standards as informed by the best available evidence.

Last year, the minister in charge of the carriage of this bill took a swipe at some of the groups I had cited in support of the amendment. The minister said that I had applied some 'fairly undergraduate internet organisations to advance my causes'. This time, let me go a little bit higher up the food chain. I will go higher up the pecking order of credible organisations and I will start by quoting from the Australian Radiation Protection and Nuclear Safety Agency's publication, *Fundamentals for Protection Against Ionising Radiation*, published in 2014. This is a report from ARPANSA, our nation's peak federal radiation safety agency, on the very subject of this amendment. That report says:

Radiation science and epidemiology are continuously advancing scientific areas, and new data of relevance to management of radiation risks can be expected in the future, in particular (but not exclusively) as our understanding of the biology of cancer induction deepens, we gather more data on non-cancer effects, epidemiological studies provide data with increased statistical power, and we gain more understanding on environmental impact. Our basic scientific assumptions and risk models have so far proved to be robust and to accommodate the advancing frontiers of science.

This is the kicker:

However, regulators need to keep a watchful eye on scientific developments and make necessary changes to the framework for managing radiation risks as our understanding of such risks improves.

'Keeping a watchful eye!' That I think is the key part of the section I read out, but I will break it down a little bit further. When it says 'radiation science and epidemiology are continuously advancing scientific areas'—they are the words ARPANSA has used—how do we best respond to that continuously changing environment? Is it by setting standards through legislation that can only be amended through the arduous process in parliament on the floor of each of the chambers, or does it make more sense to use subordinate legislation—so, regulations—or administrative licences and permits made by the executive, which can be nimble and can quickly respond to the latest medical knowledge or emerging threats to public safety?

I argue that the latter approach makes more sense. We tend not to put detailed numerical or quantifiable standards in acts of parliament; they go in the regulations and in the licences. My amendment would ensure that, if the threat posed by ionising radiation turns out to be greater than is currently internationally recognised, future governments would be quickly able to amend the relevant regulations or licences to reflect this new awareness. ARPANSA then goes on to say, 'Our

basic scientific assumptions and risk models have so far proved to be robust and to accommodate the advancing frontiers of science.' They said that seven years ago.

One advantage of using delegated legislation or regulations and administrative licences—so, permits and approvals—is that they can respond quickly. Another benefit of this approach is that it can quickly fill in gaps: the parliament sketches the outline and the executive colours between the lines.

As 2020 demonstrated, there are limits to our capacity to anticipate the future. The minister and the opposition may claim to see no problems at all in clause 49 as it was drafted, but just because they do not see the problems does not mean they are not there lurking somewhere in the future. Former US Secretary of Defence Donald Rumsfeld famously referred to known unknowns and unknown unknowns, while author and former options trader Nassim Taleb wrote about the 'black swans': highly improbable and unanticipatable events.

In passing legislation in this place, we need to ensure that we give the executive the room to respond to the black swans, the unknown unknowns. This bill, as presented to the house by the government, presumes that the approach that has worked so far, according to ARPANSA, will always work into the future. This seems to also contradict the next piece of ARPANSA advice, which is that regulators need to keep a watchful eye on scientific developments.

The South Australian government is the regulator of ionising radiation in this state, not the commonwealth, not the National Health and Medical Research Council, not the International Commission on Radiological Protection or the International Atomic Energy Agency. It is the South Australian government, and the government's legislation asserts that we can close our watchful eyes and we can have a snooze while we handball responsibility for setting standards to others. This, I assert, goes against the express advice of the Australian Radiation Protection and Nuclear Safety Agency.

As I stated when I successfully moved my amendment last year, with the support of the ALP, in all likelihood the approach that has been adopted so far, the approach of accepting the assessment of all these other bodies when setting standards in South Australia, is most likely to remain the approach that will be taken by this government and subsequent governments. The minister, in her contribution just now, effectively said the same thing: as far as they are concerned, they are going to keep doing what they have always done in the past.

In fact, she pointed out that the EPA has said, 'Well, we are not going to deviate from these international standards. We're just going to keep doing what we've always done.' Therefore, this section is, by definition, an insult to the EPA and it is the government and the opposition saying, 'We do not trust what the EPA tells us they are going to do. We don't trust you, so we're going to write it in legislation that you can never—in a fit of pique or for any other reason—ever go against what the international or federal nuclear advice is. You cannot ever make sure that South Australian workers will be protected more than workers anywhere else.'

The minister is having it both ways. She is saying that she has advice from the EPA that they are not going to do anything different from normal, but because she does not trust them they are going to put in the legislation to say that they can never promote regulations or put things in licences that are tougher than these national standards.

My amendment I think is still well worth supporting because it ensures that South Australian authorities responsible for the health and safety of South Australian workers and the South Australian community will keep their watchful eye on this continuously changing field of scientific knowledge. If the standards need to be strengthened, that is what we should do. We should not be ashamed about being the first to do the right thing. It did not stop us when extending the vote to women. It did not stop us introducing container deposit legislation or banning some single-use plastics. Why should we tie our own hands about being a leader in public health and safety?

The way I see it, the rejection of this sensible Greens amendment makes no sense at all. It is certainly my experience that, as medical knowledge advances, the most likely outcome is that we realise that certain chemicals or pollutants, or in this case radiation, are in fact more dangerous than we previously thought. Industry knows this and that is why industry always tries to get the government

to lock in old standards into the future for fear that with new knowledge regulators might try to toughen them.

I go no further than the shameful approach this parliament took in relation to lead pollution in Port Pirie. The industry knew that as the Americans were doing more research they were discovering that lead was far more dangerous than we had first thought and they were going to toughen their standards. So what does the lead smelter do here? It goes screaming to the government and says, 'You've got to pass a law which says "You can never make lead pollution standards tougher unless we agree or unless the industry minister agrees."'

That, again, was a kick in the guts to the EPA. It is saying, 'We don't trust you to assess medical evidence. We don't trust you to assess the changes in research and understanding. We don't trust you at all. We're going to legislate to make sure that you can never impose on our mates tougher standards.' That is what they did with Port Pirie and lead, and what have we seen in the last year or so? More little kids with higher levels of lead in their blood, leading to developmental problems.

And here we are: even though we do not have as concrete an example with radiation, the government wants to put in place a measure to make sure that there can never be improvements made to occupational health and safety standards in this state unless it is on the back of what other people are doing elsewhere. We can never be the first.

In closing, I would say that the government might assert, as it has asserted, that this is all about maintaining national uniformity, but my question would be: if that is the case, why does not any other state have a section like this in their equivalent legislation? As far as the research I have done goes, I have not found one. I think they do not put them in because it does not make sense. It is poor legislative practice and it goes against the advice of the experts. So the Greens will be maintaining our insistence on this sensible amendment and we will be voting against its deletion from the bill.

The CHAIR: The question I will put will be in the positive form, that the Legislative Council amendment No. 3 be insisted on. So those who wish to not insist will vote no. The question is that the Legislative Council amendment No. 3 be insisted on.

The committee divided on the question:

Ayes..... 4
 Noes 16
 Majority 12

AYES

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

NOES

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

Question thus resolved in the negatived.

STATUTES AMENDMENT AND REPEAL (BUDGET MEASURES) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:52): I move:

That this bill be now read a second time.

The 2020-21 budget is focused on the government's priorities of increasing economic growth and jobs, supporting our businesses and the community and providing better public services for South Australians. As part of the 2020-21 budget, the government has announced measures to:

- bring protective security officers within the Police Act 1998 as police security officers with appropriate non-sworn officer powers. Implementation of this measure requires the consequential amendment of a number of pieces of legislation and the repeal of the Protective Security Act 2007;
- address an administrative inconsistency between the Statutes Amendment (Mineral Resource) Act 2019 and the Statutes Amendment (Budget Measures) Act 2019;
- require the payment of all impounded or clamped vehicle fees up-front at the time of vehicle release;
- update an outdated reference to the Motor Accident Commission as the body responsible for determining CTP insurance premium classes to the CTP regulator;
- clarify amendments to the Land Acquisition Act 1969 to make aspects of the land acquisition process simpler and more transparent, including to allow land acquisition to be expedited in appropriate cases to facilitate economic stimulus measures;
- allow the Public Trustee to charge an increased investment management fee on common funds;
- amend the Legislation (Fees) Act 2019 to clarify the intended operation of the act in relation to the making of fee notices ; and
- amend the definition of net gaming revenue in the State Lotteries Act 1966 to exclude agents' commissions.

I turn now to a more specific discussion of the detail of these important amendments. The Aged and Infirm Persons' Property Act 1940: the bill introduces an amendment to the Aged and Infirm Persons' Property Act 1940 to allow an investment management fee as determined by the minister by fee notice under the Legislation (Fees) Act 2019 to be charged by the Public Trustee.

Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007: the bill amends the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 so that offenders will be required to pay the impounding fee at the time of the release of their vehicle. Currently, prior to the finalisation of criminal proceedings, an alleged offender is able to recover their impounded vehicle after at least 28 days without paying the relevant impounding fee. The ability for SA Police to recover its costs is therefore dependent on the successful conviction of the alleged offender, the court making an order that the person is liable to pay the relevant fee and the convicted offender paying the fee.

This bill will ensure the payment of impounding fees up-front, at the time of release of the vehicle, even when court proceedings for an individual have not been finalised. In situations where the alleged offender is not found guilty of a prescribed offence, the charge of the prescribed offence has been withdrawn or proceedings for the prescribed offence have been discontinued, the fee paid will be reimbursed.

The requirement to pay the impounding fee at time of release will result in additional revenue of approximately \$1.5 million per annum. Similar arrangements for the payment of impounded vehicles are in place in Victoria and Tasmania.

Emergency Services Funding Act 1998: these amendments are administrative in nature. The emergency services levy is paid on mobile property, such as motor vehicles, at the time of registration. The amount of levy payable is set with reference to compulsory third-party premium classes. The amendments reflect that responsibility for determining these classes now rests with the CTP regulator.

Land Acquisition Act 1969: following the commencement of the Land Acquisition (Miscellaneous) Amendment Act 2019 (the amendment act) in July of this year, it has been

determined that a small number of clarifying amendments are needed to ensure the provisions introduced in the amendment act operate as intended.

These amendments will also make aspects of the land acquisition process simpler and more transparent. One new provision is included to allow land acquisition to be expedited in appropriate cases to facilitate economic stimulus measures, which is important in the uncertain times we find ourselves in.

The provisions amend the Land Acquisition Act 1969 to provide that the minister may, by notice in the *Gazette*, fix a possession date for land to be acquired that is less than three months from the date of the notice of acquisition for a specified project or projects. The provision will allow land acquisition for relevant stimulus projects, such as lane widening and additional overtaking lanes, to begin more quickly in appropriate cases.

The amendments also clarify that where land is acquired but an owner remains in occupation of the land, that a market rent can be charged by the acquiring authority three months after the date of the notice of acquisition. This was the original intention of the amendments dealing with this issue in the amendment act and these provisions operate to clarify this intention.

The bill also clarifies the definition of vacant land. 'Vacant land' is now defined to include residential land on which no person is lawfully residing at the time, or non-residential land that is not genuinely being used for income producing purposes at the time, or primary production land that is not actively being used for grazing, cropping, horticultural, horse keeping, intensive animal keeping, animal husbandry or other primary production purposes at the time. This will avoid unnecessary disputes and delay when vacant land is acquired. The remaining amendments are consequential amendments to section 24.

Legislation (Fees) Act 2019: the bill makes minor amendments to this act to clarify the intended operation of the act in relation to the making of fee notices. In particular, the bill amends the definition of 'relevant authority' in the Legislation (Fees) Act to make it clear that where an act authorises:

- a specified person or body other than a minister to prescribe a fee by regulations; or
- both a minister and a specified person or body to prescribe a fee by regulations;
- the relevant authority for the purposes of the Legislation (Fees) Act is the minister to whom the relevant act is committed.

The Statutes Amendment (Budget Measures) Bill 2020 contains amendments to the necessary legislation to implement these measures.

Mining Act 1971: in 2019, the budget removed the practice of returning 95 per cent of the rental payments to mining lease and licence holders who were also the freeholder owner of the relevant land, ensuring 100 per cent of the rent is paid into Treasury general revenues. As the Statutes Amendment (Mineral Resource) Act 2019 predated the 2019 budget, this amendment will ensure the 2019 budget measures are not inadvertently unwound.

Police Act 1998: the amendments to the Police Act 1998 and the Police Complaints and Discipline Act 2016 together incorporate the appointment, duties, powers and accountability of protective security officers. The terms of the Protective Security Act 2007 relating to appointment, powers and duties, etc., will be included within the Police Act 1998, with the complaint and disciplinary matters to be the subject of the Police Complaints and Disciplinary Act 2016.

The amendments are directed to the future of policing. The public is best served by having experienced and highly trained police focused on policing and by enabling others to become engaged in policing support types of roles. Our recent and continuing experience with the COVID-19 pandemic has underlined the need for this development.

The bill includes regulation-making powers to enable police security officers to perform other roles, duties and powers in support of policing so that the important work of police officers can focus on the safety of our community, the prevention of crime and the investigation and apprehension of those engaged in unlawful activity.

The bill provides for the transition of current protective security officers into the new police security officer roles and makes consequential amendments to the Independent Commissioner Against Corruption Act 2012, the Public Sector Act 2009 and the Security and Investigation Industry Act 1995. The amendments and repeal of the Protective Security Act 2007 will come into effect on a date to be fixed by proclamation, as will the contemplated regulations.

I am pleased to note that this initiative has arisen from enterprise bargaining negotiations with the Police Association of South Australia. I welcome the association's foresight and support for the future of policing and community safety. The contemplated regulations to address other additional roles, duties, powers and accountabilities of the new police security officer role will be the subject of development by the Commissioner of Police in consultation with the Police Association of South Australia. The Commissioner of Police will also implement a consultation process with protective security officers and their industrial representatives.

Public Trustee Act 1995: the Public Trustee will be increasing the investment management fee for growth common funds from 1 per cent to 1.2 per cent per annum, commencing on 1 July 2021. The investment management fee for defensive common funds will remain at 1 per cent, reflecting the lower returns achieved for this product. The proposed management fee for growth common funds will remain lower than those able to be charged in the Northern Territory, Western Australia and Queensland.

State Lotteries Act 1966: under the State Lotteries Act 1966, a payment of 41 per cent of net gambling revenue for lotteries conducted by the commission is payable into either the hospitals fund or recreation and sports fund. The definition of net gambling revenue currently includes agents' commissions, which is a charge included in the price of each ticket in a lottery to be paid to the agent who sells the ticket.

Representations have been made that the inclusion of agents' commissions in the calculation of net gambling revenue is a barrier to increasing agent commission rates, noting that certain commission rates paid in South Australia are below rates in other jurisdictions. The amendments to the State Lotteries Act 1996 will exclude agents' commission from the definition of net gambling revenue, offset by a revenue neutral increase in the rate of distributions from net gambling revenue to the hospitals fund and recreation and sports fund. Different payments as a proportion of net gambling revenue will be introduced for keno lotteries and other types of lotteries to achieve a revenue neutral outcome for distribution to relevant funds.

The 2020-21 budget is a responsible budget focused on creating jobs, backing business and building what matters. The measures contained in this budget measures bill 2020 support the efficient operation of government, the ongoing collection of necessary revenues and provision of better services. I commend the bill to the council, and I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Aged and Infirm Persons' Property Act 1940*

4—Amendment of section 20—Percentage of moneys collected payable to Public Trustee

This clause amends section 20 to allow commission or fees to be paid from an estate in respect of which the Public Trustee is appointed manager to the Public Trustee at amounts or at rates prescribed by the Minister for the purposes of the Act by fee notice under the *Legislation (Fees) Act 2019*.

Part 3—Amendment of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

5—Insertion of section 4A

This clause inserts new section 4A into the Act to combine in an interpretation clause for Part 2 of the Act a number of defined terms currently used in discrete sections.

6—Amendment of section 8—Early determination of clamping or impounding period

This clause amends section 8 of the Act to remove those subsections that are proposed to be moved into new section 9 (see clause 7).

7—Substitution of section 9

This clause substitutes section 9 of the Act. Currently the Act requires that a motor vehicle is released at the end of the clamping or impounding period (section 8) and that the offender, on being found guilty of the prescribed offence or another prescribed offence arising out of the same course of conduct, is liable to pay the clamping and impounding fees under section 9.

Proposed new section 9 provides that a motor vehicle may not be released unless the clamping and impounding period has ended and the clamping and impounding fees have been paid to the Commissioner. Exceptions to this requirement are where the Commissioner determines that:

- (a) grounds did not exist under section 5 to clamp or impound the motor vehicle;
- (b) the motor vehicle was, at the time of the offence in respect of which the motor vehicle was clamped or impounded, stolen or otherwise unlawfully in the possession of the person or was being used by the person in circumstances prescribed by regulation under section 8(2)(a);
- (c) the offence in respect of which the motor vehicle was clamped or impounded, occurred without the knowledge or consent of any person who was an owner of the motor vehicle at the time of the offence;
- (d) it is appropriate in the circumstances of the particular case to release the motor vehicle without payment of the clamping or impounding fees at the time of release because—
 - (i) the imposition of the fee or the continued clamping or impounding of the motor vehicle would cause severe financial hardship to a person other than the alleged offender or a person who was knowingly involved in, or who aided or abetted, the commission of the offence; or
 - (ii) other grounds exist that warrant the release of the motor vehicle without payment of the fees.

In addition, a person who has paid the clamping and impounding fees for the release of a motor vehicle is entitled to a refund of the amount paid if the offender is subsequently found not guilty of the offence (and not charged with another prescribed offence arising out of the same course of conduct), the charge of the prescribed offence has been withdrawn (and no charge of another prescribed offence arising out of the same course of conduct has been laid) or proceedings for the prescribed offence have been otherwise discontinued (and no other criminal proceedings for a prescribed offence arising out of the same course of conduct have been commenced).

In addition, if a court finds a person guilty of a prescribed offence in respect of which a motor vehicle has been clamped or impounded (or guilty of another prescribed offence arising out of the same course of conduct), the person is, on being found guilty—

- (a) liable to pay to the Commissioner all outstanding clamping or impounding fees payable in relation to the clamping or impounding of the motor vehicle (including where the motor vehicle has been released without payment of fees under section 9(2)) and those fees are recoverable by the Commissioner as a debt; and
- (b) liable to pay to any other person the amount that the other person has paid to the Commissioner in clamping or impounding fees in relation to the clamping or impounding of the motor vehicle and that amount is recoverable by the other person from the offender as a debt.

No fees are payable at all in relation to the impounding of a motor vehicle if on application by an owner of the vehicle made to the Commissioner within 7 business days of the impounding of the motor vehicle, a relevant authority causes the motor vehicle to be destroyed. An applicant for the destruction of a motor vehicle must pay the prescribed fee to the Commissioner.

8—Amendment of section 12—Court order for impounding or forfeiture on conviction of prescribed offence

This clause amends section 12 of the Act for greater consistency with the *Legislation (Fees) Act 2019*.

9—Amendment of section 20—Disposal of vehicles

This clause amends section 20 of the Act so that the Commissioner may dispose of a motor vehicle that has been impounded under this Act and not collected by a person legally entitled to possession of the motor vehicle within 10 days of the motor vehicle ceasing to be liable to be impounded. Currently that period is 2 months.

In addition, the notice period that must be given to a each registered owner of the vehicle and each person registered under the *Personal Property Securities Act 2009* of the Commonwealth as a secured party in relation to a security interest for which the motor vehicle is collateral is reduced to 7 days (from 14 days).

10—Amendment of section 24—Regulations and fee notices

This clause amends section 24 of the Act for greater consistency with the *Legislation (Fees) Act 2019*.

11—Transitional provision

This clause provides that the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* as amended by this Act applies only in respect of the clamping or impounding of a motor vehicle for an offence committed after the commencement of this Act.

Part 4—Amendment of *Emergency Services Funding Act 1998*

12—Amendment of section 3—Interpretation

This clause inserts the definition of *CTP Regulator* for the purposes of the Act which means the CTP Regulator established under the *Compulsory Third Party Insurance Regulation Act 2016*.

In addition, this clause deletes the redundant definition of the Motor Accident Commission.

13—Amendment of section 24—Declaring the amount of the levy

This clause updates the references to the 'Motor Accident Commission' in the clause to references to the 'CTP Regulator'. This clause also updates the reference to the 'Premium Class Code published by the Motor Accident Commission' to the 'premium classes for motor vehicles determined by the CTP Regulator for the purposes of the *Compulsory Third Party Insurance Regulation Act 2016*'.

Part 5—Amendment of *Independent Commissioner Against Corruption Act 2012*

14—Amendment of Schedule 1—Public officers, public authorities and responsible Ministers

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the *Police Act 1998*.

Part 6—Amendment of *Land Acquisition Act 1969*

15—Amendment of section 24—Entry into possession

This clause amends section 24 to enable an Authority to take immediate possession of vacant land in relation to certain acquisition projects, as well as defining what vacant land is for the purposes of the section.

The clause also clarifies the position that, while rent is to be payable from the date on which notice of acquisition is published in the Gazette, rent will not be charged for the first 90 days of the tenancy.

The clause limits the period during which a matter can be referred, and provides that matter relating to a declared acquisition project cannot be referred into court under subsection (8) of the section.

Part 7—Amendment of *Legislation (Fees) Act 2019*

16—Amendment of section 3—Interpretation

This clause makes a minor amendment to clarify the definition of *relevant authority*.

Part 8—Amendment of *Mining Act 1971*

17—Amendment of section 56M—Rental

This clause amends the section to provide an exemption from the scheme under section 56M(4) for a tenement holder or any related body corporate who is also a registered proprietor of an estate in fee simple of land in relation to which rental is payable.

Part 9—Amendment of *Police Act 1998*

18—Amendment of section 3—Interpretation

This clause amends section 3 to define terms being introduced into the principal Act by this measure.

19—Amendment of section 9—Commissioner also responsible for control and management of police cadets, police medical officers and police security officers

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

20—Amendment of section 10—General management aims and standards

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

21—Amendment of section 11—Orders

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

22—Amendment of heading to Part 6 Division 2

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

23—Amendment of section 41A—Interpretation

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

24—Amendment of section 41B—Drug and alcohol testing

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

25—Amendment of section 41C—Drug and alcohol testing of applicants to SA Police etc

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

26—Amendment of section 41D—Procedures for drug and alcohol testing

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

27—Amendment of section 41E—Biological samples, test results etc not to be used for other purposes

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

28—Amendment of section 48—Right of review

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

29—Amendment of section 52—Review of certain transfers

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

30—Amendment of section 53—Interpretation and application

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

31—Amendment of section 55—Right of review

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

32—Amendment of section 56—Grounds for application for review

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

33—Insertion of Part 9A

This clause inserts new Part 9A into the principal Act, transferring the appointment, powers, disciplinary and employment arrangements for police security officers from the *Protective Security Act 2007* (which is to be repealed) into the principal Act. With the exception of their title (they are now to be called police security officers rather than protective security officers) and new section 63E, the provisions are consistent with the *Protective Security Act 2007*.

New section 63E allows the Governor, by regulation, to modify the operation of the principal Act and other Acts to enable the Commissioner to assign additional duties to police security officers that were traditionally undertaken by police officers or others.

34—Amendment of section 65—Protection from liability for members of SA Police and police security officers

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

35—Amendment of section 67—Divestment or suspension of powers

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

36—Amendment of section 69—False statements in applications for appointment

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

37—Insertion of section 71A

This clause replicates section 42 of the *Protective Security Act 2007*.

38—Amendment of section 74—Impersonating police or police security officer and unlawful possession of certain property

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

39—Amendment of section 75—Annual reports by Commissioner

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

Part 10—Amendment of *Police Complaints and Discipline Act 2016*

40—Amendment of section 3—Interpretation

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

41—Amendment of section 7—Code of conduct

This clause amends section 7 to enable the establishment of separate codes of conduct for police security officers and designated officers.

42—Amendment of section 10—Making a complaint about conduct of designated officer or police security officer

This clause amends section 10 to prevent complaints about police officers, police cadets and special constables from being made to police security officers.

43—Amendment of section 14—Assessment of complaints and reports by IIS

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

44—Amendment of section 15—Commissioner may decline to act in relation to certain complaints

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

45—Amendment of section 18—Dealing with matters by way of management resolution

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

46—Amendment of section 21—Investigations of complaints and reports by IIS

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

47—Amendment of section 26—Commissioner may sanction designated officer following offence or breach of discipline

This clause amends section 26(1) of the principal Act to set out sanctions that are available to the Commissioner in the case of police security officers.

48—Amendment of section 35—Proceedings before Tribunal

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the principal Act.

Part 11—Amendment of *Public Sector Act 2009*

49—Amendment of section 25—Public Service employees

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the *Police Act 1998*.

Part 12—Amendment of *Public Trustee Act 1995*

50—Amendment of section 29—Common funds

This clause amends subsection (11) to increase the management fee charged against money invested in a common fund on account of an estate from one-twelfth of 1% to one-twelfth of 1.2% of the value of the fund attributable to investment of the estate as at the first business day of the month.

Part 13—Amendment of *Security and Investigation Industry Act 1995*

51—Amendment of section 4—Application of Act

This clause makes an amendment consequential on the inclusion of police security officers into the scope of the *Police Act 1998*.

Part 14—Amendment of *State Lotteries Act 1966*

52—Amendment of section 3—Interpretation

This clause inserts definitions required for the purposes of other amendments.

53—Amendment of section 16—The Lotteries Fund

Subclause (1) amends section 16(3)(b) of the Act to provide that the Lotteries Fund must be applied by the Commission in payment of the GST in respect of agents' commission, a definition of which is inserted by the amendment in subclause (4).

Subclause (2) amends section 16(3)(c) of the Act to increase the percentage of net gambling revenue from lotteries payable into the Recreation and Sports Fund from 41% to 48.9%.

Subclause (3) amends section 16(3)(d) of the Act to provide that a percentage of 48.9% of net gambling revenue is payable into the Hospital Fund in respect of all lotteries except sports lotteries, special appeal lotteries and keno lotteries, and a percentage of 61.1% of net gambling revenue is payable into that Fund in respect of keno lotteries.

Subclause (4) defines *agents' commission*, being a charge included in the price of each ticket in a lottery to be paid to the agent who sells the ticket.

Subclause (5) provides that for the purposes of the definition of *net gambling revenue*, the total amount subscribed or contributed to, or paid for the purchase of, tickets does not include the agents' commission.

54—Transitional provision

This clause makes transitional provisions consequent on the amendments in this Part.

Part 15—Repeal of *Protective Security Act 2007* and savings and transitional provisions

55—Repeal of Protective Security Act 2007

This clause repeals the Protective Security Act 2007.

56—Continuation of appointments of protective security officers

57—Suspension of protective security officer to continue

58—Identification of protective security officers taken to satisfy section 63I of *Police Act 1998*

59—Continuation of determinations of protected persons, places or vehicles

60—Continuation of certain orders

61—Continuation of certain directions of Police Minister

62—Continuation of determination of structure of ranks

63—Continuation of certain directions of protective security officers

64—Continuation of custody of certain objects and substances

65—Continuation of code of conduct

66—Continuation of certain investigations of breach of code etc

67—Continuation of certain directions of Officer for Public Integrity

68—Abolition of Protective Security Officers Disciplinary Tribunal

These clauses continue various determinations, codes, investigations and make various other transitional arrangements consequent on the repeal of the *Protective Security Act 2007* and the inclusion of police security officers in the scope of the *Police Act 1998* and the *Police Complaints and Discipline Act 2016*.

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

**STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (STAND-ALONE POWER SYSTEMS)
BILL**

Introduction and First Reading

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

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Introduction and First Reading

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

At 16:05 the council adjourned until Tuesday 16 February 2021 at 14:15.

*Answers to Questions***WOMEN'S AND CHILDREN'S HOSPITAL**

In reply to **the Hon. C. BONAROS** (18 June 2020).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I can advise:

1. Yes. There have been two business cases submitted to the Women's and Children's Hospital since the 2018 state election, and additional medical staff have been employed.

2. The project currently has \$607,000 allocated for dedicated clinical staff time to provide focused leadership during the planning phase. It is not standard practice to do this at this stage of the project.

The current project team is made up of 28.9 FTE of which 9.4 FTE are clinically qualified who will contribute to the clinical engagement process.

3. Along with Women's and Children's Health Network executive, I am committed to clinical engagement to inform both the new hospital project and the ongoing operation of the hospital.

WOMEN'S AND CHILDREN'S HOSPITAL

In reply to **the Hon. C. BONAROS** (10 November 2020).

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

Yes. Additional nursing staff from the Women's and Children's Health Network's pool of paediatric nurses are assigned to Cassia Ward when there is increased activity.

AMBULANCE SERVICES

In reply to **the Hon. E.S. BOURKE** (10 November 2020).

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

Between 3 November 2020 to 10 November 2020, at no point was a triple zero (000) call left unanswered by SA Ambulance Service.

COVID-19 HOME QUARANTINE APP

In reply to **the Hon. T.A. FRANKS** (10 November 2020).

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

The tender evaluation has been completed and a contract has been executed with the successful respondent. The development of the home quarantine app has multiple stakeholders, to ensure that the app meets the needs of the public health response.

The app will be utilised for interstate arrivals, outbreak responses and to assist the public health response team in isolating close and casual contacts if required.

It is not intended to use the app for international quarantine.

COVID-19 PARAFIELD CLUSTER

In reply to **the Hon. I.K. HUNTER** (17 November 2020).

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

No.

COVID-19 HOTEL QUARANTINE

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (17 November 2020).

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

The National Review of Hotel Quarantine was published on 23 October 2020 and the main report is publically available on the Australian government Department for Health's website.

The appendix to the National Review of Hotel Quarantine arrangements is subject to federal cabinet guidelines and its circulation is therefore limited.

Feedback provided to South Australia as part of the National Review of Hotel Quarantine arrangements was complimentary of South Australia's arrangements, with recognition of our infection control arrangements within both the airport and hotel settings.

The commonwealth review team were also complimentary to South Australia's governance arrangements with strong cooperation and working arrangements between the responsible agencies.

South Australia has been making ongoing improvements to its medi-hotel system, as a result our system is already aligned to the majority of recommendations.

Up to 17 November 2020, there have been 164 security officer-related breaches involving either use of PPE or a breach of security standard operating procedures.

All breaches were determined as low risk with the majority relating to MSS Security's standard operating procedures not being followed, such as security officers using a mobile phone while on shift.

There have also been eight reported breaches relating to SAPOL or SA Health staff. One breach in relation to a nursing staff member was risked assessed by CDCB. As a result the staff member undertook precautionary 14-day quarantine. The seven other breaches were considered minor.

COVID-19 HOTEL QUARANTINE

In reply to **the Hon. R.P. WORTLEY** (17 November 2020).

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

The National Review of Hotel Quarantine was published on 23 October 2020 and the main report is publicly available on the Australian Government Department for Health's website.

The appendix to the National Review of Hotel Quarantine arrangements is subject to federal cabinet guidelines and its circulation is therefore limited.

Feedback provided to South Australia as part of the National Review of Hotel Quarantine arrangements was complimentary of South Australia's arrangements, with recognition of our infection control arrangements within both the airport and hotel settings.

The commonwealth review team were also complimentary to South Australia's governance arrangements with strong cooperation and working arrangements between the responsible agencies.

South Australia has been making ongoing improvements to its medi-hotel system, as a result our system is already aligned to the majority of recommendations.

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As a result the staff member undertook precautionary 14-day quarantine. The seven other breaches were considered minor.

COVID-19 HOTEL QUARANTINE

In reply to **the Hon. T.T. NGO** (17 November 2020).

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

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The seven other breaches were considered minor.

COVID-19 CONTACT TRACING

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

The Hon. S.G. WADE (Minister for Health and Wellbeing):

I refer the honorable member to the Premier's comments in the House of Assembly *Hansard* for 1 December 2020.

COVID-19 TESTING

In reply to **the Hon. T.A. FRANKS** (1 December 2020).

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

Following the positive COVID-19 result in a casual contact of a Flinders University Sturt campus student and the subsequent public health directions for the campus, SALHN management and senior clinicians made the decision to pause Flinders University clinical placements for Sturt campus students until students were tested for COVID-19.

Both SALHN and Flinders University worked collaboratively to minimise disruption to student learning, while also keeping people safe in a vulnerable environment.

The majority of students returned that same week once they had returned a negative COVID-19 test and all placements have since resumed to business as usual.

COVID-19 CONTACT TRACING

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (3 December 2020).

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

1. Subsection 99(4) of the *South Australian Public Health Act 2011* and subsection 99(6) of the *Health Care Act 2008* provide a definition for the term 'personal information'.

The word 'confidentiality' is not defined in either the *South Australian Public Health Act 2011* or the *Health Care Act 2008*, however both acts use the word 'confidentiality' as the title for the above mentioned offence provisions.

It is a general principle of statutory interpretation that where a word is not defined in legislation, its ordinary meaning is to be applied.

2. Under the *COVID-19 Emergency Response Act 2020*, which temporarily modifies subsection 99(2) of the *South Australian Public Health Act 2011*, a person will not commit an offence if disclosing information in accordance with an authorisation of the Chief Public Health Officer.

In determining whether it is appropriate to exercise the power to authorise a disclosure under this provision, the Chief Public Health Officer should give consideration to the principles of the *South Australian Public Health Act 2011*, the Premier and Cabinet Circular (PC 012) *Information Privacy Principles Instruction* and any other relevant public interest matters.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. E.S. BOURKE** (3 December 2020).

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

1. The following is a breakdown of the 293 positions referred to in the Auditor-General's annual report.

Central Adelaide Local Health Network:

Employment Stream	Total
Medical	-
Executive	-
Nursing	104
Non-Medical	57
Total	161

Statewide clinical support services:

Employment Stream	Total
Medical	3
Executive	-
Nursing	15
Non-Medical	114
Total	132

2. The Auditor-General's interim audit of the Department for Health and Wellbeing's procurement and contract management, identified five contracts that were not executed before the contract commencement date from across four large SA Health panel arrangements (all selected on a sample basis) as follows:

- Patient services panel agreement
- IV access devices and administration consumables panel
- Airway management and oxygen consumables
- Sterile procedure packs.