LEGISLATIVE COUNCIL

Wednesday, 17 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 Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:16): I bring up the 23rd report of the committee.

Report received.

Question Time

AMBULANCE SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding ambulances.

Leave granted.

The Hon. K.J. MAHER: A review into ambulance delays within the SA Ambulance Service revealed the system is 'suboptimal' and also 'overwhelmed'. At least two patient deaths were connected with lengthy ambulance response times late last year. This report identified 38 adverse incidents linked to delays occurring over just five months. At the time of these incidents, our three major emergency departments were either full or overflowing, with an average of 17 ambulances ramped outside each of these hospitals. One hospital had 25 ramped ambulances.

The report also revealed an escalation in incidents related to ambulance delays and under-resourcing. Monthly incidents didn't just slightly increase or even double, incidents tripled from 5 September last year to 15 November. My questions to the minister are:

1. Why are adverse incidents related to ambulance under-resourcing and ramping increasing so dramatically under the minister's watch?

2. Does the minister take some responsibility for the two deaths and eight near misses identified in the report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:18): I think it's important to make the point that the review that the honourable member is referring to was a review that was initiated by the Chief Executive of the Ambulance Service. He saw evidence of a cluster of cases of concern. As always, SAAS was on the front foot and the Ambulance Service undertook a review of the cases. I think that demonstrates SAAS's commitment to constantly improving their service.

I think it's important to keep this in context too. The Ambulance Service in terms of the cluster of cases, which obviously came through the reporting system within the Ambulance Service, involved 38 cases; 38 cases where a delayed response could have led to a poor outcome. That is less than one-tenth of 1 per cent of cases. The Ambulance Service quite rightly, having seen a cluster, saw the opportunity to try to have insight into what may be happening in these cases.

A quarter of the cases involved patients with a poor medical outcome or significant condition. Two of the individuals died as a result of their conditions, but I would make the point that one of those was much later and in hospital. Individuals were significantly sick and it's not possible to say that one thing caused their deterioration, but my thoughts are with the families and with the ambulance crews who supported them.

As I said, the Ambulance Service is a leading Australian ambulance service. My understanding is that it was the first ambulance service in Australia to be accredited. I don't know whether other ambulance services have followed in their footsteps, but that culture of constantly

reviewing its operations to ensure quality and safety is part of the culture, part of the DNA, of the Ambulance Service.

The review highlighted a number of issues, including the monitoring of waiting patients. The particular cohort was in the non-emergency cases but it was trying to get a line of sight as to what was happening with patients while they were waiting. It highlighted issues in terms of the monitoring of waiting patients, the priority categorisation of patients and the availability of ambulances. So the Ambulance Service has commissioned the review. The chief executive officer is now ensuring that that goes to the clinical governance committee.

But even while that process is continuing, my conversations with the chief executive are that he is keen to take early opportunities to address the issues that were raised. For example, in terms of monitoring of waiting patients, one of the initiatives of the Ambulance Service under chief executive David Place has been to establish a clinical telephone assessment service. My understanding is that the chief executive is exploring the opportunity for that service to support, if you like, the dispatch role in terms of monitoring the waiting patients.

AMBULANCE SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): A supplementary arising from the answer: minister, have you been inquisitive enough to ask if there have been any further ramping related deaths that have occurred since the two identified in this report from late last year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): Even having heard my answer, the Leader of the Opposition apparently didn't hear my answer, which was that it is not appropriate to say that the death related to the delay. They were complex matters. In terms of the particular cases, there are cases being reviewed by the SAAS Safety Learning System Quality Assurance Group and also by the SAAS adverse events committee, so of course there are steps being taken to learn from these events. In terms of other incidents, from time to time I do get advice from SAAS in terms of incidents.

AMBULANCE SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): A final supplementary: minister, according to the reporting system in the Ambulance Service to which you referred in your original answer, how many further adverse incidents from those in the report have occurred since the tabling of the report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I am more than happy to take that question on notice.

AMBULANCE SERVICES

The Hon. C.M. SCRIVEN (14:24): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding ambulances.

Leave granted.

The Hon. C.M. SCRIVEN: The government's ambulance report makes three recommendations including to increase ambulance capacity and to boost senior clinical support to assist in triaging ambulance call-outs. In his brief written response to the report's release and recommendations, the minister claimed the government was 'investing additional resources'. My questions to the minister are:

1. Does the minister commit to implementing all three report recommendations in full?

2. Can the minister identify the additional resources he was referring to in his public statements?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I thank the honourable member for her question and refer her to my previous answer.

Members interjecting:

The Hon. S.G. WADE: No, I'm sorry, will you let me go on? Can I answer?

The PRESIDENT: Order! No-one can hear the minister so how do you know what he is saying?

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. S.G. WADE: As I said, I refer the honourable member to my previous answer where I highlighted—

The Hon. K.J. Maher interjecting:

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

The Hon. S.G. WADE: —the fact that the chief executive is specifically looking at the opportunity for the clinical telephone assessment service—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —to support the desk-based function in terms of maintaining line of sight. That to me sounds like—

Members interjecting:

The PRESIDENT: Order! Resume your seat, minister. I would like to hear the end of the minister's answer. I don't think anybody else is hearing it at the moment because there is a lot of shouting going on, and some of that has been contributed by members on my right.

The Hon. S.G. WADE: Mr President, this is a growing pattern by the opposition. If they don't like the answer they try to yell it down. If you ask a question—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —and I've got an answer I'm going to give it whether you like it or not.

AMBULANCE SERVICES

The Hon. C.M. SCRIVEN (14:26): Supplementary question: the minister hasn't answered the question, so will I remind him what it was. It was—

The PRESIDENT: No, this is a supplementary. Ask the question.

The Hon. C.M. SCRIVEN: The information the minister—

The PRESIDENT: Ask the question, please.

The Hon. C.M. SCRIVEN: The minister mentioned the CEO. Are the CEO and the minister committed to fully implementing all three report recommendations in full, and can the minister identify the additional resources he was referring to?

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): If I could be given the opportunity to answer a question without hectoring, then perhaps the honourable member could hear me answer this question for the third time. The fact of the matter is that David Place, a great chief executive officer who was recently awarded national recognition for his exemplary service, is actively pursuing the response to the review that he himself commissioned. This is a chief executive who is determined to drive quality and safety. In response to that review—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The leader will be quiet.

The Hon. S.G. WADE: —the chief executive, David Place, has identified an opportunity to strengthen the clinical input into cases, and that is through the clinical telephone assessment service.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Opposition Whip is out of order.

The Hon. S.G. WADE: It is a service that commenced late in 2020 and gives a paramedic the opportunity to speak to a complex patient and make a full clinical assessment sooner. It will help give us better line of sight in terms of the conditions the patient is responding to—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition and the Opposition Whip are not helping.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader, I am addressing you. You and your whip are not helping.

The Hon. S.G. WADE: As I said, the clinical telephone assessment service is an opportunity to improve the response. The review is going to the clinical governance committee for full consideration of its recommendations and appropriate response.

AMBULANCE SERVICES

The Hon. C.M. SCRIVEN (14:28): Supplementary: why won't the minister commit to implementing all three recommendations in full?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I did not say that. The fact of the matter is that the government accepts the report. The Ambulance Service is getting on and implementing it.

AMBULANCE SERVICES

The Hon. C.M. SCRIVEN (14:28): Final supplementary.

The PRESIDENT: The Hon. Ms Scriven has a final supplementary, only if other members of her front bench be quiet.

The Hon. C.M. SCRIVEN: Will the minister invest a single extra dollar in response to this report's findings?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): The Marshall Liberal government has increased staffing in SAAS by more than 12 per cent since between July 2018 and June 2020.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: In the 2020 budget—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —there is a budget allocation for an increase of staff by more than 5 per cent.

Members interjecting:

The PRESIDENT: Well, you are not interested in the answer, so I think the minister can conclude his answer. We will go to the Hon. Ms Bourke.

AMBULANCE SERVICES

The Hon. E.S. BOURKE (14:29): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding ambulances.

Leave granted.

The Hon. E.S. BOURKE: A damning recording was released last night that revealed many priority 2 emergency calls, with no ambulance crew available to respond. The recording refers to multiple cases of trauma, collapse, chest pain and abdominal pain. It has been reported that a trauma case involved two cyclists who had been involved in a traffic collision. My questions to the minister are:

1. What exactly does the minister have to say to two cyclists who lay injured on the side of the road, with no-one coming to help them?

2. Under this minister's leadership, why can't South Australians expect to have an ambulance service respond to an emergency?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): There were certainly examples of ambulance ramping and a delayed response last night, and that is regrettable. The Ambulance Service did its best to respond to calls, and I take this opportunity to thank the hardworking staff of both the dispatch function and the paramedics, and express my regret to the patients involved.

When one sits down and looks at what was happening yesterday, it does highlight the fact that the Ambulance Service is significantly impacted by the wider hospital network. This government has consistently made clear that the ambulance ramping is not just a matter of what happens within the Ambulance Service. The hospital networks in particular need to play their part to make sure there is good patient flow. If we are not discharging patients in a timely fashion, the beds are not available for the people in the ED to transfer them into the beds. If people in the ED are not being assessed and treated quickly enough and being transferred to those beds, that can cause a delay in the transfer of care and a delay in the response of ambulances.

The information provided to me, which I have been able to glean this morning, is that yesterday was significantly affected by factors beyond the Ambulance Service. As I said, I regret the stress on both the Ambulance Service and the staff in our EDs and the patients they serve. The government, the local health networks and the Ambulance Service are all working hard to develop pathways that respond to patients needs in a timely way.

AMBULANCE SERVICES

The Hon. E.S. BOURKE (14:32): Supplementary: is it appropriate for a patient to have to catch a taxi because there is no ambulance?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): That is a very broad question and—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter: What are you going to do about it?

The PRESIDENT: I would hope that you would be quiet so that we can hear what the minister is going to respond.

The Hon. S.G. WADE: The question was asked generally—

The Hon. I.K. Hunter: You take no responsibility—you do nothing!

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

The Hon. S.G. WADE: The honourable member has asked a general question. I do not know the details of the case to which she is referring, if she is referring to one. If the honourable member is asking me the general question, 'Is it inappropriate for a person to present to an emergency department in a taxi?', it is not inappropriate. People come by taxi, they come by foot, they come by ambulance.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter: What have you done?

The PRESIDENT: Order! The Hon. Mr Hunter!

The Hon. I.K. Hunter interjecting:

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

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter will cease interjecting.

The Hon. S.G. WADE: The government will continue to deliver ambulance services for those who need assistance to be transferred to the emergency department. But, of course, people will come to the emergency department by a whole range of modes.

JOBSEEKER PAYMENT

The Hon. D.W. RIDGWAY (14:34): My question is to the Treasurer. Can the Treasurer please inform the house of what the economic impacts would be if we had a permanent increase to the JobSeeker allowance here in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:34): I thank the honourable member for his question. This question has been directed to me over the last week, in particular in response to comments made by the Reserve Bank governor, Dr Philip Lowe. I have been asked my opinion as Treasurer as to whether or not I agreed with the comments that Dr Philip Lowe had made.

The first thing I say is that I respect the fact that these decisions are difficult decisions, and they remain decisions for the federal government. I acknowledge publicly that the federal government is running very significant deficits at the moment in the interests of trying to keep the economy going and save as many jobs and businesses as possible, and it is a difficult challenge.

In relation to the comments of the Reserve Bank governor, who talked about the positive economic impacts of a permanent increase in the JobSeeker allowance, I do not think there is any disputing that, and I have indicated my sympathy for the views that the Reserve Bank governor and other stakeholders have made.

Before directly commenting on the economic impacts, clearly any decision that the federal government might be able to make within the constraints of its federal budget for a permanent increase of some size will have important social benefits as well. For the individual households—and this has been an ongoing debate and argument for quite some time, even pre COVID—clearly there are important social benefits and objectives that might be achieved by some increase in the level of the JobSeeker allowance.

In relation to the economic impacts, there is no doubting that the Reserve Bank governor is correct. All of the evidence indicates that people on benefits and allowances, or households that are on benefits and allowances, tend to spend, by necessity, a more significant percentage of their household income on goods and services. That is an inevitable consequence of having to put food on the table, pay the household bills and all the challenges in terms of running a household whilst on benefits or allowances.

That, of course, means that there is more money flowing through the national economy and the South Australian economy, so clearly there would be immediate impacts. If you are a state with an older population or a state with a high percentage of people on benefits and allowances, or parts of the state have a large percentage of people on benefits and allowances, there would be correspondingly an increased flow through in terms of spending on goods and services in small and medium-sized businesses throughout the state, which obviously helps encourage further employment within those particular business sectors as well.

Finally, the Reserve Bank governor did not really specify, but it is clear that a boost in terms of consumption spending, in particular by households, is something that is good for the national economy, but it is also good for the states and territories in terms of their budgets, because our GST revenues are directly related to the level of consumption expenditure in the national economy, and the higher the level of consumption expenditure in the national economy the higher the level of GST collections.

I am sure members will recall the debates from just November last year in the budget. We are looking at reductions in GST revenues at the moment of around about just up to $1½ billion a year. Anything that sees some lowering of the level of reduction, if I can put it that way, of GST revenues coming to the states and territories has a positive economic impact for the states and territories in terms of trying to fund the many programs that we are trying to fund at the moment to try to save as many jobs and businesses in the state as we can.

It is for those reasons that when asked the question I have said, whilst couching my statements in the context that this ultimately is a decision for the federal government and we congratulate them on what they have done so far within the budget constraints they have, that if they were to make a decision along the lines of the Reserve Bank governor's exhortations we would have some sympathy in relation to the positive benefits, from both a social policy objective and also, from my viewpoint as Treasurer, an economic policy objective as well.

JOBSEEKER PAYMENT

The Hon. R.P. WORTLEY (14:39): Supplementary: can the Treasurer advise the council what he believes should be the new rate for the JobSeeker's allowance?

The Hon. R.I. LUCAS (Treasurer) (14:39): I have been asked that question and I have indicated I am not prepared to put a number on that particular potential increase because I respect the fact this is a decision for the federal Treasurer, the federal cabinet and the federal government and, as I said at the outset of my answer to the earlier question, they do confront difficult budget circumstances; they are running massive deficits at the moment. I am happy to leave that particular decision to the federal government, should they move down the direction that the Reserve Bank governor is urging.

GAMBLING REGULATION

The Hon. F. PANGALLO (14:40): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General as Minister for Consumer and Business Affairs in the other place, a question about gambling regulation.

Leave granted.

The Hon. F. PANGALLO: A report released last week in New South Wales found Crown Resorts is currently not suitable to hold a casino licence in that state, despite having already built a $2.2 billion complex in Sydney's new Barangaroo precinct. The Bergen report, undertaken by former Supreme Court judge Patricia Bergen, uncovered major flaws in the company's corporate governance, which facilitated money laundering and links to criminal gangs in Crown's operations in Victoria and Western Australia.

The report has today prompted Western Australia's gambling regulator to recommend the McGowan government establish an independent inquiry into Crown's suitability to hold the state's only casino licence. The report also recommended taking gambling regulation away from state and territory watchdogs, which would align casinos with online gambling as a responsibility of the federal government and could help in the fight against money laundering and criminal interference. My question to the Treasurer is:

1. Given the scathing findings of the Bergen report, has the minister sought advice from South Australia's gaming regulator, the Commissioner for Consumer and Business Services, on whether an independent inquiry needs to be conducted into SkyCity Casino's operations to ensure such illegal activities aren't occurring here?

2. Does the minister have confidence money laundering and criminal gang activity doesn't occur at SkyCity?

3. Since the scrapping of the independent gambling regulator, what investigations, reviews, checks and balances does the Commissioner for Consumer and Business Services undertake at SkyCity to ensure such illegal activity doesn't or cannot occur?

4. Does the minister support the recommendations that say to take gambling regulation away from state and territory watchdogs?

The Hon. R.I. LUCAS (Treasurer) (14:42): I am happy to refer the honourable member's questions to the minister and bring back a reply, but I must say that I would be stunned if the

Attorney-General and the minister would have a view that we would hand this sort of regulation across to the federal government. The Hon. Mr Pangallo must have much greater confidence in the bureaucracy and the levels of controls at the federal level than at the state.

Being a fervent state writer and in particular sticking up for the smaller states, I see a very important role in terms of the roles and responsibilities of state governments and there would need to be very persuasive reasons why certainly I as an individual would support handing over more and more power to the federal government in this particular area. Anyway, I will refer that aspect of the question to the responsible minister and bring back a reply.

The only other comment I would make is that I do think it is a little unfortunate in terms of the way the honourable member has phrased the question because this was a particular inquiry into a particular company in another state, completely unrelated to the operators of the local casino. The operators of that casino have operated under the former government and under the current government, and I don't think, without evidence, their reputation, whether intended or not—and I am not saying it was intended—should be smeared merely by association with the inquiry that occurred in the state of New South Wales.

I might offer some commentary but I won't in relation to the state of New South Wales and casinos and gambling and the like, and I might leave that for another day. I do believe the circumstances in South Australia are markedly different, generally, to the circumstances that exist in the state of New South Wales. As I said, without evidence being suggested by anyone that I am aware of I think it would be unfortunate if anyone took the nature of the question that has been put in any way at this stage as smearing the reputation of the operators of the current casino licence here in South Australia. But I will refer the honourable member's questions to the minister and bring back a reply.

The PRESIDENT: The Hon. Mr Pangallo has a supplementary?

The Hon. F. PANGALLO: Just to make it clear, I am not smearing SkyCity Casino.

The PRESIDENT: No, no—is this a supplementary question?

The Hon. F. PANGALLO: Well, I'm being misrepresented.

The PRESIDENT: The Hon. Mr Hanson has the call.

COVID-19 QUARANTINE WORKERS

The Hon. J.E. HANSON (14:45): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding public health.

Leave granted.

The Hon. J.E. HANSON: Deputy Chief Public Health Officer Dr Emily Kilpatrick announced earlier this month that daily saliva testing would be conducted on all hotel quarantine workers from Monday 8 February and that this daily testing would be conducted across the quarantine chain, including airport workers, by Monday 22 February. My questions to the minister are:

1. Is daily saliva testing for all quarantine workers mandatory?

2. Can the minister assure the council that daily saliva testing will become mandatory across the entire quarantine chain, including airport workers, as of this coming Monday?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I don't want to be tedious, but I might just take the first minute or two to correct the record. It is not Kilpatrick, it is Kirkpatrick. In terms of what she said, she didn't say it would start on 8 February, she said it commenced on 8 January and that it would be covering all medi-hotel workers by 8 February and that it would cover all quarantine pathway workers by 22 February. So if we could just, if you like, report her correctly.

My advice is that it was rolled out to all medi-hotel workers by 8 February as planned, and so I look forward to it being fully rolled out to all quarantine pathway workers by 22 February.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. J.E. HANSON (14:47): Supplementary on that: given the rollout has commenced, have there been any instances of hotel quarantine workers refusing to undertake testing? And can the minister confirm that daily saliva testing is now being conducted at all quarantine sites?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): I presume it is being done at the site. The saliva testing could readily be done at hotel sites. Obviously, the nasal tests could be done at the site or at a clinic, but I will certainly seek advice and bring back an answer for the honourable member as to the site in which the tests are taken. The other part of the question was?

The Hon. J.E. Hanson: Have there been any refusals?

The Hon. S.G. WADE: Yes, sorry. And in the same context I will seek advice. I certainly haven't been advised of that and I certainly would not expect that that person would be allowed to continue to stay on the site if they are not willing to submit to the testing regime in place.

APPRENTICESHIPS

The Hon. J.S. LEE (14:48): My question is to the Minister for Human Services regarding apprenticeships. Can the minister please outline to the council how a new apprenticeships pilot will boost housing in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): I thank the honourable member for her question. Indeed, as she has outlined in her question, we do need people to be working in the trades in greater numbers in South Australia. The Treasurer has outlined several times on this record and also in the media about how the building industry is going gangbusters and the great take-up of the grants which are on offer to enable people to build new properties or to build homes or to renovate, I should say. There are also programs being run through the South Australian Housing Authority that support new builds in the affordable housing space, as well as our own renewal programs.

The trade organisation peak bodies, particularly, often state that there is a shortage of skilled trades in South Australia, so we need to support additional apprenticeships and traineeships to enable the pipeline of workers to come on board to join this exciting area. The Minister for Innovation and Skills, Minister Pisoni, who I understand got his first job in life through the trade sector, is a great enthusiast of apprenticeships and traineeships in South Australia.

It is very exciting that we have been able to launch a new pilot to assist more people into the apprenticeship sector. We are particularly interested in expanding the diversity of people who enter this program to include social housing customers, more women, more Aboriginal and Torres Strait Islander people and a range of people who may not have considered this as a career opportunity in the past.

We have committed $5 million towards a pilot project. There is already on offer a range of grants through the skills area that support apprenticeships and traineeships. This additional funding will make sure the administration is managed so that group training organisations can put on additional traineeships. What the building sector, that is the private companies who are in the building and construction industry, tells us is that it just wants to build houses. The administration is something that is an extra burden.

This funding is particularly going to assist to facilitate that. We are hoping for an additional 250 trainees through this program. We look forward to assisting in that skill shortage, which includes areas such as bricklaying, carpentry, painting, plastering, electrical and wall and floor tiling, so that people can get into the industry.

At our media event, Georgia, who was the apprentice we interviewed, was interested in starting her own business once she has completed her traineeship, particularly encouraging more women into the industry through her own business as part of her vision. We think it's an exciting time for jobs in South Australia and this is just one way in which we are supporting this.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. T.A. FRANKS (14:52): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing on the subject of contact tracing and the statewide lockdown.

Leave granted.

The Hon. T.A. FRANKS: The Woodville Pizza Bar in Adelaide's western suburbs and its employees were accused of forcing the South Australian statewide six-day, then three-day, lockdown in November after two of its staff, who were also working in hotel quarantine, contracted COVID. The restaurant was subject to a police investigation and extensive social media attacks, yet that SAPOL investigation was closed in December with no criminality found and no charges brought against any of the staff.

The lawyer for one of the staff, the Spanish man, solicitor Scott Jelbert of Camena legal, has revealed that he holds grave concerns about the police investigation and is still waiting on a freedom of information request to SA Health regarding his client's interviews with contact tracers, which that lawyer believes show that his client did nothing wrong, speaking to *The Weekend Australian* this past weekend. Given that the client, according to the lawyer, has limited English and was only interviewed over the phone by SA Health about his working arrangements, my questions to the minister are:

1. Did this man ever lie to contact tracers?

2. Was he only ever interviewed over the phone?

3. Was an interpreter ever employed?

4. On what dates and times was this man interviewed, and for what duration did those interviews take place?

5. When will the FOI be released by SA Health that could clarify this situation?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): I thank the honourable member for her question. The facts, as she recounts them, highlights why it would be inappropriate for me to answer. This is a matter that is the subject of a police investigation, lawyers are involved, and it is appropriate that the police investigation and the legal processes be allowed to take their course.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: In terms of the specific questions the honourable member asks, I will certainly take them back to the department and, if any of them can be appropriately answered in the context, I will arrange for that to happen.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. T.A. FRANKS (14:55): Supplementary: when SAPOL announced that the police investigation was closed last December, was that a lie?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): I was referring to the lawyer's involvement and the FOI that the honourable member was referring to.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. T.A. FRANKS (14:55): Supplementary: what police investigation is the minister referring to that would prohibit an FOI being released to a lawyer?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): As I clarified, I am referring to the ongoing engagement of a lawyer. I don't know all the circumstances. I am not going to rush in where angels fear to tread.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I want to show respect to the processes and seek further information.

Members interjecting:

The PRESIDENT: Order!

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. T.A. FRANKS (14:56): Supplementary: is SA Health required to be a model litigant under the law, and why is it withholding FOI requests from lawyers and clients who seek their own personal information?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): I have nothing to add to my previous answer.

COVID-19 VACCINE

The Hon. I. PNEVMATIKOS (14:56): My question is to the Minister for Health and Wellbeing regarding public health:

1. Why has South Australia received just 2.8 per cent of the first national shipment of vaccines when we have almost 7 per cent of the population and an even higher proportion of older people?

2. Is there a priority order amongst phase 1a for the vaccine, or is it just first in, first served?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): Here we have again the Labor opposition that loves to start white-anting every phase of the public health response.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: We had it from day one, even before—

The Hon. K.J. MAHER: Point of order, sir.

The PRESIDENT: Resume your seat, minister.

The Hon. R.P. Wortley: You never stick up for the state; that's what that is.

The PRESIDENT: No, the Hon. Mr Wortley is not helping. There is a point of order.

The Hon. K.J. MAHER: The minister has accused the opposition, and in particular the asker of the question, of white-anting the health response. Nothing of the sort was done. It was merely a question.

The PRESIDENT: There is no point of order, but the minister will address the question as it was asked.

The Hon. S.G. WADE: In relation to the honourable member's question, I would certainly hope that these questions are not the start of another phase of the white-anting campaign that we have seen from the opposition time and time again. I think the commonwealth government should be commended for the work they have done in relation to the vaccine program.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: For months now they have been getting ready for this vaccine response. Even before the Victorian government went into the second wave—

Members interjecting:

The PRESIDENT: Order! Members of the opposition will be quiet.

The Hon. S.G. WADE: —they were already putting in place the contracts to help us be safe in 2021 and move to a COVID normal beyond. But already we have the state opposition wanting to carp from the sidelines—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley is out of order and so is the Opposition Whip.

The Hon. S.G. WADE: —undermining confidence in the program, and that is completely unacceptable. What South Australia needs in this second year of the pandemic is what we needed in the first year of the pandemic, and that is South Australians working together. So let me deal with the scurrilous assertions by the opposition.

I am advised that we will receive about 4,000 doses from the commonwealth's first national distribution of 50,000 doses. I am advised that is about 8 per cent per capita, which is higher than our population per capita. So I don't know where the Labor Party is getting their figures from, but that is the advice that I have been given.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Pnevmatikos has a supplementary. Members on my right will be quiet so that I can hear the honourable member.

COVID-19 VACCINE

The Hon. I. PNEVMATIKOS (14:59): A supplementary arising from the original answer: how have frontline health and hotel workers been communicated with about getting the vaccine?

Members interjecting:

The PRESIDENT: Order! It is a long bow. If the minister wishes to address it, I will allow him.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I'd like the crossbench to have a go.

Members interjecting:

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

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens will resume his seat. It's your question time. The minutes are ticking down.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway interjecting:

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

RETIREMENT VILLAGES

The Hon. T.J. STEPHENS (15:00): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing—

The Hon. C.M. Scriven: He won't answer.

The PRESIDENT: Order!

The Hon. T.J. STEPHENS: —regarding retirement villages. Can I say, I bet you he does answer my question. I bet you he does.

The PRESIDENT: Order! The Hon. Mr Stephens will not engage in conversation.

Leave granted.

Members interjecting:

The PRESIDENT: Order! I will move on.

The Hon. T.J. STEPHENS: Given the growing population of older South Australians, it is important to provide a range of accommodation options. Retirement villages, for many people, provide a good model to downsize from their family home to an independent living option. In recent years, concerns have been expressed about the operation of retirement villages, particularly interstate. Can the minister provide the house with an update on any measures the government is taking to protect retirement village residents and providers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): I thank the honourable member for his question. I will certainly try to be brief. We have other questions to move to. I would like to thank the honourable member for his question. It's important that we provide a legislative framework that supports a vigorous retirement village industry and protects residents.

In 2016, parliament passed a new Retirement Villages Act, replacing the previous one, which had been in place for almost 30 years. The passing of the new act built on earlier and important work undertaken in this parliament, namely a 2013 House of Assembly select committee review of the act. I hope it's not unparliamentary for me to reflect positively on the other place.

The select committee's findings and the 34 recommendations highlighted the need to strengthen the legislative base of the retirement villages model in the context of the 'greying' of South Australia's baby boomer generation. At the time, in 2013, the committee reported there were more than 500 retirement villages, with a combined residency of 17,689. Some seven years later, the number of villages has grown by 12 and there are now more than 18,000 South Australians residing in them. That's a 2.3 per cent increase in registered villages over a seven-year period and a 6.8 per cent increase in residences.

Today, approximately 26,000 South Australians live in a retirement village. Our smallest village has just two residences and the largest has 347. When parliament passed the act in 2016, it deemed that a review would take place. The act commenced in January 2018. Accordingly, now is the time to review.

The first stage of the review has seen the release of a 50-page discussion paper. The discussion paper is divided into two parts with the second part seeking structured input around 36 topics. While there are a lot of topics addressed in the paper, respondents do not have to provide feedback on every topic. Feedback can be provided by email, post or via the YourSAy website. The closing date for feedback is 26 March.

Earlier this month, I wrote to all members of parliament to make sure they were aware that the review has commenced, to provide them with a copy of the discussion paper and to encourage them to promote the review amongst their constituents.

The Marshall Liberal government is working to ensure that the Retirement Villages Act continues to maintain the right balance between the responsibilities of the tens of thousands of older South Australians who live in retirement villages and the operators of those facilities. I look forward to providing parliament with a report on the outcome of the review later this year.

LAND TAX

The Hon. F. PANGALLO (15:03): I seek leave to make a brief explanation before asking a question of the Treasurer about land tax.

Leave granted.

The Hon. F. PANGALLO: Last year, RevenueSA advised that land tax bills for most companies, trusts and super funds would be issued by 20 December. My question to the Treasurer is: is there a delay in issuing these bills and, if so, for what reason? When does he expect them to be sent out and does he believe it is acceptable to leave these clients in the dark about what they are up for?

The Hon. R.I. LUCAS (Treasurer) (15:04): The simple answer to the honourable member's question is yes, there has been a delay. I am advised that due to the extraordinarily innovative, complex and complicated legal structures that some taxpayers have, the process of clarifying the land tax arrangements for some of those—and I think we broadly reflected that in the debate whenever it was, 18 months ago. In some cases, up to 400 different company structures might be involved in one potentially grouped ownership arrangement. Similarly, with the trust arrangements there are some complicated processes.

There have been delays in terms of getting all of the land tax bills out. RevenueSA has applied additional resources into this particular area. Certainly, they are not all being delayed. The honourable member can make it clear to his constituents that, as each one is clear, the appropriate bill is sent to the appropriate land tax payer. The more complicated ones have been delayed obviously in terms of the processing of the precise nature of the tax obligation that they have. Those that are uncomplicated and clear are being processed within the expected time frames. Those that are more complicated and more complex are taking longer in terms of processing.

RevenueSA advised me last week or the week before that, as I said, additional resourcing is being provided in the nature of when some bills might be expected. The best advice they were able to give me was that they are processing as many as they can as quickly as they can. But yes, to answer the member's questions, there have been some delays in terms of issuing a tax bill.

I must say, on a regular basis I receive advice in terms of my political career from all sorts of places. One of those for many of us is the person who cuts our hair and my barber of longstanding did text me a week or 10 days ago saying many of his clients were complaining that they hadn't received their land tax bills yet. I sent a text back to him saying, 'It's the first time in 40 years I have ever heard of anyone complaining that they hadn't received their tax bills from me as the Treasurer.' I was delighted to hear that news. I said that tongue-in-cheek and he took it in the spirit with which it was offered.

RevenueSA is working as hard as it can in terms of processing those bills. It is a complex new system that has been introduced. In the first year, once the processes are established for individual taxpayers and they have adjusted their tax arrangements accordingly, as many of them are doing, it will be much less complicated in future years in terms of processing tax bills.

LAND TAX

The Hon. F. PANGALLO (15:08): Supplementary: Treasurer, when can these clients expect to make a haircut appointment with RevenueSA?

The Hon. R.I. LUCAS (Treasurer) (15:08): As the honourable member is aware, 92 per cent of them are going to get a wonderful surprise because they will be paying less land tax in terms of individuals and 75 per cent of companies will get a wonderful surprise. So they certainly won't be looking at it in the context of it being a haircut. They will be delighted at the arrangement that RevenueSA arrives at.

I must say that in discussions with some of my parliamentary colleagues who are active in the debate, they have indicated to me that many people came to them prior to the debate complaining about what they believed they had been advised about the significant increase in land tax. Some of those members of parliament have been able to advise those people, 'Well, what's your view now?' In many cases, not all the cases but in many cases, they have been pleasantly surprised. They are actually paying less land tax under the new arrangements than under the previous tax arrangements.

The answer to the question, as I said in my response to the first question, is that I am not in a position to give a definitive date. When I put the question to RevenueSA a couple of weeks ago they said they were processing them as quickly as they could, but the more complicated ones were going to take some time.

LAND TAX

The Hon. F. PANGALLO (15:09): A supplementary: with land prices skyrocketing, does the Treasurer now expect that many more would have to go through that threshold, and be paying more land tax?

The Hon. R.I. LUCAS (Treasurer) (15:10): If they are skyrocketing they will be delighted, those of them at the top level. The top level of land tax has been reduced from 3.7 per cent to 2.4 per cent, so they will be delighted at the changes in relation to that.

Members interjecting:

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

LAND TAX

The Hon. J.A. DARLEY (15:10): A supplementary to the Treasurer: I was recently—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.A. DARLEY: —advised by the CEO of Treasury and Finance that there were 52,000 land tax payers in South Australia. Is the Treasurer able to tell us how many of those accounts have not been sent?

The Hon. R.I. LUCAS (Treasurer) (15:10): I am happy to take that specific question on notice and see what information I might be able to provide.

COVID-19 HOTEL QUARANTINE WORKERS

The Hon. T.T. NGO (15:10): My question is to the Minister for Health and Wellbeing regarding nursing conditions. Now that the minister has had two weeks to investigate, are the nurses who work in medi-hotels entitled to the same pay and conditions as other nurses in the health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): I took that question on notice and it will come back in the orderly way.

ENTERPRISE BARGAINING

The Hon. D.G.E. HOOD (15:11): My question is to the Treasurer.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD: Is the Treasurer able to update the chamber on any recent developments with respect to enterprise bargaining with the public sector?

The Hon. R.I. LUCAS (Treasurer) (15:11): I am very pleased to be able to indicate that the government has been able to successfully resolve a number of enterprise agreements with smaller but nevertheless very important sections of the public sector. The government has settled two particular deals in relation to hardworking staff of the Adelaide Festival Centre. We have settled an agreement with 220 cleaners, gardeners, carpenters, painters, plumbers and duty operators for a 1.2 per cent wage increase from the end of last year and a further 1.5 per cent increase later this year.

Another 95 hardworking professional administrative employees—such as accountants, IT, marketing and communications staff—at the Adelaide Festival Centre also voted overwhelmingly to support a 1.2 per cent pay increase from late last year and a 1.5 per cent increase from later this year. In addition to that approximately 100 (I think) staff in HomeStart have just settled a three-year agreement of 1.5 per cent increases from this year, next year and 2023, with some offsetting arrangements that I will not go into in terms of detail.

The government continues to sit down cooperatively with those union leaders who are prepared to sit down cooperatively with the government and work through sensible salary increases. Those have all been in or around 1.2 per cent and 1.5 per cent salary increases over either two or three-year periods.

I congratulate the hardworking people in the industrial relations section of the Treasury department and thank them for their work. I also thank those union leaders and members who ultimately overwhelmingly voted for what are sensible salary increases in and of the order of 1.2 to 1.5 per cent as we seek to emerge from the global pandemic.

ENTERPRISE BARGAINING

The Hon. K.J. MAHER (Leader of the Opposition) (15:14): A supplementary arising from the answer: which union leaders does the Treasurer think are not sensible and not cooperative?

The Hon. R.I. LUCAS (Treasurer) (15:14): Any union bosses who are not prepared to come to sensible agreements with the government.

ENTERPRISE BARGAINING

The Hon. K.J. MAHER (Leader of the Opposition) (15:14): Further supplementary: the Treasurer in his answer talked about 'sensible and cooperative'. Can the Treasurer outline which particular unions he thinks are not sensible and not cooperative?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS (Treasurer) (15:14): I have nothing further to add, other than only those leaders, the union bosses who are prepared to settle sensible—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —reasonable salary increases with the government.

Members interjecting:

The PRESIDENT: The Leader of the Opposition!

The Hon. R.I. LUCAS: Very sensible—

Members interjecting:

The PRESIDENT: The Leader of the Opposition!

The Hon. R.I. LUCAS: —and we certainly encourage all of those who have been reluctant to come to the table and to settle a sensible agreement—

Members interjecting:

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

The Hon. R.I. LUCAS: —and encourage them to follow the leadership we have seen in relation to some of these—

The Hon. T.J. STEPHENS: Point of order.

The Hon. R.I. LUCAS: —or those that we have seen in the enterprise agreement.

The PRESIDENT: Order! The Treasurer will resume his seat. Point of order, the Hon. Mr Stephens.

The Hon. T.J. STEPHENS: The Leader of the Opposition is constantly shouting 'gutless' at the Treasurer. I don't think that is parliamentary.

The PRESIDENT: I don't think there is any point of order. My greatest concern is that the leader continues to ask questions and then continues to shout over the top of the answer, and I think it is time we moved on.

KANGAROO CULLING

The Hon. M.C. PARNELL (15:15): I seek leave to make a brief explanation before asking a question of the Minister for Human Services, representing the Minister for Environment and Water, about the culling of kangaroos.

Leave granted.

The Hon. M.C. PARNELL: This week, my office (and I expect the offices of all other members of parliament) has been receiving many emails from South Australians on the issue of kangaroo culling for commercial, domestic and export markets. The emails are calling for the permits to be immediately revoked. The reasons given in the emails are:

> The cull if permitted to continue will cause kangaroo populations to become ecologically unsustainable and likely lead to extinction.

The emails explain this further by saying that the South Australian government's quota system, that is, the number of kangaroos that can be killed in each commercial subregion, uses a higher

percentage than what is considered ecologically sustainable by leading scientists. Also, when kangaroo populations decline due to environmental changes, such as drought, the percentages of kangaroos being killed increases and the kill quotas become double what is ecologically sustainable. My questions of the minister are:

1. Can the minister confirm that quotas and permits are based on the best current scientific evidence so that the only purpose of the cull is the protection of biodiversity and the environment, rather than commercial considerations?

2. Will the minister revise the current quota system to ensure that permits for kangaroo culling are only issued as a last resort measure, when kangaroo populations are scientifically determined to be overabundant?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): I thank the honourable member for his question and acknowledge his longstanding interest in these issues. The matter of abundant native species is something that requires careful consideration. I think it is worth putting on the record that Australia's landscape has been significantly modified since white settlement. There have been many mistakes made along the way and some species have become more abundant than others.

Corellas come to mind, which are a particular pest, and I acknowledge that those species which are often termed—I can't remember the term used, but are often considered more cute or furry are the ones that often raise quite a lot of concern in our community. We saw in the ACT a couple of years ago a situation where we were receiving emails from people overseas concerned about that particular cull because the government at the time determined that the species was a pest.

It is interesting, when you talk to some landholders, particularly in parts of the Adelaide Hills where they have some native vegetation they are trying to protect, they say that they need to fence it off because kangaroos eat grasses and vegetation, and so they can be a threat to some of the native species as well. These things are always a question of balance. The substantive questions he has asked me I will take on notice and refer to the appropriate minister and bring back a response.

Personal Explanation

GAMBLING REGULATION

The Hon. F. PANGALLO (15:18): I seek leave to make a personal explanation regarding my questions about SkyCity Casino.

Leave granted.

The Hon. F. PANGALLO: I realise that SkyCity are friends of the Liberals.

The PRESIDENT: Order! You sought leave to make a personal explanation, and that does not include debate, so I ask you to make your explanation.

The Hon. F. PANGALLO: Thank you, Mr President. I feel that I was grossly misrepresented in the response from the Treasurer. At no stage did I make any allegation or inference that SkyCity Casino has, or had, probity issues similar to that of Crown. To be clear, it is about ensuring that there is effective oversight of the Casino's operations and that it is operating in accordance with its licence.

I would acknowledge that since its operations began in 1985, matters that have arisen at Crown have not been detected here, but of course we would never know unless questions and assurances are sought, as I have asked today. I believe we need a standalone independent gambling regulator.

The PRESIDENT: The Hon. Mr Pangallo, I think you have made your point. Standing order 175 does, obviously, allow you to do what you have done, but it does say quite clearly that the member shall not introduce any new matter in that explanation.

The Hon. F. PANGALLO: I am not introducing any new matter.

The PRESIDENT: You are starting to bring in new matters.

The Hon. F. PANGALLO: I will refrain from referring to the independent gambling regulator and what I just said, but I will say this—

The PRESIDENT: Stop the debate. The Hon. Mr Pangallo has made his explanation that he feels that he was misrepresented by the Treasurer.

The Hon. F. PANGALLO: I was.

The PRESIDENT: I think that concludes it. There are no new matters to be brought in.

The Hon. F. PANGALLO: Just to finalise that, there will not be any new matters.

The PRESIDENT: It had better be brief.

The Hon. F. PANGALLO: I just want to make it clear that my questions are no different to those being asked within the community and indeed even by my former journalistic colleagues. Thank you.

Matters of Interest

COURT, MS M.

The Hon. I.K. HUNTER (15:21): To receive an award in the Order of Australia is one of the highest honours that can be bestowed on a citizen in our country. The highest honour of these is the rank of Companion of the Order of Australia. To be awarded an AC is to be recognised alongside famed South Australians such as physicist Mark Oliphant, medical researcher Basil Hetzel and Aboriginal leader Lowitja O'Donoghue. These AC postnominals denote great Australians who have earned respect for their lives, their careers and their actions, and their definition is provided in the Constitution of the Order of Australia:

> Appointments as Companions or Honorary Companions in the General Division shall be made for eminent achievement and merit of the highest degree in service to Australia or to humanity at large.

That is a high threshold to meet indeed, and I suggest there are some things that would disqualify one from that level of eminent achievement and merit. Things like giving a sermon in your church and saying, 'You know, even that LGBT in the schools, it's the devil, it's not of God.' Things like going on radio and, while discussing transgender children, declaring that:

> You can think 'I'm a boy' and it'll affect your emotions and feelings and everything else, so that's all the devil. That's what Hitler did and that's what communism did—got in the mind of the children—and that's the whole plot in our nation and in the nations of the world to get in the minds of the children.

Things like declaring, with respect to marriage equality, 'Everyone knows that it is wrong, but they're after our young ones, that's what they are after.' Things like saying on radio:

> We know that homosexuality is a lust of the flesh, so is adultery, fornication, all those things…they too know this, this is why they want marriage, because it's self-satisfying.

Things like declaring that tennis is full of lesbians and that 'we're there to help them overcome'. These are not quotes from half a century ago, they are all from within the last four years, and they are all quotes from the newly minted Margaret Court AC.

I was one of the many Australians who were shocked and appalled to hear last month that Ms Court has been awarded a Companion of the Order of Australia. Ms Court has been described as the greatest female tennis player of all time, and perhaps that is true, but for all those achievements she has been showered in praise and prize money. She is in halls of fame, she has an arena named after her and she is already an AO, an Officer of the Order of Australia.

Yet, Margaret Court used this enormous platform she was given, built upon all these honours, to vilify gay, lesbian and transgender people, to divide our country and to incite hatred. That was her further contribution to our nation and that is why she was rewarded.

She is no Lowitja O'Donoghue, she is no Basil Hetzel, she is no Mark Oliphant. She is a bigot who has used her achievements and the platform created by her sporting field achievements to attack LGBTIQ people in Australia, including children. By her inclusion in the honours list, all other deserving recipients are diminished and the entire Australian honour system is tarnished.

Lest anyone feel that Margaret Court deserves this further award, let me share with you a word-for-word extract (as best as I can decipher it, anyway) from one of her church services, easily found online—do a search. The *New York Times* has given you a handy hint how to find it, as it

reported on Ms Court's practice of speaking in tongues. This is what Ms Court has to say to her congregation (I apologise to Hansard in advance; I will give you a copy):

> Harra-deb-or-see
>
> Aya ba-ba-ba-ba-ba-ba
>
> Haya-barra-de-barra-bala-bor-see-ah
>
> Ah-boy-eh-ha-ha-ha-ha
>
> Ho-ye-he-he-ha
>
> Ho-alla-bolla-meh
>
> Haya-ba-haya-ba-ba

Now, do you all in this chamber feel that she is one of the best representatives of our nation to the world, deserving of our highest honour? She is a bigot, she is a con artist and the honours awards committee thrust her upon us as a shining example of the best of Australia. We have all been conned and we have all been diminished by the award of this honour to Margaret Court.

REGIONAL GROWTH FUND

The Hon. D.G.E. HOOD (15:26): I rise today to speak about what the Marshall Liberal government is doing to support regional South Australia. The Treasurer outlined in the most recent state budget that the Marshall Liberal government is investing more than $1.6 billion in new measures to support our regions. This investment is building the important infrastructure, providing better services, supporting economic growth and, most importantly, creating jobs.

Key measures for the Department of Primary Industries and Regions is supporting regional South Australia with over $187 million in funding. These measures include more than $67 million for vital bushfire recovery across Kangaroo Island, the Adelaide Hills, Yorke Peninsula and the South-East of our state. More than $40 million has been provided to enhance biosecurity, including initiatives to ensure South Australia remains fruit fly free. The recent fruit fly outbreaks, which threaten our $1.3 billion horticultural industry and the 4,000 businesses and 37,500 jobs it supports, confirms the need for this important investment.

The Regional Growth Fund received $25 million in the state budget, including an extra $10 million on top of the special one-off $15 million stimulus round to assist the economic recovery of regional areas from the COVID-19 pandemic. South Australia's aquaculture and fisheries remain a priority, with the Marshall Liberal government's $24.5 million historic commercial fishing reform, $16 million for the upgrade of the South Australian Aquatic Sciences Centre at West Beach and an additional $20 million for badly needed jetty and boat ramp upgrades.

Long-suffering drought-affected primary producers will continue to be supported through the targeted $21 million drought support package. The Minister for Primary Industries and Regional Development, David Basham, who has nearly 30 years' experience as a successful dairy farmer, typifies the Marshall Liberal government's will to back South Australia's regions. I am proud that we as a responsible government are investing more than $1.6 billion in new measures across regional South Australia to provide better services, support economic growth and create jobs.

Key regional infrastructure projects include the sealing of the Strzelecki Track to support the agriculture and mining industries in the Far North, Main South Road and Victor Harbor Road safety upgrades for the benefit of those on the Fleurieu Peninsula, and of course the many tourists who head there almost every day, Hahndorf traffic improvements in the Adelaide Hills, as well as critical road maintenance across the state, from the West Coast to the South-East and the Mid North in between.

As we know only too well, 2020 was a tough year for South Australians and our regions have been hit particularly hard, firstly with drought, then bushfires and, of course, coronavirus. The Marshall Liberal government will continue to provide support to our primary producers who need it through our bushfire recovery programs and our drought support package.

South Australia's regions are a key driver of our economic recovery from the COVID-19 pandemic, which is why we are investing in our agricultural industries to increase productivity and create jobs. The Marshall Liberal government's Regional Growth Fund has been

successfully backing our regional economy since its introduction in 2018, and the extra funding in last year's budget is providing immediate stimulus investment in our regional communities.

Protecting South Australia's fruit fly pest-free status remains an important priority, as I outlined a moment ago, and it is a serious challenge and important that we do it very well. We will continue to spend what we need to to ensure our horticultural industry maintains that market advantage right across the world where it competes. Our zero tolerance policy has targeted the threat of Queensland fruit fly from the east, but with the Mediterranean fruit fly outbreaks in metropolitan Adelaide we are planning to expand this approach to our western border as well.

South Australia's commercial and recreational fishing industries are important contributors to our state's economy, and we continue to invest in the fishing industry to increase opportunities and encourage growth therein. The Marshall Liberal government is building what matters to keep South Australians safe and strong, back businesses and create jobs, and our commitment to the regions is proof of that.

SONDER EMPLOYMENT SOLUTIONS

The Hon. M.C. PARNELL (15:30): Today, I want to talk about a vital service that helps some of the most disadvantaged South Australians. Last week, I was pleased to attend a breakfast held by Sonder Employment Solutions, or SES. This is an organisation that was fairly new to me. I was aware of some of their other services, such as the Headspace mental health service, but the employment service is a relatively new one.

Since the SES program began delivering services 20 months ago, they have adopted an evidence-based individual placement support (IPS) model to support migrants and refugees into employment. They have had great success and shown that with the right approach they can achieve real outcomes for clients who are otherwise having to rely on social security income support. In just 20 months the program has put together an incredible multicultural team, with staff from more than 10 different cultural backgrounds represented. These caseworkers understand firsthand that partnerships with communities are fundamental to success.

We often forget that 24 per cent of South Australians were born overseas, that unemployment among migrants and refugees is 2 per cent higher than the national average and that 22 per cent of migrants are still unable to find employment 10 years after their arrival in Australia. It is that hard-to-reach cohort that the Sonder Employment Solutions program targets.

I will share some statistics from their first 22 months of their operation. The Sonder Employment Solutions program received 678 referrals, of which 399 were taken on as clients. These clients come from 59 nations, and 190 of them came to Australia on a humanitarian visa. So far the program has successfully assisted in 299 job placements, 10 work experience placements, 10 volunteer placements and more than 96 clients commencing further training.

Achieving these results takes a lot of hard work. For example, the SES program has initiated and maintained just over 5,000 contacts with employers and local businesses to help overcome the initial barrier to employment and create networks. As a result, SES clients have been placed with more than 190 different employers.

What impressed me most about the SES program was their understanding of the obvious fact that while there are commonalities amongst the migrant and refugee community, every person comes with different experiences and challenges; therefore, there is a need for a program that provides flexible, personalised employment and wellbeing support. This is the individualised placement support (IPS) model. People receiving support based on this model are nearly 2½ times more likely than other similar groups to be employed. This is not just local experience; that is shown by international research as well.

Sonder also provides a doorway to mental health services. Each client who enters the program is introduced to a wellbeing coach with optional ongoing sessions offered. An integrated wellbeing pathway allows immediate access to culturally appropriate mental health support for those who are not currently reached by the mainstream system. Sonder's career coaches can also help migrants and refugees build professional networks by meeting employers to facilitate opportunities.

Career coaches can help bridge initial workforce bias in order to create a crucial first chance for migrants and refugees to showcase their skills.

I might just add as an aside that next weekend my wife and I are having lunch with a refugee family who have been in Adelaide for less than two years, and the occasion is that the first member of the family has just received her first pay cheque. She secured an administrative job with one of South Australia's biggest employers and wanted to host a lunch for Penny and me in celebration. That is one more person in employment, one less person needing income support.

However, getting a job is just the first step. What Sonder also does is provide follow-up support after a client has secured a job, especially in helping migrants and refugees during the crucial first weeks and months of adjusting to a new working role. The importance of not only getting people into work but helping them stay in employment is highlighted by the fact that on average migrants and refugees who currently receive income support are likely to be on income support for around 30 years over their lifetime. If nothing changes, 56 per cent of this group will still be receiving income support payments in 10 years' time and 52 per cent will be receiving income support payments in 20 years.

Apart from Sonder, there is no other specialised and integrated employment and wellbeing support program for migrants and refugees in South Australia, which brings me to my main point, a plea to both the federal and state governments to ensure that there is funding to keep this valuable service going. If SES is defunded, this cohort of vulnerable people will have no recourse to appropriate alternative providers.

Sonder Employment Solutions have been grateful for the support they have received from the commonwealth Department of Social Services. They have received money from the Try, Test and Learn Fund, but this funding is about to be wound up. My call is for the feds to fund this important service and, if they cannot or will not, then the state government should step into the breach.

VIETNAMESE BOAT PEOPLE MONUMENT

The Hon. T.T. NGO (15:35): Sunday 7 February 2021 was a very special day for our local Australian-Vietnamese community. We joined with other South Australians to unveil the state's first monument to commemorate Vietnamese boat people. I am a boat person and was proud to celebrate with my community our achievements and contribution to this great state and, importantly, remember our early beginnings here.

Vietnamese people started arriving in Australia in great numbers about 40 years ago, when our former homeland was gripped by a civil war. We piled into tiny fishing boats looking for safety on any welcoming shore. We spent days and weeks at sea. We encountered pirates and suffered horrific assaults at their hands. Many boat people lost their lives to the sea. I stand as one of the very lucky refugees who reached Australia and was resettled in Adelaide, South Australia. I thank God every day for that gift.

My journey is unique in this chamber but it is just one of many harrowing stories of the Vietnamese boat people. In our new home, Vietnamese boat people suffered racism and many experienced isolation and unemployment. But as we endured these challenges and the longing for those we left and lost, the wider Australian community and all levels of government welcomed us. Safe in Australia, boat people did not dwell on our challenges. Instead, we were grateful for our sanctuary and focused on the opportunities in our new country.

Through this monument, we want firstly to remember the events that brought us here and those we lost and, secondly, to thank Australians for our new home and opportunities. For the generations of Australian-Vietnamese born here and the children of other refugees, we hope the monument inspires them to learn and remember their families' history and understand that their fortunes today are built on the sacrifices of their ancestors.

On behalf of the local Australian-Vietnamese community, I invite everyone to visit the beautiful monument now standing on the Riverbank at the corner of Victoria Drive and Kintore Avenue. Artists Ash Badios and Tony Rosella and their team beautifully captured in bronze two Australian-Vietnamese children beside a granite boat. On top of the boat, six lotus flowers represent the Southern Cross, pointing the way to hope and opportunity. That hope and opportunity proudly sits on the horizon, captured in the towering granite beacon on the edge of the monument.

My wish is that all children whose parents have come from far lands and who beat incredible odds to make their home here can look to the beacon for guidance and inspiration on their way to becoming constructive citizens. Should you ever be lost, look to the beacon to find the way. Remember your ancestors' struggles and the goodwill, support and opportunity they found in this new home. Take your bearings from your history, make the most of what this community offers and remember you are also part of this great gift. You, too, create this gift for others as a productive and valued member of our multicultural community.

In closing, on behalf of the Vietnamese Boat People Monument Association, I thank the former Labor and the current Liberal state governments and all my parliamentary colleagues from all parties for their support. I also acknowledge the contributions from the City of Adelaide and the Kaurna community, and I thank them for their support for the monument to stand on their land.

Thank you to all the volunteers for your help at the ceremony and over the years and to everyone who contributed financially. The histories of Vietnam and Australia are already tightly connected, and sharing this celebration strengthens the bonds of our local community.

ALLIANCE FRANÇAISE D'ADÉLAÏDE

The Hon. J.S. LEE (15:40): Bonsoir, tout le monde. It is a great honour today to rise and speak about a significant milestone in South Australia's migration history, the 110th anniversary of the Alliance Française d'Adelaide. On Saturday 12 February 2021, as Assistant Minister to the Premier, it was a great privilege to represent the Premier, the Hon. Steven Marshall, at the unveiling of the magnificent mural painting that was commissioned to commemorate this remarkable milestone. I was joined by SAMEAC chair, Mr Norman Schueler OAM.

The Alliance Française of Adelaide was established in 1910 when two sisters, Ms Berthe Mouchette and Ms Marie Lion, migrated to Australia and fell in love with Adelaide. Both French artists, one a painter and one a writer, they soon became prominent members of their new community and formed the Adelaide branch to cultivate a strong relationship between South Australia and France. For honourable members who are not familiar with the alliance, it is an international network of branches, which was first founded in Paris in 1883 to spread the love of French language and culture around the world.

Today, there are 819 alliances in 137 countries, reaching over 555,000 people around the globe. The South Australian branch has become a vibrant cultural centre which hosts a number of major events each year, such as the French film festival, concerts, book launches and the most popular and beloved French market in Unley. The alliance also plays a vital role in French language education. It is accredited by the Ethnic Schools Board and the SACE Board of South Australia, and it is the official centre for examinations administered by the French Ministry of Education.

On behalf of the Marshall Liberal government, I wish to express our heartfelt congratulations to the president, Mr Bryan Fahy; board members; director, Ms Raphaelle Delaunay; staff; sponsors; the Honorary Consul of France, Sue Crafter; and many, many volunteers for continuing the legacy of the founding members of the Alliance Française. I thank them sincerely for their dedication to promoting French language and culture to the wider South Australian community and for their ongoing contributions to strengthening the bilateral relations between South Australia and France. The Office of the French Strategy exists within the Department of the Premier and Cabinet, and I acknowledge their great work as well.

To celebrate the 110th anniversary, the alliance commissioned an outdoor mural to bring a touch of French culture to the streets of Adelaide and to recognise the many achievements of the alliance. I would like to pay tribute to the incredibly talented South Australian Aboriginal artist Elizabeth Yanyi Close, who designed the stunning mural to celebrate the collaboration and enduring relationship between Australia and France. This relationship was further emphasised through the artist herself, as Elizabeth has created a public mural in the French city of Cherbourg.

This magnificent mural is a wonderful gift to South Australia and is deeply symbolic, reflecting the alliance's deep respect for Aboriginal culture and acknowledgement of the many contributions of our diverse multicultural communities in South Australia. The artwork draws on colours from the French, Australian and Aboriginal flags. The texture reflects the elements of earth and water, representing the vast distance over oceans and landscapes between our two nations.

There are many layers to this fabulous piece. There are abstract references to the staff of the Alliance Française and the diversity of our vibrant multicultural communities. We see the Eiffel Tower and the South Australian coastline, with the Milky Way and the sun shining on both nations as a unifying force. I would like to briefly share the artist's own words about the heart of this piece. She said:

> Whilst we all come from very different cultures and ways of life, we are all very much the same under the sun and the Milky Way.

Merci beaucoup.

SPECSAVERS

The Hon. F. PANGALLO (15:44): Many of us are familiar with the advertising mantra of optical giant Specsavers accompanying an act of misfortune caused by visual impairment, 'Should have gone to Specsavers.' Constituent Ron Stone, a pensioner aged 72, did just that and now he is blind. His is an appalling story of abject neglect and incompetence by Specsavers, worsened by SA Health's slack record management and its perplexing hospital waiting lists.

Here is what happened to Ron, and it should serve as a salutary warning that people should have their eyes checked by competent professionals who are prepared to follow-up on the wellbeing of clients. In June 2017, Mr Stone saw an optometrist known as Tiffany at the Specsavers' Tea Tree Plaza franchise. The optometrist, who apparently is no longer in Australia and no longer works at Specsavers, advised that he had early signs of glaucoma with an eye pressure reading of 27.

An experienced optometrist advised me that this should have raised an alarm and that eyedrops, costing only $6, should have been immediately prescribed by Specsavers. If Tiffany was not certified to provide a script, then she should have ensured that someone within the practice did so as a matter of urgency. This did not occur. Instead, Tiffany advised Mr Stone that she would refer him to a specialist ophthalmologist at the Royal Adelaide Hospital and that if he had not heard back in three months to contact her again.

She did not tell Mr Stone his deteriorating eyesight was an urgent issue, nor did she suggest a referral to a private specialist. She did not mention that there were significant risks in delaying attention, including permanent eyesight loss. Clinical notes show that Tiffany made a referral to an RAH ophthalmologist for a second opinion. She did not mark it as urgent. Long waiting times at the RAH are well known in the profession. The optometrist I consulted informs me there is a waiting list to get on the waiting list. More bewildering in this digital age, the RAH only accepts referrals by archaic fax machine.

After three months, Mr Stone had heard nothing from the RAH. When Mr Stone again returned to Specsavers in December 2017 and Specsavers checked to see what happened to the now dated referral, the RAH advised it never received it. Specsavers had not followed up at any time, nor confirmed whether the RAH had or had not received the referral. Clinical notes from the second consultation revealed his intraocular pressure increased to an alarming level and another referral was resubmitted to the RAH with an urgent time line specified. The RAH responded to this second referral by placing Mr Stone on a non-urgent list. Why?

Specsavers failed to follow-up with the RAH that Mr Stone was an urgent case, nor did it investigate or suggest alternatives. Mr Stone eventually saw an RAH eye specialist two months after the second referral—far too late. Specsavers had left Mr Stone languishing with what it knew was a seriously worsening case of glaucoma for five months. Mr Stone needed two operations at the RAH and was told the delays significantly contributed to his loss of sight. He was also told that had he waited another two months, he would have been completely blind.

As I have outlined and based on clinical notes I have seen, it is an indisputable fact that Mr Stone's loss of sight is due to the negligence of Specsavers. However, the RAH is also culpable. Sadly, this was entirely preventable. In seeking a remedy, Mr Stone has had no satisfactory response from Specsavers. They fobbed him off with an insulting offer of a $100 discount on three pairs of glasses. He should be compensated for the loss of his eyesight.

The Health and Community Services Complaints Commissioner has also proven to be a toothless, useless watchdog handling Mr Stone's complaint. He has lost the enjoyment of the years of life he has left. He had to surrender his driver's licence and cannot drive his wife, who has

Parkinson's, to medical appointments. He cannot read the paper, the TV is a blur and, sadly, cannot make out faces of people, especially his grandchildren.

In its national advertising campaign, Specsavers likes to present itself as a responsible and ethical provider of services, claiming it cares for your sight and hearing. It implores Australians to demand more. Well, Ron Stone is demanding more of Specsavers, and so will I.

WAGE THEFT

The Hon. I. PNEVMATIKOS (15:49): I rise to speak on the issue of wage theft. I have brought this issue to the attention of this house many times. Almost two weeks ago, a video emerged of two workers who were assaulted as a result of speaking to their employer about their experience of wage theft within the workplace. Since the video was released, a groundswell of media attention and community mobilisation has brought the issue of wage theft to the public's attention.

Yet, as with most other industrial relations matters, both the state and federal Liberal governments' willingness to do anything on the issue leaves a lot to be desired. The video was horrifying but unfortunately it was far from surprising. For over two years now, the wage theft committee has heard evidence of egregious acts, some similar to the one in the video, of wage theft within our state. In South Australia there have been reports of:

- workers who are paid with vouchers;
- workers receiving less than $10 an hour, some as low as $1 an hour;
- employers not paying superannuation and other entitlements;
- trainees not being paid for weeks and even months;
- apprentices doing the work of skilled tradespeople and being paid significantly less because they have the title of apprentice; and
- even employees being made redundant due to COVID, only to see their position advertised the following week at a significantly lower rate and with fewer rights and entitlements.

These are not instances of honest mistakes or administrative errors. These are deliberate underpayments to workers—deliberate underpayments that purely benefit the employer and disadvantage workers, and also disadvantage businesses that are playing by the rules.

It does not matter if you are a hairdresser, an administrative assistant, a labourer, a retail worker, a farmhand, a carer, a hospitality worker, a tradesperson or an apprentice. No-one is immune. We know the issue of wage theft is not isolated to one workplace or one region. It is widespread and in epidemic proportions. The power balance between employers and employees is not a relationship between equals and the inequality of that relationship is increasing to the detriment of the workplace.

Employers who use wage theft as a business model know that the system works in their favour. They understand that current reporting systems like SafeWork SA and the Fair Work Ombudsman are understaffed and under-resourced. Employers who use wage theft as a business model know that the penalties for them are so low that it is worth committing wage theft to gain a quick competitive advantage and deal with the minimal repercussions later.

Threatening behaviour from employers such as the video demonstrated or the fear of losing visa rights, fear of losing entitlements, hours of work or losing your job completely, prevents workers from speaking about their experience of wage theft. This threatening behaviour is now extending beyond the workplace. Last week, an international student, whose name I will keep off the record for their safety, contacted the Adelaide City Council via email over concerns that fellow students of his were victims of wage theft within the City of Adelaide. For raising concerns, the student was threatened with defamation by Councillor Simon Hou.

We should be encouraging people to speak up about their experiences, not threatening them with monetary penalties with the aim of silencing a voice. It is the obligation of all of us to have open and frank discussions about these issues in order to work towards a fairer and adaptable workplace.

Threats and intimidation, when individuals or groups voice their experiences or concerns, are not only not good politics but need to be called out and addressed.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE: WORKLOAD OF THE LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (15:54): I move:

That the report of the committee, entitled Report on the Workload of the Legislative Review Committee, be noted.

The Legislative Review Committee has considered its functions under section 12 of the Parliamentary Committees Act 1991 and has resolved on its own motion, under section 16(1)(c) of that act, to report to the parliament on the workload of the committee.

Prior to the enactment of the Parliamentary Committees (Petitions) Amendment Act 2019, most of the committee's time was spent on its functions under section 12(b) of the Parliamentary Committees Act 1991; that is, to inquire into, consider and report on subordinate legislation referred to it by the Subordinate Legislation Act 1978. Section 10(3) of the Subordinate Legislation Act 1978 requires every regulation, except as expressly provided in another act, to be laid before each house of parliament within six sitting days after it has been made.

Every regulation that is required to be laid before parliament is referred to the committee under section 10A(1) of the Subordinate Legislation Act 1978. Under section 4 of the Subordinate Legislation Act 1978 regulation means a regulation, rule or by-law. That said, an act may also deem other types of instruments to be a regulation for the purposes of tabling the instrument in the parliament and referring the instrument to the committee, such as in the case of fee notices.

The practical effect of the above provisions of the Subordinate Legislation Act 1978, together with provisions of other acts that deem other types of instruments to be a regulation, is that the committee is responsible for inquiring into, considering and reporting to parliament on a large body of law made under acts of the parliament. However, in terms of its workload, the number of instruments the committee reviews in any given year is less of a concern for the committee than the complexity of instruments that the committee reviews and the quality of explanatory material that accompanies those instruments.

On 20 March 2019, the member for Florey introduced into the other place a bill for an act to amend the Parliamentary Committees Act 1991. There was some discussion about these proposed changes to the Parliamentary Committees Act, and I would like to quote some of that discussion in this chamber today. According to the member for Florey, the Parliamentary Committees (Petitions) Amendment Bill (the petitions bill) proposed:

> …modest changes and does two main things: first, in clauses 3 and 4 it expands the functions of the Legislative Review Committee so that the committee is tasked with inquiring into, considering and reporting on eligible petitions referred to it under new section 16B. The mechanism seeks consideration of community issues by referring petitions to a committee for examination.
>
> To avoid creating a new committee, use of existing committees is the obvious solution. The Legislative Review Committee appears to have capacity, which would avoid further backlogging the Social Development Committee. In the past 20 years, only 19 petitions have reached 10,000 signatures, and none since 2015, so the burden is unlikely to be especially great. Given that petitions are often tabled in order to achieve a change in law or policy, the Legislative Review Committee provides the most appropriate medium.

On 1 May 2019, the Attorney-General indicated government support for the petitions bill. During the second reading debate for the petitions bill, the Attorney-General observed the following:

> The process that the member has highlighted in this bill is one of referral to the Legislative Review Committee, which is a standing committee. It has a continuing role and a certain charter. From our perspective, in the first instance that is the appropriate referral body. One matter that we may need to consider in the future is the question of whether the parliament or, perhaps more appropriately, the Legislative Review Committee has the power—if it does not have the power now, that is something for us to consider—to delegate or re-refer that matter to another committee.

Further:

> I think we need to keep an open mind as to whether we might need to provide some added power to the Legislative Review Committee to refer the matter to another committee if, in their view, they consider that there could

be some more valuable consideration or update provided on advice to us here in parliament and, in due course, any minister can respond in the parliament to be fully briefed and informed.

In response to the Attorney-General's comments, and in conclusion to the second reading debate in the House of Assembly, Ms Bedford MP stated:

> …the number of people who have petitioned the parliament in such a way that might require such action is very, very small. Perhaps we will see a flurry of democracy—you never know—but I do not envision that it will place a great strain on the Legislative Review Committee.

Consequently, on 16 May 2019, the petitions bill was introduced into the Legislative Council, and on 20 June 2019 passed the Legislative Council without amendment. The petitions bill was assented to on 11 July 2019 and came into effect as the Parliamentary Committees (Petitions) Amendment Act 2019 on the same day.

In addition to the committee's scrutiny function, and its functions in relation to eligible petitions, the committee also inquires into, considers and reports to parliament on any matter concerned with legal, constitutional or parliamentary reform, or with the administration of justice, with the expiry of continuation of acts or subordinate legislation and with intergovernmental relations. The committee is also able to perform other functions that may be imposed on the committee by the Parliamentary Committees Act 1991, any other act or by resolution of both houses.

As I have previously spoken about, there was a sentiment expressed in the parliament that the burden of petitions was unlikely to be especially great, given the threshold of 10,000 signatures. In contrast to that sentiment, the parliament referred three petitions to the committee under section 16B of the Parliamentary Committees Act 1991 within six months. The first petition of 2020 was from the House of Assembly on government retention of motor vehicle registry functions and Service SA branches. The second petition of 2020 was from the Legislative Council on planning reform, and the third petition of 2020 was from the House of Assembly on maintenance of the current composition of the Teachers Registration Board.

With the prospect of the parliament referring more eligible petitions to the committee, the member for Florey perhaps had the foresight that no-one else had when she suggested during the second reading debate on the petitions bill that the parliament could see a flurry of democracy. In addition, petition No. 2 of 2020 on planning reform is a significant petition, containing four related but discrete prayers for inquiry.

In the committee's recent public call for submissions for petition No. 2 of 2020, planning reform, the committee received 98 written submissions and 16 requests to provide oral evidence. The committee has determined to inquire into, consider and report to parliament on petitions referred to the committee under section 16B of the Parliamentary Committees Act 1991 in the way that parliament would expect. In fact, the committee is currently meeting twice weekly during sitting weeks to hear from witnesses on petitions, and still carry out its function to scrutinise delegated legislation.

However, no other jurisdiction within Australia refers petitions for inquiry to a committee that also has as one of its functions the scrutiny of delegated legislation. In the committee's view, combining technical legislative scrutiny with inquiry into and consideration of petitions is placing an untenable strain on the committee and its existing two staff members: the committee secretary and research officer. In light of this, a structure that would allow the committee to re-refer petitions to another standing committee of the parliament, as suggested by the Attorney-General during the second reading debate of the petitions bill, should seriously be considered by the parliament without delay.

The committee has made several recommendations within our report. The Legislative Review Committee recommends that the parliament amend the Parliamentary Committees Act 1991 without delay to:

(a) refer eligible petitions to the most relevant committee of the parliament; or

(b) establish a petitions committee under the standing orders of each house or the joint standing orders; or

(c) allow the Legislative Review Committee to rerefer an eligible petition referred to it under section 16B of the Parliamentary Committees Act 1991 to another committee of the parliament established

under that act, taking into account the functions of that other committee and the subject matter of the petition.

The Legislative Review Committee also recommends that, if parliament considers it appropriate for the inquiry into eligible petitions function to remain within the Legislative Review Committee, the President of the Legislative Council, as soon as practicable, ensure that the Legislative Review Committee is appropriately resourced to carry out this function.

Mr President, you may also have noted that there is a minority report on the workload of the Legislative Review Committee. There has been some robust discussion in our committee on its workload and its structure. There has also been some recent commentary in this chamber from some members who claim that successive chairs have used their casting vote to push through regulations over a number of years. I have already stood up in this chamber and vehemently rejected this assertion, and will continue to do so.

I have only been the Chair of this committee since being sworn into parliament some 10 months ago. However, I on behalf of the committee have moved a number of notices of motion to disallow on a number of regulations and by-laws. I would also like to remind the council of the role of the Legislative Review Committee, which is of a technical nature, ensuring that executive departments and ministers adhere to its scrutiny principles. The merits of a regulation should remain the concern of the chamber not that of the committee.

Since becoming Chair of the Legislative Review Committee, I have also sought to swiftly progress the committee's information guide, which I spoke to in this chamber towards the end of last year. This information guide is crucial in providing executive departments with the understanding of what the committee is looking for in order to deliberate on matters that are brought before it.

In closing, I would like to thank our committee secretariat, Mr Matt Balfour and Ms Maureen Affleck, for the formation of this report and for their consistent hard work. I would also like to thank other members of the committee: the Hon. Connie Bonaros and the Hon. Irene Pnevmatikos, as well as members from the other place, the member for Narungga, Mr Fraser Ellis; the member for Ramsay, the Hon. Ms Zoe Bettison; and the member for MacKillop, Mr Nick McBride. With that, I commend the report to the house.

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

COVID-19 RESPONSE COMMITTEE: INTERIM REPORT

The Hon. T.A. FRANKS (16:06): I move:

That the report be noted.

On 11 March 2020, the World Health Organization declared the novel coronavirus (COVID-19) outbreak a global pandemic. This came after a number of countries had experienced outbreaks and after Australia had already confirmed its first COVID-19 case in late January 2020. The federal government, together with the states and territories, responded to the pandemic by enacting a range of laws and policies to slow the spread of COVID-19 and ensure public health and safety.

As of 15 February 2021, Australia had 28,898 confirmed cases of COVID-19, with 909 people dying from the virus. Also as of 15 February 2021, South Australia had 606 confirmed cases, of which 419 were overseas acquired. At the time of this report, there were five active cases, all of which were acquired from overseas and are currently in quarantine, and there had been four deaths in our state. I note that today there have already been another two reported cases, so these figures are already out of date.

The report that we note today provides background on the activities of the upper house committee, highlighting the key issues raised during our inquiries and also the committee's view that scrutiny of the government's management of COVID-19 has been necessary and should be enhanced.

I thank the members of the committee to date for their contribution: the Hon. Connie Bonaros, the Hon. Emily Bourke, the Hon. Dennis Hood and the Hon. Ian Hunter, as well as the Hon. Terry Stephens; and former members, the Hon. Dr Nicola Centofanti and the Hon. Kyam Maher, for their service, from 8 April until September 2020 for the Hon. Dr Centofanti and the same dates, almost, except it was the 22nd of that month, for the Hon. Kyam Maher. I also thank the work of the committee

staffers, in particular the research officer, Sue Markotic, as well as Anthony Beasley, the parliamentary officer, and Ms Leslie Guy, the clerk assistant, for what has been a committee responding to very difficult times.

We often hear the government say that responding to this pandemic has been like flying the plane while building the plane, and I have been known to quip that this committee is somewhat the black box, but what we do not hope for is any sort of crash where this black box is required. But it certainly is a repository for information, for raising concerns and for seeking transparency, and transparency has never been more needed as we continue well beyond a year since this pandemic was declared and with, at this stage, many months ahead of us of extraordinary times.

To tackle this pandemic, we did see the government enact emergency measures and legislation, and we all had to find new ways of working and dealing with things somewhat on the fly. We were all in very new and uncertain territory and decisions were made under significant pressures and often with limited information available. Certainly, that was the case early on in the pandemic.

As I have said many times, however, this does not mean that we should run roughshod over people's rights and that we should not have accountability and transparency when it comes to our response to the pandemic. That is not something to be feared. That is one of the reasons that this committee was formed by this upper house and it is indeed one of many committees across the nation that have been similarly formed and that continue.

For the most part, we heard from quite informed witnesses and had many important issues raised and resolved. Indeed, many of them have moved on quite a significant distance since they were raised in the works of this committee and within this report. In particular, we heard key evidence and sought additional documentation and information from the state government's Transition Committee. This Transition Committee was established to help 'transition' the state from the COVID-19 health emergency and provide advice to the State Coordinator in relation to which emergency restrictions should be eased or reinstated if necessary and in what order.

I am noting the evidence that the committee has received from the Transition Committee because it was absurdly difficult for us to get that evidence. As is noted within the report, the Transition Committee has significant power to implement the way in which our state responds and recovers from the COVID-19 pandemic and its accountability and transparency to the community through this parliament is of paramount importance. In this report, the committee has expressed our disappointment that it has taken multiple and repeated requests to get simple information from the Transition Committee as part of our inquiry.

Indeed, some members might remember that late last year I even moved the motion in this place to compel the Transition Committee to provide the documents this committee had requested—simply, the minutes of their meetings. We did end up getting that before that matter needed to be brought to a vote, but it should never have needed to be brought back to this place.

So I am going to repeat myself here when I quote what I said then which is that I do not believe it is unimportant that this council, this parliament and the people of South Australia understand the work of the Transition Committee. This is the committee that is charged with the very important job of bringing us through this COVID pandemic, from the health response to the recovery response. This is the committee that decides whether or not our borders are open or closed. This is the committee that decides whether or not we can drink standing up, whether we can dance at a pub, whether a private function means that we can do both of those things (drink and dance) but should the pub put on its own function that we cannot do both of those things: drinking and dancing.

Many decisions that are made by this Transition Committee go well beyond that. We have seen families separated, we have seen people unable to access health care, employment or education. We have seen curious decisions made which are informed by health priorities but are balanced with the business and commercial priorities and the South Australian people deserve to know how and why those decisions are made and, most importantly, who is in the room when it happens and who gets access to the Transition Committee. That is a timely reminder. That need for accountability and transparency in this space will only grow stronger.

I think it is safe to say that 2020 did not really go to plan for anyone. From toilet paper shortages to *Tiger King* binges and TikTokkers stacking out Trump rallies and leaving them empty,

or indeed old folks like myself becoming a little addicted to TikTok. The year started out quite badly with what seemed like half the country on fire, with the devastating loss of human life, animal life and precious vegetation, and it did seem at that point that it could not get worse. Little did we know what last year had in store for us.

It has been interesting—that is one way of putting it—finding ways to maintain contact with family and friends in this environment, sharing dinner and drinks over video rather than in person, for example. We have all missed at some stage having physical contact with loved ones. It could be much worse, and South Australia has done very well, but it has been good that technology has enabled us to live in what is called this new COVID normal. I think for the most part we have at least got used to unmuting and muting ourselves and using the technologies in ways that I think will be continued post the pandemic.

The travel restrictions we have seen imposed as a response to this pandemic have been very difficult to navigate for many, and it has certainly been a big shock to our collective systems: a nation of travellers unable to travel and with many travellers unable to come home. This has been a key concern and will be a continuing concern of the committee as we have already heard from stranded Aussies overseas and their struggle not just to come home but then with the quarantine issues as they return. This is an issue that I hope we can continue to work on, not just to bring our people home but to ensure that quarantine is both safe and done in a way that does not harm our fellow South Australians.

There have definitely been some highlights and lowlights in this past year. While there were very high hopes that we might unite against a common threat, we have seen that that has not always been the case. Broadly, the vast majority of the community in South Australia and our nation in general have shown remarkable willingness to make small temporary sacrifices to protect each other and to protect particularly the most vulnerable in the community.

Some of the more appalling and concerning things that this past year has highlighted for us is the way in which ordinary people are struggling and facing work and housing pressures because of the pandemic, we have seen them face racism, we have seen inequality grow, we have seen the wealth continue to grow but that inequality rise just as fast. How is it that in the new COVID normal we are not seeing that the better way forward is indeed to end that inequality and to ensure people have what they need to live happy, healthy lives?

What happens in the next six months or so will determine, I think, the long-term impact of this pandemic on our nation as a whole. The rich have got richer and the inequality has grown. There was a temporary buffer of JobKeeper and the Coronavirus Supplement, which saw people able to put food on their tables, have the medication that they needed, live comfortable, healthy lives and not be facing choices that, to be honest, they should never have to face.

We saw the homeless given housing in our central business district almost overnight. We saw that problems such as homelessness or poverty are not insurmountable; they are utterly solvable. They were done for the pandemic in terms of us all banding together to ensure that our community was a compassionate one, and I hope that we do not see ourselves returning to the dog-eat-dog situation of the previous-to-the-pandemic nation that we were devolving into.

The world has changed this last year, and what remains to be seen is if this change will be for the better or, potentially, for the worse. We are in a unique position to shape what comes next and what comes after, and I, for one, certainly do not want us to return to what was becoming normal. Normal is not good enough if we go back to what we had pre pandemic. Indeed, we can get rid of poverty. We can build back better.

I hope that this committee's work continues and that we hear new ideas for how to continue to address homelessness in a way that is not just an emergency response but is a sustained, concerted, consensus across the aisle effort for our state.

This pandemic has also shown us the true nature of what insecure work and casualised work brings to us. It has also shown us who really are the essential workers in our state. It has shown that more of us can work from home and that our workplaces could and should be more flexible. It has also ensured that we are rethinking what is a priority, and our families and our loved ones and the role of work in our lives and that balance, I think, many people have taken the time to reflect upon.

I believe that the prioritisation of free child care shows us that it also is something we do not have to go back to, the idea that we marginalise those who have roles caring for children from access and equity when it comes to a working life. It should be something that we do not return to post pandemic. Indeed, free and accessible child care and a valuing of the jobs that our teachers do would, I would hope, be far more revered and respected into the future.

I hope the new normal will be one that is better for all of us, not just a response to a health crisis but seen as an opportunity for a more hopeful future. As we faced a health crisis, I think this committee has been very sensitive to ensuring that we do not add to misinformation and hysteria. This committee has been very careful not to be partisan, but I think it needs to be respected by groups such as the Transition Committee to ensure that that balance continues.

There needs to be access to information. There needs to be clarity around decisions made that are in some cases quite extraordinary decisions that impact on our human rights and our civil liberties. We need the clarity as we move forward. No doubt the vaccine, as it rolls out, will have teething problems. I have absolutely no doubt that it will not all go to plan as we continue to tread our way through this very difficult path, but I would envisage that we will be asking harder questions into the future and demanding those answers from this committee that sometimes have been lacking to date. With that, I commend the report to the council.

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

Motions

COST OF LIVING CONCESSIONS ACT REGULATIONS

Orders of the Day, Private Business, No. 1: Hon. N.J. Centofanti to move:

That the general regulations under the Cost of Living Concessions Act 1986, made on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

The Hon. N.J. CENTOFANTI (16:22): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

DEVELOPMENT ACT REGULATIONS

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

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

(Continued from 3 February 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:22): I rise to indicate that Labor will be supporting the Hon. Mark Parnell's disallowance motions, Orders of the Day, Private Business, Nos 10 and 11. I indicate that rather than speaking separately to both of them, as one relates to regulations under the Development Act and one to regulations under the Native Vegetation Act, I will speak to both Nos 10 and 11 in this one contribution and then the opposition will be voting to disallow those regulations.

The first motion disallows the regulations under the Development Act regarding private tourism developments worth more than $1 million in Flinders Chase National Park. Developments in national parks are currently required to be consistent with each national park management plan and to go through the normal, standard development approval process. Under the regulation that is before this chamber for consideration to disallow, development may be approved by the State Coordinator-General and would not be subject to development plan consent nor appeal.

The second motion will attempt to disallow regulations under the Native Vegetation Act regarding private tourism developments worth more than $1 million in Flinders Chase National Park. Under this regulation, any vegetation clearance required by the development may be approved by the State Coordinator-General. At present, as I said, developments in national parks require not just the development planning consent but native vegetation clearance and are subject to approval by

the Native Vegetation Council. This council requires significant environmental benefit to offset any such clearance.

The context of these regulations is a controversial proposal from the Australian Walking Company to build accommodation on clifftops in Flinders Chase. This proposal has been subject to an appeal launched by local interested groups. These regulations, if allowed to stand, would allow the company to proceed without being subject to public input in the development approval or being subject to any appeal.

Since the introduction of these regulations and the subsequent disallowance motions, concerned groups and the company have reached some agreement about a change of location for the accommodation. However, such negotiated agreements have been made in the knowledge that the company was able to get approval from the government regardless of the views of the local community, due to the operation of the regulations that are the subject of the disallowance.

The introduction of these regulations has to be considered as an intentional shot across the bow of the local groups that are opposed to the government. This is a deliberate attempt to sideline them and to take away proper protections. The regulations effectively gave the local groups no option, with a gun held to their head in the negotiations, than to try to settle with the development company.

These regulations are not specific to that development but cover any private development in the park and are not time limited. We think they should be disallowed to avoid any further controversial development not being subject to any approval or scrutiny. At this stage, I wish to place on the record and acknowledge the tireless work of the local member of state parliament whose electorate includes Kangaroo Island, Leon Bignell, the member for Mawson. He has spent a great deal of time letting not just me but many members of this side of the chamber know his views about these regulations.

The member for Mawson, Leon Bignell, has implored that he is not against development but it needs to be sensitive, sensible development on Kangaroo Island to make sure that environmental concerns are taken into account and that it works properly for the benefit of everyone. I spent some time at almost this time last year on Kangaroo Island with the member for Mawson, Leon Bignell, in the wake of the bushfires helping BlazeAid to clean up fencing and meeting with members of the local community.

I know and share the member for Mawson's concern, as bushfire recovery continues, that the wishes of the local people on Kangaroo Island are not trampled on, as these regulations seek to do. We on this side of the chamber are very fortunate to have someone like the member for Mawson, Leon Bignell, who is in touch with the community on Kangaroo Island to inform us of the wishes and needs of the Kangaroo Island community, working together to bring about better results.

We think these regulations are another unfortunate example by this government to degrade our shrinking natural habitats. Regulations like these can turn amazing and timeless natural treasures into nothing but resources to be squeezed for cash, regardless of the destruction, degradation or views of those in the area. We have seen it before in this term of parliament with cuts to marine parks, where the only real threat of disallowing the regulations forced the environment minister at that stage into retreat.

We have seen it on issues to do with the Murray River, with the minister being found in a report to have capitulated to the interests of irrigators in the Eastern States, to the detriment of South Australians and South Australia's waterways. Even more recently, we have seen the shambolic handling of the death of more than 10 hectares of mangroves and 30 hectares of samphire wetlands near St Kilda. It was likely caused by hypersaline water seeping from nearby salt mining ponds.

We have a Minister for the Environment in name only, with almost all of the funding committed in last year's budget going to the building of facilities in national parks and very, very little to the protection of our precious biodiversity and natural resources. There needs to be a line drawn in the sand. Both these regulations are contrary to Labor's policy on development in national parks and it is contrary to our views while in government and in opposition, and we wholeheartedly support the Hon. Mark Parnell's motion to disallow them.

The Hon. R.I. LUCAS (Treasurer) (16:29): The government opposes the motion from the honourable member. With the recent devastating Kangaroo Island bushfires and the ongoing impact

of COVID-19, it is important, from the government's viewpoint, that the local economy, that tourism ventures that generate local jobs are enabled in a way that carefully manages our environmental assets.

As we emerge from COVID, we indicated in last year's budget that this government's budget and its two-year stimulus package was predicated on the basis of saving as many businesses as we could, but also saving as many jobs and creating as many jobs as we could. For those areas that have been doubly impacted, not only by COVID, in terms of the impact on tourism, but also impacted by the devastation of bushfires, any sensible venture which is going to actually create local jobs for local communities we believe is worthy of serious consideration and support.

An example of development frustrated by the current planning regime is the existing Kangaroo Island Wilderness Trail, the existing visitor infrastructure and the Adelaide Walking Company's ecologically-sensitive accommodation and ancillary facilities and infrastructure within Flinders Chase National Park.

The variations to the development regulations 2008 made under the Development Act 1993 prescribe that a tourism development in the Flinders Chase National Park, where it exceeds $1 million in development cost, does not require planning consent and would instead be approved by the State Coordinator-General. The ecotourism project along the Kangaroo Island Wilderness Trail will go ahead, after the Adelaide Walking Company and local environmental groups reached an agreement and settled the matter in the Supreme Court.

I am advised that on 9 February it was publicly announced that the Supreme Court action taken by Eco-Action against the Adelaide Walking Company had been resolved between the parties and further that the State Coordinator-General has provided approval to AWC for the development to occur and we welcome that sensible resolution.

AWC has now received approval to build eco-sensitive accommodation pods along the Kangaroo Island Wilderness Trail after making changes to their original plans. The development approval reflects the agreement established with all the parties and ensures that native vegetation clearance conditions, including pre-clearance surveys and threatened species management plans, are undertaken prior to any development on site.

The project will deliver positive economic and environmental outcomes for Kangaroo Island. The partnership comes with the support of the Liberal government, which worked with the two parties and other community stakeholders in a process to reimagine visitor experiences on Kangaroo Island. This proposal has followed the precedent set for a number of developments by which the development regulations exempt certain developments from the requirement to comply with section 33(1)(a) providing that the development is approved by the State Coordinator-General.

Similar changes were made to facilitate the development of the SA Motorsport Park at Tailem Bend, as well as other developments specified in schedule 1A of the development regulations. The effect of the regulation is that it excludes, as I said earlier, the development of a requirement assessed against the development plan but still preserves building rules, consent and other aspects of the planning regime.

For those reasons, the government will be opposing the motion from the honourable member. As I said in conclusion, the government, in all that it is doing at the moment, where it can, sensibly, wants to save as many businesses as it can. We want to save as many jobs as we can and we want to create as many new jobs as we can in terms of coping with the impact of not only COVID-19 but, in this particular part of the state, the devastating impact of the bushfires as well.

The Hon. T.A. FRANKS (16:33): I am not the portfolio holder for the Greens for this particular motion or indeed, as the Hon. Kyam Maher noted, we have a little omnibus of them here. This is not the first time we have had this debate. So many people have written to me absolutely horrified about what this government is doing in this area that I feel compelled to highlight again to this chamber the strength of the Greens' vehemence and opposition to these regulations and why we will continue to disallow them. We cannot allow private vested interest to win out over public good.

I know the Marshall government has been called out here, yet again, by my colleague the Hon. Mark Parnell for trying to fast track major private tourism projects with no oversight or

accountability and, indeed, making a joke out of our planning laws. Any claim that they may make of protecting the environment, when this is deforestation and privatisation by stealth, is certainly the sentiment of the correspondence I have received.

I reiterate that I am covering both the Development Act regulations and the Native Vegetation Act regulations, as the Hon. Kyam Maher did. Private developers would not need planning consent for tourism related developments in the iconic national park. Under the Native Vegetation Act regulations, developers could clear unspecified amounts of native veg inside Flinders Chase without needing to seek approval. What a disgrace!

Private development belongs on private land. Public land belongs in public hands. What the government is trying to do here is open the door to private developers and set a standard that it is fine to have private developments in other national parks as well without any consideration of the damage that this kind of development might bring, likely will bring. If these regulations in their omnibus, as we debate today, are allowed to stand, we are allowing public parks, national parks, to be carved up for profit.

It seems to be that, if it is nature, it is up for privatisation and profiteering under this Marshall Liberal government and with this particular environment minister. Private developers should not be intruding on our public spaces, but not only our public spaces, our parks and reserves as well. It is appalling that this government keeps encouraging them to do so, not just encouraging but enabling them by waiving developmental and environmental requirements and protections to help their developer mates.

This is a game of mates and the developers are the ones who will profit from it. We should be taking every step possible to preserve and protect our national parks, not privatise and develop them. The changes proposed by the government that we, here in the Greens and the community, seek to disallow are done under the guise of bushfire recovery. Indeed, I am stumped as to how allowing a new development here whilst waiving away the very basic requirements that would protect native vegetation has anything to do with that.

Flinders Chase is a globally recognised flora and fauna diversity hotspot and the national park was created and dedicated for the purpose of preserving flora and fauna over 100 years ago. There is long established evidence that shows us protected areas must be preserved, yet this government seems determined to privatise, monetise, commercialise and exploit any vestige of untouched natural wonder that they can find.

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

The PRESIDENT: The Minister for Human Services is listed on the next one. Some members have spoken to both matters on this one item but you, minister, are listed on the next one. I will call the Hon. Mr Parnell to conclude the debate on this development matter.

The Hon. M.C. PARNELL (16:37): In some ways similar to other members, I will make most of my comments in relation to this item but, in the course of recent conversations I have had with some colleagues, I think I do need to make some additional explanations on the second item. I note that the government has separate speakers for both items as well. But the bulk of my contribution will be to this item and I will start by thanking the Hon. Kyam Maher, the Hon. Rob Lucas and the Hon. Tammy Franks for their contributions.

On behalf of South Australia's conservation movement, I thank the Labor Party for their support for the motion. It will be no surprise to anyone that the entirety of the conservation movement in South Australia is opposed to these regulations. I do know that some of my colleagues on the crossbench have received some conflicting information, and in fact misinformation, from the government, so I will be addressing my comments largely to my crossbench colleagues because I am not sure that they necessarily appreciate the stakes involved in relation to these two lots of regulations.

I will start with the development regulations. I also want to put on the record my thanks to a couple of groups, in particular the Field Naturalists Society of South Australia. It has to be one of our oldest conservation groups, established in 1883—older than any member in this chamber. Their letter to the minister states:

> It [is] with great sadness but unshakeable resolve that I write to you on behalf of the Field Naturalists Society of South Australia to express our dismay at the State Government's recent move to introduce new Regulations…to over-ride existing protections…

Similarly, the people who know this park better than anyone else, the Friends of Parks, the ones who are there every day doing work in the park, the Friends of Parks Kangaroo Island Western Districts, their letter—addressed to the crossbench mainly, I am not sure who else got it—says:

> For more than two years we have been fighting to preserve the environmental integrity of Flinders Chase National Park, one of the most iconic and biologically important natural areas left in South Australia, from inappropriate private tourist developments on remote and pristine coastal headlands, in what we argue was blatant disregard for the legally binding park management plan.

I will come back to something else they say in a little while, but they are two key groups. My conversations with other conservation groups are along a similar vein.

There have also been a number of developments since I moved this motion, and I feel the need to put this on the record. This is new information; I am not going to reagitate what I have said before. I will start with this court case that the Treasurer has referred to—and other members know about it—a longstanding court case: Kangaroo Island Eco-Action, the longest standing conservation group on the island, challenging various processes in relation to Kangaroo Island Wilderness Trail private accommodation.

Members may have seen some of the protest on the steps. The banners were saying, 'Get back on the track', and that is, in fact, what they have managed to succeed in doing. They have managed to convince the Walking Company and the government that having these private accommodations miles, kilometres, away from the track on pristine coastal headlands was not the appropriate way to go. Whilst we do not know what the new location is, we do know, anecdotally, that it will be closer to the actual wilderness trail. It will not be on those prominent headlands that were there before.

We can look at that as some level of success; mind you, it was not something that all conservationists supported. In fact, even those who, through gritted teeth, signed off on it are unhappy with the process. I come back to the Friends of Parks Kangaroo Island Western Districts, who said:

> The day before we were due to meet with a departmental consultant to negotiate in good faith a resolution to this longstanding dispute and the week before the case was due to appear in court, the government introduced this regulation, thus forcing us to effectively negotiate with a gun to our heads.

So the settlement that the minister and others are very proud of was achieved by virtue of introducing regulations, the effect of which was, 'Well, we hold the whip hand. We will do whatever we want. You'd better reach agreement with us.' On 9 February, Minister Speirs was on ABC Radio Adelaide. He said:

> I'm delighted that we have achieved a mediated outcome where the eco-pods will go ahead but in an altered form, they will be in less invasive spots and closer to the trail. They won't need as much native vegetation clearance.

I should just say, by way of an aside, that I do love the word 'eco-pods'. It sounds very small, very cosy, very low key. One of the buildings is 18 metres long, nine metres wide and four metres high. It is bigger than some houses, and it is in a national park. The interview with Minister Speirs on ABC 891 continued. David Bevan asked:

> Does this mean the Vickie Chapman regulations which would have allowed pretty much the government to do whatever it liked in a national park, the government will drop those?

Minister Speirs replied:

> I believe Mark Parnell has moved a disallowance motion in the upper house, the project is now approved, it was approved in a way that wouldn't have needed those regulations in the first place, so it becomes a bit of a moot point.

There is the minister on radio saying that these regulations are a moot point, yet we have the government saying that they are opposing disallowance. The minister then went on to make a quite outrageously false claim that my disallowance motion somehow affected the rebuilding of the Southern Ocean Lodge, which was destroyed in last summer's bushfire. He said:

There's actually other regulations which came in at the same time to help facilitate the rebuild of Southern Ocean Lodge, which is a critical anchor product in South Australia's tourism economy, so unfortunately Mr Parnell has moved to disallow both sectors' regulations and we really need Southern Ocean Lodge to be re-established, so hopefully they won't be disallowed by the parliament.

That was a bizarre statement. Luckily, I think the interviewer was on the ball a little bit and gave the minister a chance to recover. David Bevan said:

But these regulations would allow you to do pretty much whatever you like in those parks, so you say you still might need them for Southern Ocean?

Spiers: This is not in the park, so we wouldn't need them for this project.

So he has immediately contradicted what he said earlier, which is that the Parnell disallowance motion is a problem for Southern Ocean Lodge.

We are all used to ministers being vague and confused, and I normally do not let it get to me, unless the minister's confusion misrepresents what I or my party are trying to do. The minister is responsible for his own utterances, but I suspect the reason for his confusion is that there is another part of the *Government Gazette* which effectively says that the old major development approval for Southern Ocean Lodge, which dates back to 2004, can be revived because they are proposing to rebuild, basically, what was burnt down, in the same location and in the same form. It is an entirely different part of the *Government Gazette*; it does not relate to these regulations at all.

If people are thinking that this is somehow a backdoor method of preventing Southern Ocean Lodge being rebuilt, the minister was wrong, he has half-heartedly corrected the record, but I want to make that really clear on the record: these regulations only apply in the park. Southern Ocean Lodge is declared a major project, the normal planning rules do not apply to major projects, so put that from your minds.

Minister Speirs then says in relation to the future use of these regulations, 'I don't believe they will be used.' In other words, the government is saying they are opposing the disallowance of these regulations, the environment minister is saying he does not believe they will be used. The fact is that they have been used. The minister said on radio, 'The project is now approved. It was approved in a way that wouldn't have needed those regulations in the first place, so it becomes a bit of a moot point.'

Leaving aside that moot point bit, he said the development had been approved. I am not sure whether he was saying, 'I don't believe they will be used'—I will give him the benefit of the doubt. I think what he meant was 'again', 'we won't need to use them again', because they have clearly used them already. I will explain that because there is a time line that is important here.

The regulations were put in place on 21 January—they have done their job, they have done their dirty work. They have been used to approve, already, multiple private buildings in Flinders Chase National Park without planning consent and with zero consultation. The regulations came in on 21 January, they were tabled in parliament on 2 February, I immediately gave notice of intention to move disallowance on 2 February, and that is what we are now debating. Also on 2 February, I asked the Treasurer, representing the Attorney-General, a question in parliament. The question I asked was:

Did the minister encourage the Australian Walking Company to take advantage of the new regulations gazetted on 21 January to lodge a new development application for private tourism infrastructure inside Flinders Chase National Park?

The answer came back on 7 February, 'No'. My initial reaction was that that cannot be true, but then I realised that I do accept that the Attorney-General herself probably offered no personal encouragement. My question was not addressed to the environment minister or to the environment department, who clearly are behind this and who have reached an agreement with the Walking Company for them to advance their project without its requiring planning consent.

The environment department certainly, and I suspect the minister, knew that these regulations would probably be disallowed, because they are an outrageous breach of proper planning processes, so the developers had to act fast. They had the full support of the department, even if the Minister for Planning, the Attorney-General, was not in the loop. I also asked the Attorney on 2 February whether an application had been lodged, and the response that came back on 7 February was:

> While I have no statutory role in the process, I have been advised that an application has been lodged.

While the Attorney might have known when she responded to my question that an application had been lodged, she may not have known that it had been approved five days earlier, because in fact that date—2 February, the date the regulations were tabled in parliament—was the date the project was approved.

All I did on 2 February was give notice of intention to move disallowance. I did not speak to it until private members' day the following day, but by the time I spoke, by the time I got up on 3 February, the project had already been approved under these regulations. They have done the job that the government set out for them to do.

I am still at a loss as to what the new development is. We are told that it is closer to the track. We are told that it is not on the prominent coastal headlands anymore, but we do not know exactly where it is. The reason for that—some people might have thought my question in question time yesterday was quite cryptic—is that the government's web page is so hopelessly compromised with failed security certificates that no web browser will allow you to open the decision notification form that tells you exactly what has been approved. I thought that if I asked the question yesterday I would give the government some time to fix up the website, but no, it is still not fixed.

That all happened on 2 February. I do know because, whilst the decision notification form is not available, I did manage to find on the government's public register two applications lodged on 2 February and then you go to the tab that says 'Assessment' and the assessment says, 'Decision granted, decision date 2 February.' What that tells you is that it all went according to plan. The regulations were introduced, they did their job, the Walking Company now has planning approval for something—we do not know what—something a bit different, hopefully better than what they had before.

These regulations in relation to the Australian Walking Company have no more work to do. There is nothing left for these regs to do, but it is still important that they be disallowed. I will make the point that disallowing these regulations today will not affect the approval that the Walking Company has. It will not retrospectively impact on that decision. They have their approval. They did not need planning consent because that is what the regulations do. You do not need planning consent. Just as for a pergola in your backyard, you do not need planning consent, but you do need building rules approval and they have that. They got that the same day they lodged their application. Nothing we do in relation to these development regulations impacts on the Walking Company.

So if they have no further work to do, why does the government want to keep them on the statute books? Again, we go back to Minister Speirs' interview with David Bevan on the radio last week. I quite like this question. David Bevan asked:

> So why don't you just drop them? Why don't you just tell Vickie that you had a rush of blood to the head? 'We don't need them anymore. We've got a deal. Everybody has walked away and they've been quite reasonable about this, so can we just drop them?'

I thought it was a very good question. The answer that the minister gave was:

> As a government, we remain committed to those regulations because they may be required as part of a broader reimagining—

a reimagining—

> of the western end. We have some work to do in there. I don't believe they will be used, but a government can have those in our back pocket in case they are needed. I don't expect that to be the case going forward. I don't expect to be taking any projects that would require those regulations, but we still believe we need them in the toolkit just in case, so it will be interesting to see what the upper house does.

That is the question. What members need to take from that is that, if these regulations stand on the books, what the government will do is probably talk to some people about appropriate projects or whatever, but if they get any pushback—if they get the sort of pushback they got from the Friends of Parks or Eco-Action KI or the Conservation Council or the Field Naturalists—they will have in their back pocket regulations that say, 'We can do whatever we want in Flinders Chase National Park. Provided it is a tourism development and provided they are going to spend a million bucks, we don't need to consult anyone. We don't need to get planning consent. We can just do it.'

The question for the chamber today is: is that the regime that we think should apply to the future of this national park going forward? Forget the Walking Company, forget the eco-pods. Whether you think that is a great project or not is irrelevant. These regulations now are about what happens in this iconic national park going forward. If there is going to be future development, should it go through a proper process of assessment or should we allow these regulations that effectively give the government the sign-off power without having to consult anyone, without having to undergo any process at all?

That is the dilemma. The minister is saying that if other private developers come along and they want a chunk of Flinders Chase National Park for their private tourism projects, he wants the ability to approve those projects without it requiring planning consent, with no public or expert consultation or any of the checks and balances that should accompany development anywhere, especially in our most important national park.

In short, these regulations, if allowed to stand, provide carte blanche for the government to approve any future tourist development inside the national park that it wants. Provided it is worth more than $1 million, it is inside the national park, it is for tourism and the government likes it, it can go ahead with virtually no assessment other than a public servant deciding how much money they need to put into the kitty if they clear any vegetation—and we will come to those regulations next.

In conclusion, regardless of a person's views or a member's views on development in national parks, the very least that a parliament should do is to insist that proper processes be followed, that those processes be rigorous, transparent and accountable. To achieve that end, these regulations have to be disallowed.

I disagree most strongly with what the Treasurer said. He makes the point that we all know: they have had a tough time on Kangaroo Island, they have had the most horrendous fires, but you cannot then say that because a community has had a tough time with fires the only solution to job creation is to remove all accountability, all checks and balances and for the government to be the sole arbiter of what should happen inside a national park. That is illogical in the extreme.

We all want the Kangaroo Island economy to do better. We know that tourism is an important part of it, but when it comes to developments in national parks these are the areas set aside on behalf of the community, in the name of the community, for the preservation of nature. It is not to say that nothing can ever happen there, but if it does, it should go through the most thorough process. These regulations prevent that proper process from occurring and that is why the Greens are saying they need to be disallowed.

The council divided on the motion:

Ayes.....9
Noes 10
Majority 1

AYES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Parnell, M.C. (teller)
Pnevmatikos, I.	Scriven, C.M.	Wortley, R.P.

NOES

Centofanti, N.J.	Darley, J.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

PAIRS

Ngo, T.T.	Bonaros, C.

Motion thus negatived.

NATIVE VEGETATION ACT REGULATIONS

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

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

(Continued from 3 February 2021.)

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:00): I rise to place some remarks on the record in relation to this particular motion. Can I say at the outset that the Treasurer's contribution in the previous motion I endorse and in relation to this motion, as they are very closely related. I just make some additional brief remarks in support of the government's position, which is not to support this particular disallowance.

I think it is also worth recapping that the Australian Walking Company first approached the Department for Environment and Water about their proposal when the previous government was in office in 2015, and my understanding is that the Labor government at that time was very enthusiastic about it but did not do the community engagement, which was very critical as part of the process and part of the due diligence process.

The package of legislation that has been advanced by the government to amend both the regulations under the Development Act 1993 and the Native Vegetation Act 1991 was intended to provide a resolution to what has been a significantly drawn-out process for the proponent, the Australian Walking Company. The Australian Walking Company has received development approval to proceed with the proposal, as has been noted by previous speakers on the previous motion, and importantly ensures that native vegetation clearance conditions, including pre-clearance surveys and threatened species management plans, are undertaken prior to any development on site.

There has been significant community engagement by the Australian Walking Company since that time, which has seen the proposed development be significantly revised to reduce the environmental impact, including the clearance of native vegetation.

The Hon. M.C. PARNELL (17:02): I do have some additional remarks. I will not be as lengthy as I was before—we have canvassed some of the issues—but no less vehement, I expect. I thank the honourable minister for her contribution. What this motion has in common with the previous motion is that it is not just about the Walking Company and their current project for two villages of private dwellings in the national park. It is not just about that. This is about every future private sector development inside Flinders Chase National Park worth more than $1 million for tourism purposes. That is what this is about. This is a permanent change to the Native Vegetation Regulations going forward.

The regulations do not set out how much vegetation can be cleared. It is an unlimited—an unlimited amount—of native vegetation. Whilst we could always imagine what type of project might come along and how much vegetation that might require to be removed it would be pure speculation. It could be everything from a resort, a resort with swimming pools, hotels, all manner of things. When you clear vegetation for projects you do not just clear for the building footprint, you have to clear firebreaks and you have to clear roads, tracks and service buildings.

The way these sort of developments would have been handled up until today, up until now, would have been that someone would go to the expert body charged with assessing native vegetation clearance applications. That is the Native Vegetation Council. That is their job. Their day job is to assess native vegetation clearance applications.

What these regulations say is, 'No, let's not go to them. Why don't we go to someone where we can be a bit more confident of the outcome? Why don't we go to the State Coordinator-General, the CEO of the Attorney-General's Department? We feel we'll have a much smoother ride if this clearance application is assessed by a public servant answerable to the minister rather than by an independent native vegetation council.' That is what these regulations do.

The great irony is that the Native Vegetation Council already approved the vegetation clearance for the Walking Company. I was pretty grumpy that they did; I thought they made a bad

call. They already approved it. They approved vegetation clearance on some of these pristine coastal headlands. There was a lot of outrage, but what we cannot really complain about is that it went through the proper process. It went to the Native Vegetation Council, they assessed it, they decided that they could approve it and they worked out how much compensation should be paid for the loss of the vegetation to go into the kitty, the Native Vegetation Fund.

My feeling is that it is at that point that the government and the Walking Company have had trouble. I think their concern is that if these tourist development clearance applications go to the Native Vegetation Council, the Native Vegetation Council knows the value of vegetation and they are going to put a price on it that private developers are not going to want to pay. That is my suspicion of what is happening here. I cannot see any other reason why the government, through these regulations, would take away from the Native Vegetation Council the power to assess and determine the appropriate compensation. That is what they have done forever. That is their job.

This is a kick in the guts for the Native Vegetation Council. It is saying, 'We don't trust you. We don't trust you to get it right. We don't trust you to assess it properly. We would much rather the assessment be done by a public servant.' I know from my discussions with some crossbenchers that the minister has been out there telling people, 'If Parnell gets his way and these regs are disallowed, then it will add eight weeks to the process.' That might be right, and you know what? Assessing a clearance application inside a national park does need to be done properly.

We have just seen from the previous regulation debate that the government's assessment regime is to approve something on the same day it is lodged. Might it take eight weeks for the Native Vegetation Council to approve it? Yes, it might. Is the Walking Company ready to build anything yet? No, they are not. The park is burnt; they are not going to be building anything for quite some time. Eight weeks is neither here nor there, but what is important is that the Native Vegetation Council be trusted to do this job as we trust them to do every other job. Every other clearance application goes to the Native Vegetation Council.

I think the minister mentioned earlier the Tailem Bend motorsport park. People who have been here a little while might remember that that was a similarly appalling situation. What happened was that the Tailem Bend people, Peregrine, went to the Native Vegetation Council and said, 'Here's our map of all the veg we want to clear.' The Native Vegetation Council said, 'A fair go! Most of the vegetation in this district has been cleared. There's not much left. Can't you incorporate what's left into your development?' They said, 'No, we want to clear it.' The Native Vegetation Council said no.

What happened then is that Peregrine went screaming to the Premier, and the next thing we know there are regulations saying, 'The Native Vegetation Council no longer has the ability to say no to vegetation clearance at The Bend at Tailem Bend.' Now it has a companion. There are now two items on the list of developments that do not need to go to the Native Vegetation Council: clearing at the motor racing track at Tailem Bend and clearing inside a national park for private tourism development. That is the list of two, the list of dishonour in the Native Vegetation Regulations.

It is an absolutely appalling way to manage the environment. I can tell members that every conservation group and every environment group in the state is going to be appalled at what this chamber has done by shirking its responsibility to protect the environment and to ensure that proper processes are followed. Depending on how we go on the voices, we will need to divide on this motion as well.

The council divided on the motion:

Ayes.....9
Noes 10
Majority 1

AYES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Ngo, T.T.
Parnell, M.C. (teller)	Pnevmatikos, I.	Wortley, R.P.

NOES

Centofanti, N.J.	Darley, J.A.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A. (teller)	Lucas, R.I.
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

PAIRS

Scriven, C.M.	Bonaros, C.

Motion thus negatived.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT REGULATIONS

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

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

(Continued from 3 February 2021.)

The Hon. R.I. LUCAS (Treasurer) (17:13): This is deja vu all over again, I suspect, so I will only speak for as long as the other speakers might want to participate in the program. The government's position has been made clear on any number of occasions (I have lost track)—it might be four, I think.

Members interjecting:

The Hon. R.I. LUCAS: Four, yes. We might be able to confirm the actual number. The government's position is clear: we will oppose the motion. We have been singularly unsuccessful in this council on previous occasions, so I am not holding my breath in relation to the circumstances of the vote on this particular occasion either, but I make clear the government's position that there is no intent that the P and D Fund will be used on an ongoing basis to fund the planning reform project beyond the current project. Therefore, the government advises that the current regulation includes a sunset clause of 1 July 2021.

As has been explained on previous occasions, the use of this fund has been for the e-planning project and implementation of the Planning and Development Act to ensure that that can be completed and that all South Australians can gain the benefits of this new and more efficient planning system, first envisaged by the former government and carried through by the current government. It is for all those cogent and wonderful reasons that the government continues to oppose the Hon. Mr Parnell's motion.

I am further advised that the 2020-21 grant round is currently open for applications for projects aligned to the Open Space and Places for People programs funded via the Planning and Development Fund. In fact, for all those people listening to this debate with great interest, those applications close on Friday 19 February. The closure date is imminent. I am told that the total amount to be allocated in 2020-21 for the Open Space and Places for People grants is $20.4 million.

I am further advised—this is late breaking news and I am sure you are going to be interested—that as of yesterday, or early this week, approximately 60 applications have been received for the current round of $20.4 million. I am sure the Hon. Mr Parnell will be delighted to hear that a significant sum of money is being made available for the purpose that he believes the fund should be used for. As I said, that current use of the fund that he is objecting to, I am advised there is a sunset clause of 1 July of this year. With that, I will concede the floor to another honourable member.

The Hon. I.K. HUNTER (17:17): I thank the Hon. Mr Lucas for entertaining us for so long. Labor supports the motion to disallow the general regulations made under the Planning, Development and Infrastructure Act 2016 because these regulations would allow the Minister for

Planning to use funds from the Planning and Development Fund to prop up his failed planning reforms.

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

As we know, the Planning and Development Fund is for projects to make streets and suburbs more liveable by developing reserves, planting trees, constructing water harvesting projects and building playgrounds. Instead, this government wants to use this regulation to divert funds so that they can prop up mismanaged planning reforms. For those reasons and others that will be outlined by the Hon. Mr Parnell, we will be supportive of this disallowance.

The Hon. M.C. PARNELL (17:18): As other members have alluded, we have done this four times previously. This is the fifth time we are disallowing these regulations. I thank the Treasurer and the Hon. Ian Hunter for their contributions. The only additional piece of information that I would put forward is that no member has advised me that their position has changed from the previous four times we have disallowed these regulations. These regulations are still strenuously opposed by the Local Government Association, the development lobby, all the conservation groups and all the residents groups—nobody likes these regulations.

All the government can offer us is to say, effectively, 'We are going to stop pilfering from the fund on 1 July, so after that we will be fine. From 1 July, we will only use the fund for the purpose for which it was created, which was the provision of open space for communities.' That does not give me a great deal of comfort, the fact that in a couple of months' time they are going to stop doing the wrong thing. I want them to stop doing the wrong thing now. I wanted them to stop doing the wrong thing six months ago when we first moved these regulations.

My expectation is that tomorrow, for a sixth time, we may well see these regulations back in the *Government Gazette*. I do not know what the record is for 'regulation ping-pong', backwards and forwards between the Legislative Council and the executive, but when members of the community find out that this is how we govern the state and this is how we make law, they are appalled. They are appalled that a government has the ability the following day to reintroduce regulations that a house of parliament has deemed to be unfit and should be disallowed.

The only other thing I will say is that the Treasurer, as an aside, mentioned that grants are open now from the fund: $20.4 million is available. I will just remind members that they have already pilfered more than that amount for administrative purposes. It was $23 million at last count. It is probably a lot more than that now; I do not have any recent figures. So the amount they are offering for the entire next funding round, the entire next 12 months, is less than they have nicked already for admin. I do not take a great deal of comfort out of that.

If they had not nicked the money, there would be $23 million more for parks and gardens, and bike paths and footpaths and all the open space that communities find so important. So I will conclude with some words I have used before to honourable members: you know what this is and you know what to do.

Motion carried.

BERRI BARMERA COUNCIL BY-LAWS

Orders of the day, Private Business, No. 14: Hon. N.J. Centofanti to move:

That by-law No. 3 of the Berri Barmera Council concerning local government land, under the Local Government Act 1999 and the Harbors and Navigation Act 1993, made on 27 August 2020 and laid on the table of this council on 8 September 2020, be disallowed.

The Hon. N.J. CENTOFANTI (17:21): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

GREEN OPEN SPACES

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

That this council—

1. Acknowledges the importance of providing South Australians with a diverse range of quality public and private green open spaces and green infrastructure in our urban environments.

2. Recognises that urban trees are critical infrastructure with economic, environmental and social benefits.

3. Notes that increasing the level of tree canopy and green open spaces across metropolitan Adelaide will improve air quality, stormwater absorption, beautify streetscapes and parks, provide habitat for our native wildlife and improve biodiversity.

4. Notes that South Australia is rated as the second most vulnerable state on the heat vulnerability index and that increasing tree canopy and green open spaces would help cool the city by reducing heat island effect.

5. Notes that between 2013 and 2016 average urban tree canopy cover across metropolitan Adelaide dropped by 1.9 per cent and hard surfaces increased by 2.6 per cent.

6. Calls on the government to:

   (a) prioritise the protection of existing urban trees and green open spaces; and

   (b) develop a comprehensive urban forest plan in collaboration with local government and local communities to create healthy and diverse urban forests across metropolitan Adelaide with the aim of increasing the average tree canopy to 30 per cent by 2045, particularly in those areas identified as being most vulnerable to heat stress.

(Continued from 11 November 2020.)

The Hon. C.M. SCRIVEN (17:22): There is no doubt at all that our urban tree canopy is diminishing. It is in a precarious position and we need to do a lot more about it. There is no doubt that there is a demand in our communities for more green open space and, in certain parts of our metropolitan area, there is a seriously embarrassing lack of green open space.

Although I would like to raise some points in regard to the target set out in this motion, which I will get to shortly, we in the Labor team support this motion and its intent. Labor recognises the importance of trees for their multitude of contributions to human life, to the health of our environment, to the aesthetics of our neighbourhoods, to our ecology supporting plants and animals, to reducing heat in our suburbs, to the livability and desirability of our suburbs. As we know, trees are essential to our existence on this planet as well as to our enjoyment of the lives we have in our time on this earth.

It is shocking to note that, between 2013 and 2016, average urban tree canopy cover across metropolitan Adelaide dropped by 1.9 per cent and hard surfaces increased by 2.6 per cent. That statistic is from the Conservation Council's excellent report, What's Happening to Our Trees, of June last year, which I recommend to members. This stunning decline is a direct result of new developments, largely in our inner metropolitan areas that have featured too much concrete, cut down too many trees and failed to adequately replace what has been lost.

These issues have come up persistently in Labor's community consultation on the Planning and Design Code. We are concerned that measures in the code may not be enough to arrest the decline in tree canopy and green space but we will continue to monitor that. Heat mapping data in our less leafy suburbs, or even when we map the progress of canopy decline in our more leafy suburbs, is quite frightening.

We cannot expect to have cooler neighbourhoods if we are removing trees. To cool our suburbs and experience the benefits of that lower temperature, or at least stop the increase in temperatures, we simply must invest in trees. There is currently a debate around which trees. The injuries to and deaths of people due to limb falls has again sparked debate about the risk trees can pose, and about which are the best trees to be planting in populated areas.

There is certainly a case for better tree selection at the local level to ensure we are getting the benefits of the tree canopy whilst minimising risk. Our shadow minister for planning was pleased

to attend the Local Government Association's tree summit just a few weeks ago, and is continuing to work on policy in this area with local government and local communities.

Some solutions to the problem of declining tree canopy and green space will take many years to reach fruition. However, there is one action the government can take today to move in the right direction. As we have just heard, the chamber has repeatedly lamented the fact that the government has chosen to raid the Planning and Development Fund, colloquially known as the Open Space Fund, to pay for public servants to get the long overdue Planning and Design Code up and running.

It has taken tens of millions of dollars from the fund for this purpose—more than $25 million at last count—and this is from a fund that is meant to be paying for councils to plant trees and build new open green spaces in our communities. This is a terrible policy outcome and a matter the Attorney-General could address immediately should she wish to do so.

On the issue of the aim of increasing the average tree canopy to 30 per cent by 2045, this requires further investigation on our part, and our shadow minister is looking at that in detail. However, Labor certainly supports developing a comprehensive plan with local government to address the degreening of our beautiful city. I thank the Hon. Mr Parnell for bringing this important motion, and we join him in his concern about the fate of Adelaide's trees and green spaces. We will be supporting the motion.

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:26): I rise to place some remarks on the record in relation to this motion. We have an amendment which, I believe, has been circulated. This is a topic of interest, and I think increasing interest and greater understanding in our community over many years.

In relation to street trees and the selection of trees, I commend the work of the organisation TREENET—I think it was founded by Mr David Lawry OAM, someone I used to have quite a lot to do with in my previous portfolio responsibilities—and the work of the Waite Arboretum, which has been working towards projects to help with tree selection, particularly for South Australia's unique conditions and local environment.

The Green Adelaide Board, also known as Green Adelaide, was established under the government's landscape reform in clear recognition of the very issue put forward in this motion. The scientific evidence is overwhelming that being in nature is critical to our health and wellbeing, particularly for those living in densely populated urban areas or in lower socio-economic areas. Our open spaces and green infrastructure play an essential role in giving people the chance to live healthier lives.

Balancing nature and economic imperatives is a key challenge that is crucial for our population, while providing habitat for biodiversity and helping to adapt to a changing climate. Green Adelaide is tasked to create a cool, green and climate-resilient urban environment, and in so doing drive the greening of metropolitan Adelaide and build on community awareness of the benefits of trees, quality green open space and green infrastructure that is accessible to all.

Green Adelaide's focus on a green urban environment will be achieved through on-ground implementation of programs supported by policy development, research, education and communications in partnership with the community, government and non-government bodies. Green Adelaide is currently preparing its five-year regional landscape plan, which will undergo broad public consultation in the coming months. This plan will include a number of activities that will support the retention and enhancement of the urban tree canopy, including:

- partnering with local government on urban heat island mapping to identify priority areas for greening, green infrastructure and water-sensitive urban design;
- particular attention being paid to promoting access to quality green open space through a process of prioritisation based on the current level of tree canopy and urban heat, with the goal of maximising social benefit; and
- influencing new buildings and suburb designs to support an urban landscape that is cooler and that has increased tree canopy cover and biodiversity habitat.

The board is also focused on the goal of enhancing protections for mature urban trees, as well as partnering with agencies across the state government to ensure that quality green open space is a shared priority, contributing to the Greener Neighbourhoods Grants program, which contributes to progress towards the target in the 30 Year Plan for Greater Adelaide of increasing urban green cover by 20 per cent to 2045. If achieved, this increase will bring many of Adelaide's urban local government areas above or close to a figure of 30 per cent tree canopy.

These grants support local councils to combat the loss of canopy cover seen across metropolitan Adelaide between 2013 and 2016, which has been referred to by previous speakers. In the last 18 months over $1.6 million of funding has been awarded to support projects involving the planting of over 8,000 trees, implementing a nature education program, which builds a strong connection between urban residence and their natural environment, supporting Adelaide to become a national parks city and exploring global initiatives relevant to urban ecology and green cities.

There are a number of areas in the new planning and design code where there may be a potential to support better urban tree canopy outcomes, including:

- strengthening greening policies for minor infill developments, which could include increasing the minimum soft landscaping area requirements and introducing stronger incentives for maintaining existing trees;
- further consideration of how significant trees are protected. Retaining existing mature trees is a crucial factor in increasing Adelaide's canopy cover. Green Adelaide seeks to support the state's planning division and local governments to improve protections for significant trees to maintain as many existing trees as possible;
- reflecting the value of native vegetation within metropolitan Adelaide to increase biodiversity benefits. Green Adelaide's commends the commission on the introduction of the Native Vegetation and Significant Native Vegetation Overlays in the phase 2 code, which will significantly improve the interaction between the planning system and native vegetation legislation.

A practical greening strategy subgroup has been established under Green Adelaide to lead the investigation of how to prioritise and progress the greening of our city to achieve outcomes such as mitigation of urban heat, enhancing biodiversity and contributing to social happiness, health and wellbeing.

Green Adelaide has also made a submission to the Natural Resources Committee of parliament, to the inquiry on the benefits, opportunities and challenges in relation to urban green spaces, and the allocation of resources to retain and increase urban green spaces for their multiple environmental, social and economic benefits. This submission details policy directions by Green Adelaide and can be found on the Natural Resource Committee of the parliament's website.

Green Adelaide is well on its way to prioritise the protection of existing urban trees and open spaces, and to work with local communities and local government to green the metropolitan area. The government agrees with most of the motion and it is consistent with the remit of the newly-established Green Adelaide board. However, we are seeking to amend part of the motion, such amendment having been distributed to honourable members. I therefore move to amend paragraph 6(b) of the motion to read:

Develop a comprehensive strategy to increase tree canopy and reduce hard surfaces (led by Green Adelaide) in collaboration with local government and local communities to create healthy and diverse urban forests across metropolitan Adelaide with the aim to, at a minimum, meet the urban green cover targets of the 30 Year Plan for Greater Adelaide along with a particular focus on areas identified as being most vulnerable to heat stress.

The Hon. F. PANGALLO (17:33): I am not listed as a speaker here, but I want to make some comments and, firstly, to commend the honourable member for his motion. Recently we were at a round table conference involving local government representatives and Green Adelaide, where they outlined their strategic five-year plan. It was quite impressive what they intend to do. I think they have also acknowledged that there is some debate in the community currently regarding trees, the placement of trees and trees that can be considered dangerous, where they are dropping limbs. That was probably part of the reason we had that meeting: because there have been expressions of concern over the types of trees that are in various areas, particularly in the city of Adelaide.

I note that there was a motion recently by Councillor Alex Hyde, I think it was, who called for the removal of gum trees that had been planted in the middle of one of the city's streets. That was defeated. I tended to agree. It is one of the few times that I would agree with councillor Hyde in something that he has put up. It is inconceivable to me why you would want to plant these types of trees in the middle of a road. When they grow to their height within 15 or 20 years, they could be considered a danger.

I note that the report looked at this, and it was going to consider the types of species that should be planted in our communities. I think they also expressed that there would be a need to work collaboratively with all groups, and one of their recommendations was the appointment of an independent tree advisory board to look at the implementation of these policies. I think the debate also centred on the legal implications that would face councils, particularly under some aspects of the act, and that they would need to take into account the aesthetics, the use of a road, the impact it would have on road safety, etc.

In closing, as the honourable member has pointed out, I think tree canopy is extremely important and we do need to enhance it and grow it. At the same time, I think the debate also needs to take into account the types of trees that we are growing in our community. I was also pleased to attend a meeting with the City of Burnside that showed me the data that they have on their trees. They have something like 50,000 in their area, and each one of them is documented.

They have data on each one of their trees. They have a number of staff who work on that program. Interestingly enough, they also have a scheme in which the council will pay individual home owners up to an amount of $2,000 if there are issues with trees that need to be pruned or moved or whatever, or pruned and maintained. It is a council that has shown some innovation in this particular area. With that, I would like to say that SA-Best supports the motion.

The Hon. M.C. PARNELL (17:37): I will sum up very briefly. I thank all honourable members who have spoken. Everyone is supporting the motion, and that is good to see. I also note that I will be supporting the amendment that the Hon. Michelle Lensink has tabled. I know that on a private members' day, when we are dealing with private members' motions, the usual way it goes is that a motion has as its final paragraph, 'The council condemns the government' to which the government puts in an amendment saying, 'The council congratulates the government'. But this was not a gotcha moment; it is not a gotcha motion at all. It is basically seeking to put on the parliamentary record what we all agree, and that is that tree canopy in the urban area is important.

The main changes that are made by the Liberal amendment include removing the reference to the 30 per cent by 2045 and includes a reference to the 30-year plan. That is where the numbers come from, so I think it causes no great harm. It is saying it in a different way. The motion also recognises that at present Green Adelaide is the lead agency, so there is no difficulty with naming them. I think the amendment does no harm. It clarifies, and if it gets the government on board then that is a good thing as well. I am very grateful that this motion will pass unopposed today.

Amendment carried; motion as amended carried.

ARMENIA-AZERBAIJAN CONFLICT

Adjourned debate on motion of Hon. I. Pnevmatikos:

That this council—

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

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

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

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

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

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

(Continued from 3 February 2021.)

The Hon. T.A. FRANKS (17:39): I rise on behalf the Greens to support this motion put before this council by the Hon. Irene Pnevmatikos in relation to the conflict affecting the people of the Republic of Armenia and the Armenian people of the Republic Artsakh, often referred to as Nagorno-Karabakh. The most recent conflict in the region, which is only the latest in a long-running dispute that has seen full-scale war, border clashes and, in living memory, pogroms, ethnic cleansing and the destruction of cultural heritage, is of particularly deep concern given the increased involvement of greater powers.

Although Russia and Turkey have for centuries been closely involved in the events of this region, this latest conflict seems to be an expansion of their ongoing proxy clashes and regional phallometrics that pose a substantial threat to any hopes for stability in this region. It must not be forgotten, however, that it is the people of this region, particularly the ethnic Armenian population in Artsakh, who are in the greatest peril.

Although occurring before this time, coincidently, it is since 24 April 1915, as our ANZACs made their final preparations to sacrifice their lives on the soil of Gallipoli, that the most significant era of the Armenian people of the region began, for it is at this time that the Arminian genocide, recognised and acknowledged as such by South Australia, commenced. Sadly, our counterparts in the federal parliament have refused to recognise the Armenian genocide, but the Greens will continue to call for this to change, as we have done for years.

Over one million died as a result of this planned and coordinated effort by the Ottomans to kill and expel Armenians from Turkey, likely the first major genocide of the 20th century, and in many ways was a blueprint for the actions taken 20 to 25 years later in Europe against the Jewish populations. Further persecution followed, including organised pogroms and the destruction of Armenian cultural heritage.

With the heavy loss of the Artsakh forces in the most recent conflict—Turkey, with its still unacknowledged historical stain, taking a much stronger interest in Azerbaijan and flexing its diplomatic and military muscles—as well as a potential opening up of third proxy conflict between Russia and Turkey, it is the Armenian population of the region that still stands in the greatest peril.

As members of this council and as members of political parties, we must do all in our power and lend our voices and support to the people of Artsakh and let them and the forces arrayed against them know that we are watching and that we will not allow them or their plight to be forgotten or swept away again.

So the Greens today in this council stand with the Hon. Irene Pnevmatikos and the parties in this place in support of this motion and we stand with the people of Artsakh in support of their right to live free and happy lives and celebrate and enjoy their culture with safety and security. We commend the motion to the council.

The Hon. J.S. LEE (17:43): Today, I rise on behalf the government to make a contribution to the private member's motion moved by the Hon. Irene Pnevmatikos. I note that a similar motion was also moved in the House of Assembly during the last sitting week. The Deputy Premier, the Hon. Vickie Chapman, made contributions on behalf the government in the other place.

On 3 February 2021, the House of Assembly passed a motion, following a similar motion that was passed by the New South Wales parliament in October 2020. I wish to acknowledge the Premier of New South Wales, the Hon. Gladys Berejiklian, who is a proud Armenian-Australian and a proud Liberal leader. I commend her advocacy on behalf of the Armenian community in New South Wales and congratulate her on her many accomplishments and contributions to Australia.

I acknowledge that many honourable members in this parliament have already covered extensively in both houses in the SA parliament the origins of the conflicts and recent atrocities. It is clear that the motion seeks to advocate for an enduring, peaceful settlement and resolution of the conflict in the region.

Our state government has consulted with the federal government on this important matter. We understand that the Australian government has put its position in the media and on the public record that the Australian government considers that the ceasefire agreement on 9 November 2020 provides an opportunity for all sides to work towards a permanent settlement of the conflict. The Australian foreign affairs minister urged parties to the conflict and all sides to show restraint and support the efforts of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group to help negotiate a peaceful resolution.

This position is consistent with Australian international partners, where the Australian government calls on both sides to engage with the OSCE Minsk Group co-chairs and work towards a lasting peace resolution. These negotiations should be based on the Helsinki Final Act principles of the non-use of force, territorial integrity and the equal rights and self-determination of people and be guided by the Madrid Principles proposed by the OSCE Minsk Group co-chairs. The conflict should be resolved by negotiations between the parties and not by military means.

I would also like to inform the council that the Australian government's position on the current humanitarian situation in Nagorno-Karabakh is that Australia supports calls by the OSCE Minsk Group co-chairs for Armenia and Azerbaijan to fully implement their obligations under the November ceasefire agreement and encourages all parties to engage with international organisations to ensure humanitarian assistance reaches populations affected by the conflict and promote the protection of cultural and religious heritage.

All these important matters are close to the hearts and minds of the Armenian Australian community here in South Australia. I wish to acknowledge the Armenian community in South Australia and extend our sympathies to those families and loved ones who are traumatised and affected by the conflict. On behalf of the government of South Australia, we note the serious concerns regarding the horrific incidents reported in the disputed territory.

On behalf of the Premier of South Australia and other members of parliament, I would like to thank the Armenian Cultural Association of South Australia (ACASA), who are here today in the chamber, for bringing this important matter to our attention. The organisation has had a long history in South Australia and was founded in 1960.

Since then, the Armenian Cultural Association of South Australia has played an important role in welcoming, uniting and supporting newly arrived Armenians to South Australia. ACASA's executive committee works diligently and meets monthly at the Multicultural Communities Council of South Australia offices in Adelaide. Can I extend our sincere thanks to the current president, Ms Elena (Lena) Gasparyan and immediate past president Ms Anna Amirkhanyan and the committee for their enduring efforts advocating for the Armenian community in South Australia and also the broader community in the region of conflicts.

I wish to thank the Armenian Cultural Association, and also the Greek communities of South Australia—some leaders are here from the Greek community—for raising these serious concerns about the current conflict in the region, and I acknowledge their compassionate advocacy about the grave humanitarian consequences.

Our thoughts and sympathies are with those affected by these tragic circumstances and ongoing conflict, and we extend our prayers to all those in the Armenian-Australian community during this very difficult time. As per my conversation with Lena yesterday, I reassure her that she can always come to my office and talk to the office of Multicultural Affairs about any support and assistance that is required by the Armenian community in South Australia.

I want to sincerely thank the mover of this motion, the Hon. Irene Pnevmatikos, for bringing this important motion to the Legislative Council. The community will be comforted and feel supported that this motion will pass the Legislative Council today.

The Hon. I. PNEVMATIKOS (17:49): I would like to thank the Hon. Tammy Franks and the Hon. Jing Lee for their contributions to the debate. Since this motion was brought to the council it

has also passed in the other place, and I take the opportunity to thank the member for Badcoe, the member for West Torrens and the member for Enfield for their contributions on the motion.

Essentially, this motion condemns the actions and belligerence of Azerbaijan towards the Republic of Armenia and the Republic of Artsakh. The full-scale war started by Azerbaijan was supported by Turkey, who were equipped with sophisticated attack drones and powerful long-range artillery that left a horrific mark of devastation on the region. The incredible loss of life, livelihood and sovereignty of the Armenian people caused by the greed of others is inconceivable. Turkey's growing assertiveness within the region and their military presence extending beyond their own borders places the ideals of stability and peace in the region at great risk.

This motion is more than condemning the actions of Azerbaijan and Turkey. It is about standing up for democracy and human rights. It is intrinsic to our duty as legislators and representatives of a democracy that we stand in solidarity with those whose rights have been taken away.

I would like to thank the Armenian Cultural Association of South Australia for their tireless advocacy of Armenians in South Australia and abroad. I also note that they join us here in the gallery today through the president of the Greek Orthodox Community of South Australia. Thank you to you all. I urge all members to support the motion and commend it to the council.

Motion carried.

CITY OF MARION BY-LAWS

The Hon. N.J. CENTOFANTI (17:51): I move:

That by-law No. 8 of the City of Marion concerning shopping trolley amenity, made under the Local Government Act 1999 on 23 June 2020 and laid on the table of this council on 21 July 2020, be disallowed.

The Legislative Review Committee put forward a motion to disallow this by-law in the chamber some time ago as a holding motion because the committee had a range of concerns with the by-law. The committee has been liaising with the Marion council on these concerns for some time. As Presiding Member, I would like to acknowledge the Marion council for their cooperation.

I would also like to acknowledge that the committee recognises that discarded or abandoned shopping trolleys represent a highly visible form of litter and have the potential to end up in waterways, be hazardous to people by obstructing roads or walkways and have a negative impact on the amenity of areas. It is also acknowledged that councils can be affected by clean-up costs associated with shopping trolleys.

However, the committee's primary concern related to one of its scrutiny principles, which is whether the law impinges on personal rights and liberties and more specifically whether it is fair that an owner of an object is held responsible by the council for the theft and improper disposal of their property. This is a by-law that is the first of its kind in South Australia and therefore warrants discussion and debate within this chamber. I would like to acknowledge the Hon. Connie Bonaros, who also has a notice of motion to disallow this by-law. It is also worth noting that the by-law came into operational effect on 1 February. Consequently, whilst it would have been a preference not to bring the by-law to a vote in this chamber in such a swift manner, it was required.

I would like to formally state that the government's position on this by-law is to support the disallowance motion. This is a by-law that seeks to penalise supermarkets if their trolleys are found abandoned in the council district. The by-law gives the council the power to impound abandoned trolleys and force retailers to pay a fee to release them. We the government argue that the owner of an object who has that object effectively stolen should not be penalised because the person who stole that object did not dispose of it properly.

Although not mandatory, the by-law also recommends shopping centres and supermarkets install a coin system or a wheel-lock system to prevent trolleys from leaving the premises as a defence. These systems all cost money, some considerable money, and again it puts responsibility on the retailer, not on those who steal and abandon the trolleys. I suspect some of these supermarkets would invest and are investing in these systems of their own accord. However, the defence of a supermarket should not be contingent on the purchase of these systems.

Whilst we do acknowledge that the by-law has the ability to penalise individuals for taking a trolley out of the precinct, the reality is that this would be extremely difficult to police. Therefore, the onus will likely fall on retailers and supermarkets. I think it is also important to acknowledge that abandoned trolleys are already considered litter, known as general litter, under the Local Nuisance and Litter Control Act 2016.

Therefore, if a person is found to be improperly disposing of a shopping trolley then there are already provisions in place for authorised officers to act on this. Under this act, expiation fees of $210 and penalties of up to $5,000 can apply. Authorised officers can also request that a litterer remove the litter and dispose of it correctly, and it is a further offence for failure to comply with this request.

In short, we are of the firm view that retailers such as Drakes and Foodland that are employing and creating jobs in our community should not be held responsible by the council for the theft and improper disposal of their property.

The Hon. C.M. SCRIVEN (17:56): I rise to speak briefly on behalf of the opposition on this motion. The City of Marion's by-law creates penalties for retailers with more than 30 shopping trolleys that fail to collect them within 72 hours of receiving a notice about a dumped trolley. We acknowledge the complexity of these issues. We have heard the concerns of many City of Marion residents regarding shopping trolleys being dumped on their streets and in our natural environment.

We understand this issue has been discussed in that community for four years now. Indeed, the member for Badcoe, whose electorate currently includes the Castle Plaza shopping precinct, has been actively representing the views of her electors on this matter and has been carefully examining the issue. We also acknowledge the concerns of retailers about the cost burdens of penalties or implementing measures to address the by-law and what that expenditure might mean for jobs.

The Legislative Review Committee has recommended the disallowance of these by-laws, resulting in the debate today. We will not oppose the committee's recommendation. However, we encourage all parties to resume conversations with a view to cooperatively reaching a balanced and long-lasting solution as quickly as possible, for the benefit of residents and businesses and also for our environment.

The Hon. F. PANGALLO (17:57): I rise to support the disallowance motion. The by-law by Marion council is taking a big stick to a victim of crime. They are making suppliers responsible for the irresponsible conduct of shoppers, and I expect that most of the offenders who take these trolleys from shopping centres are probably the most vulnerable people in our community. These are those who do not have cars and probably live within walking distance.

If you are going to apply Marion council's reasoning, then let's fine McDonald's, Hungry Jack's and KFC when their packaging gets chucked on roadways, in waterways and elsewhere. Are we going to go to that extent? Mayor Kris Hanna was on Leon Byner's program recently in a debate with me on the proposal. I want to quote from his reasoning for this by-law. He said that the suppliers, the owners, the supermarkets, 'have to play their part in terms of penalising the supplier rather than the individual who leaves them on the streets'. He said:

> …there is a comparison already in the law where pubs are fined if they've got someone who's too drunk on the premises…

He goes on to say:

> Sometimes rope in the supplier who's part of the problem as well as the individual…that's really what we're trying to do here because it's the only way to make it effective.

I cannot comprehend that type of analogy. What do you do, for instance, Mayor Hanna, when these people leave the pubs, get into their car, drive and kill someone? Who do you charge? Do you charge the pub owner for that?

I will read a letter from Mr Colin Shearing, the Chief Executive of the South Australian Independent Retailers sent to the Legislative Review Committee in September 2020, which states:

> The proposed by-law seeks to penalise the owners of shopping trolleys because someone has stolen the trolleys and dumped them within the community.
>
> If this by-law becomes law then it will be the first time in South Australian history that the owner of an object, who has it stolen is penalised because the thief did not dispose of it properly.

This concept is fundamentally flawed at law. How is it right that one person be fined for another person's illegal action?

The whole litter stream is made up of product (usually purchased product) that has been disposed of incorrectly—is the process now going to be that all the sellers of the product get fined because their customer littered? Of course, our trolleys are not purchased but are stolen.

Supermarkets do not want their trolleys stolen and already have in place systems to try and prevent theft. Owners provide shopping trolleys for customers convenience and are an important investment to their businesses.

Supermarkets also seek to be good corporate citizens and already have in place lost trolley reporting systems and collection systems.

There is a cost to the supermarkets with trolley theft and they are proactive in trying to prevent it.

If this by-law becomes law, then it sets a precedent for other by-laws to impact other sectors. For example, could owners of cars that are stolen and dumped be fined? Could political candidates whose signs are stolen and dumped be fined?

An honourable member: No.

The Hon. F. PANGALLO: Not if we get rid of the corflutes. Mr Shearing's letter goes on:

This by-law is bad in law as it makes one person responsible for another person's illegal action.

That is quoting Mr Colin Shearing the Chief Executive Officer of the South Australian Independent Retailers. As he points out, I have not heard of another jurisdiction that has this type of loony, over-the-top punishment for a service that is provided and is then abused by the user.

This unfairly punishes supermarkets and will only add to costs. The fines being proposed are totally disproportionate—ridiculous really—as much as each item is worth. They are, as has been pointed out by the Hon. Nicola Centofanti, expensive. They do not put them out there to have them stolen. The owners do not want them taken out of the shopping centre precincts. Who is going to police this by-law? How would they work in practicality? Will it lead to a spike in deliberate acts of taking these trolleys from shopping centres? Do we have to get to the situation where supermarkets have to appoint trolley cops?

It is just so unworkable: a thought bubble that burst almost from the moment it was created because little consideration was given to the impact on the suppliers and the owners. Being cynical, I think that in some quarters this is being viewed as another form of revenue raising by local government. I do not believe it is as big a problem as the mayor of Marion makes it out to be. I have been through the Marion area; I go through it quite regularly in my travels and I do see the occasional trolley that has been left outside, usually a block of units or whatever, within walking distance. I really have not seen actual figures on how many are dumped or that have to be picked up.

Would the mayor support fines being given to individuals the moment they step outside the shopping centre with these trolleys, much like car parking fines are incurred by people who overstay in shopping centres? I am pretty sure he would not want to see that. Over the years, I have seen in the media efforts to implement various types of technology to stop these trolleys. I have not actually seen it but I have seen them proposing trials but I would urge Marion and other councils to first engage and consult with the trolley owners, the supermarkets.

I urge shopping centre operations like Westfield to also rethink plans to charge for car parking at Tea Tree Plaza because it could inadvertently lead to an increase in this very problem we are discussing here today. If they are intending to introduce car parking fees, at least make it reasonable, particularly for the vulnerable in the community.

While we are on this, I want to also point out that thieving from supermarket shopping centres does not just apply to trolleys. I know that there is a problem with plastic bread and pastry trays belonging to big baking suppliers like Vili's that are being stolen by smaller bakeries and businesses. It is not known whether these smaller businesses, these small suburban bakeries which are taking these plastic trays, go through the process of daily sterilisation which has to occur, as Vili's do. They do that on a daily basis to their plastic trays. Will councils try to regulate this activity? No, they will not because they will say it is not their responsibility.

Mr Milisits employs one of his staff to seek out his stolen trays each week. They are worth $10 each and it costs him, conservatively, $100,000 a year to replace these items. He has to wear

the costs, so you can imagine the costs on other bakeries as well. I would also like to see these supermarkets take some responsibility or a similar attitude in also protecting the property of their suppliers rather than just shrugging their shoulders and saying, 'It is too hard for us to see what is going on at the back of our supermarkets, particularly when it comes to these plastic baking trays.'

Perhaps councils could also take an interest in this problem from a health and hygiene perspective. They do not do that. We know that councils can be and are quite diligent—and it is a good thing—in inspecting premises and other places that deal in food with their health and hygiene requirements, and this is an important area. Food is actually placed on these trays on a daily basis. As I pointed out, businesses like Vili's, when they collect their trays, need to take them back to their factories and then put them through a process of cleansing, and we are not sure whether this happens by others. That is certainly an area they can look at. In closing, I would like to say that we will support the disallowance.

The Hon. M.C. PARNELL (18:08): I am conscious that it is after 6 o'clock but I do want to put a few things on the record because we have only heard one side of this debate. What I would say at the outset is that, regardless of the outcome of this motion today, the problem is not going away. It is a problem that exists not just in Adelaide but all over Australia and in other places in the world. If honourable members do not think this is the solution, then they do need to put their minds to what is.

I want to give members a little bit of background and history. According to an ABC Radio National broadcast back in 2014, the origin of the modern supermarket shopping trolley goes back to 1937. It was the idea of an American supermarket owner, Sylvan Goldman, who dreamt it up as a way of encouraging shoppers to buy more items in his Humpty Dumpty chain of stores in Oklahoma.

The frame was inspired by a folding chair and held two wire shopping baskets, one above the other, doubling the quantity of goods that could be carried. Apparently, they were very unpopular at first; they reminded women of prams and men considered them effeminate. To counteract this, Goldman hired male and female models who spent their days pushing trolleys around his stores. That eventually led to their global acceptance.

Further developments added over the years included the telescopic cart, with the hinged rear panel that enables more compact stacking, that was patented in 1949 and which is still used today. Then in 1954 we had the fold-down toddler seat—we still have those—and more recently the coffee cup and mobile phone holder. The presenter of Radio National's very popular *By Design* series, Colin Bisset, said:

> While the wonky-wheeled trolley has long been a visual gag in film, the abandoned trolley is more often a symbol of urban waste, and many are dumped by roadsides or in waterways. More than one million trolleys are manufactured each year, adding to the millions already in circulation. Most supermarkets now make considerable efforts to retain their property, adding coin-deposit mechanisms to ensure their return in areas of high theft as well as wheels that lock when a trolley is pushed over a magnetic strip set at a mall entrance.

So the idea of supermarkets taking measures to prevent the misuse of their trolleys is not new. According to Wikipedia, coin deposits are almost ubiquitous in continental Europe and the UK. They were very common in Australia decades ago, but my guess is that once one major chain abandoned the idea, their competitors followed suit. Now we are back to square one, with trolley dumping a major problem in certain neighbourhoods.

As fewer people carry coins, coin deposits might not be the answer, but there are plenty of other technologies available to help ensure trolleys are used only where they are supposed to be used. These include reusable tokens that are issued by supermarkets up to high-tech solutions such as geo-fencing and automatic wheel locking.

South Australia is not alone; other jurisdictions are tackling this problem as well, including through legislative interventions. I note the Hon. Frank Pangallo made an offhand comment, 'Who else would do something like this?' Well, I will tell you: the Western Australian Local Government Association has advised their councils that they should adopt and modify the Activities in Thoroughfares and Public Places Local Law. That provides that local government can have the authority to infringe retailers for failing to collect illegally dumped shopping trolleys within a defined notice period. In other words, exactly what the City of Marion is asking to be able to do. In New South Wales, Local Government NSW President Linda Scott said:

Councils are virtually powerless because they can only fine customers who are caught abandoning trolleys in public places, which is impractical and almost impossible to enforce.

The New South Wales government is now considering giving councils stronger powers. This could include the power to fine retailers that fail to collect abandoned or impounded trolleys. I will not go through every jurisdiction, other than to say that this is not a problem unique to the Marion local government area in Adelaide's southern suburbs. It is a national problem.

If people want to find out more about the range of technical and social responses to the misuse of shopping trolleys, there is an excellent article published in *The Conversation* on 9 January last year by Johan Barthelemy, a Research Fellow at the SMART Infrastructure Facility at the University of Wollongong. His article is entitled, 'The war on abandoned trolleys can be won. Here's how.'

I know that for a number of members there is something uncomfortable about supporting a law that, at face value, looks to be penalising retailers for the misbehaviour of their customers. Supermarkets and other big retailers have signs advising customers not remove trolleys from the car park; in fact, my local supermarket does not allow trolleys to be taken even past the checkout. Instead they employ a team of mostly junior staff to carry bags out to customers' cars using different trolleys to those used in store. This creates additional employment, less wear and tear on the trolleys, and results in zero misappropriation.

Most supermarkets rely just on signs, and clearly the signs do not work for some customers. So who are these people? It would be very easy to categorise them as lazy, antisocial and dishonest. It is always difficult to categorise a cohort of people we do not necessarily know much about, but one thing I suspect they mostly have in common is that they are poor. Not everyone has a car, and for those who travel to the shops on foot not everyone is strong enough to carry home all of their shopping.

Of course, it would be easy for us to say, 'Well, they could just buy their own shopping trolley,' or, 'They could organise home delivery,' but the reality is that for some in our community their lives are chaotic and disorganised and things that are logical and relatively easy for most of us are beyond their capacity. One social worker I spoke to said that some of her clients, who were regular trolley pinchers, would probably get taxis to and from the shops, which they clearly cannot afford to do, so it is indeed a wicked dilemma.

I do not think that blaming the customers solely is necessarily the right way or the only way to look at this problem. Under the council's by-law, big retailers are not being penalised because their customers disregarded the rules and removed a shopping trolley from the premises, they are being penalised if, having been notified of the location of the abandoned trolley, they fail to remove it or to retrieve it within three days. That is a very different matter.

The big supermarkets will emphasise that the trolleys are a convenience for their customers. That is correct to a certain extent, but the trolleys are also good for the supermarkets. They allow us to buy more than we can carry; they are good for business. That is why they were invented, which is why I went back to the origins of the shopping trolley.

Clearly, the supermarkets have already built the cost of the trolleys into their cost of doing business. They take responsibility for repair, maintenance and replacement, so why should they not take some responsibility for collection, both on and off premises. The alternative is that the community at large, through council rates, pays for the retrieval of abandoned trolleys from roadsides, parks and waterways. How is it fairer that local councils pay, rather than the businesses that benefit from the trolleys?

I know it is easy to get stuck into the big supermarkets. A former colleague of ours, the Hon. Nick Xenophon, used to make an art form of getting stuck into the duopoly—the two big supermarkets, which between them had 80 per cent of the grocery trade. His view was that they did not need any help from us to further entrench their commercial power. I note that the honourable member's successors are now championing the cause of Coles, Woolworths and the big retailers. How times change!

But the supermarkets can hardly cry poor, they are doing pretty well. They have been some of the most profitable businesses in the country during COVID. This means, I believe, that they can well afford to share in some of the costs associated with the misuse of their equipment. The by-law will apply to all big retailers with more than 30 shopping trolleys, so in terms of competition between the retailers they will be similarity affected. The big players will not be disadvantaged amongst themselves.

According to the Mayor of Marion, Kris Hanna, this by-law has been borne out of frustration with the supermarkets not taking their responsibility seriously, despite 2½ years of discussion. It is all very well and good for members here to say, 'Marion council should talk more with the supermarkets.' How much more can they do? Unless something happens, such as the passing of a by-law, the supermarkets have it all their own way. They are saying, 'Nothing to do with us, not our responsibility.'

I think the mayor has said that the aim of the by-law was to prompt more retailers to adopt containment systems: that is the object of the exercise. He notes that those retailers who have such systems have vastly lower dumping rates than other retailers.

At the end of the day the Greens will side with the local community, which is frustrated at the inaction of the big supermarkets and other retail chains in developing an appropriate containment policy for their trolleys. We would allow these by-laws to stand in order to give local councils some bargaining strength in forcing the big supermarkets and other big retailers to take this issue seriously. If these by-laws are disallowed, then it lets the retailers off the hook, but it will not be the end of the matter. What we might see is other councils trying different measures.

I know the Hon. Frank Pangallo mentioned this in passing, but if there was a substantial impoundment fee for every trolley that was abandoned in a public place and collected by the local council, then I suspect the big retailers would be racing around the suburbs picking up their trolleys before the council did to avoid the impoundment fee. Ultimately, though, I think it would make more sense for everyone if we had better containment systems and avoided the problem in the first place.

Whilst the Greens appreciate the legitimate concerns of those who are pushing this motion, we will not be supporting the disallowance of these council by-laws. We think the greater good is served by putting more pressure on the retailers rather than letting them off the hook entirely.

The Hon. N.J. CENTOFANTI (18:19): I would like to thank the honourable members for their contributions: the Hon. Clare Scriven, the Hon. Frank Pangallo and the Hon. Mark Parnell. With that, I commend the motion to the council.

Motion carried.

Bills

MOTOR VEHICLES (MOTOR BIKE DRIVER LICENSING) AMENDMENT BILL

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:20): I move:

That this bill be now read a second time.

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

Leave granted.

The *Motor Vehicles (Motor Bike Driver Licensing) Amendment Bill 2020* amends the *Motor Vehicles Act 1959* ('the Act') to enhance the Graduated Licensing Scheme (GLS) and improve the safety of novice motorcyclists, their passengers and other road users. Motorcyclists have a higher risk of death or serious injury than all other road users. On average, in the past five years (2015-2019) motorcycles accounted for around four per cent of all registered vehicles but motorcyclists accounted for around 15 per cent of all lives lost on South Australian roads and 19 per cent of serious injuries.

In the case of novice motorcycle riders, data for the 16-19 year old age group shows over the last five years 2015 to 2019, the trend in young rider serious casualties increased by an average of about 12.5% per year. This is in contrast to the trend in young driver serious casualties which have decreased by an average of 7.7% per year over the same period.

One strategy to reduce this road trauma is through an improved GLS for motorcycle riders. A GLS is a staged approach to obtaining a full licence, with learners commencing in relatively low risk situations. As the novice grows in knowledge, skills and on-road experience, restrictions are gradually lifted as they progress through to an intermediate stage and then to a full licence.

The GLS for car drivers was strengthened in 2010 and 2014. In 2010, the minimum age for solo driving (on a provisional licence) was raised to 17 years. This is likely to have reduced the casualty crashes involving young drivers, as research shows the older a young person is when they are licensed, the safer they are when driving and riding unsupervised. In 2014, the provisional (intermediate) stage was increased from two to three years along with the introduction of passenger and night driving restrictions. Such restrictions help to keep young people out of high risk situations on the road.

In 2018, the University of Adelaide's Centre for Automotive Safety Research (CASR) released the report 'Recommendations for a Graduated Licensing System for Motorcyclists in South Australia' outlining key elements that could be included in an enhanced GLS for motorcycle riders in South Australia, aimed at reducing the crash involvement of novice riders.

Community feedback was sought on the recommendations via a consultation process with individuals and stakeholders indicating support for most of the CASR's recommendations.

More recently, key stakeholders were provided with an opportunity to review the draft amendment Bill giving relevant parties an opportunity to make comments relative to their areas of expertise. A total of 107 stakeholders were invited to comment and responses were received from a variety of road safety stakeholders including motorcycling riding groups, motorcycle industry representatives, motoring bodies as well as state and local government.

The measures included in this Bill give effect to a number of recommendations from the CASR report and are supported by key stakeholders. In addition, the Bill more closely aligns the requirements for novice motorcycle riders with this successful motor vehicle GLS approach to provide more riding experience under protective conditions and reduce the incidence of crashes involving novice riders.

While some stakeholders suggested further improvements to motorcycle safety should be considered, this amendment package is focussed on the licensing system and does not extend to rider training and assessment. A review of South Australia's training and assessment program for motorcycle riders is currently underway by the Department for Infrastructure and Transport.

The Bill includes the following provisions to improve the safety of novice motorcyclists:

The Bill raises the minimum age to obtain a motorcycle learner's permit from 16 to 18 years of age. Exemptions will apply for those who are 17 years of age and hold a provisional licence for another class of vehicle; or for a person who is 16 or 17 years of age and resides in a prescribed locality to attend tertiary education, vocational education or training, for work purposes or to participate in a sporting activity.

Raising the age to obtain a motorcycle learner's permit from 16 years to 18 years of age is supported by research which has found that younger riders, whether new or fully licensed, have more crashes per distance travelled than older riders, suggesting age itself, irrespective of experience, is an important determinant of crash risk.

Between 2015 and 2019 there was a total of 324 riders aged 16 to 19 years involved in a casualty crash. Of these, seven riders lost their lives and a further 66 sustained serious injuries. An improved motorcycle GLS will be beneficial for novice motorcyclists and should contribute to a safer cohort of fully licensed riders once they have successfully completed the GLS.

Under the Bill, a person aged under 18 years and who holds a current provisional driver's licence will be eligible to apply for a motorcycle learner's permit in recognition that the prospective rider has already gained experience in the road and traffic environment while in the comparative safety of a car. However, unlike the Queensland model, this provision does not mandate that a person is required to obtain a car licence before being able to ride a motorcycle.

An exemption is also available for young people living in regional South Australia in recognition of the more limited transport services available in those areas and the need for young people to participate in training and employment opportunities.

The Bill allows a person who is at least 16 years of age and lives in a prescribed locality to be issued with a restricted motorcycle learner's permit to allow them to travel from their place of residence to tertiary education, vocational education and training, for work purposes or to participate in a sporting activity. The exemption does not extend to students travelling to secondary school (i.e. high school) as they are already getting to school by other transport means prior to turning 16, and can continue to do so.

The 'prescribed locality' is intended to cover regional South Australia and will be defined as a list of post codes contained either in the Regulations or by Gazette notice as appropriate. The post codes will be consistent with those areas defined as District 2 under the Compulsory Third Party (CTP) insurance scheme, making it easy for applicants to identify eligibility for a restricted learner's permit.

Similar to the exemptions available for the passenger and night driving restrictions for young drivers, it is proposed the onus would be on the learner's permit holder to prove they are riding a motorcycle in accordance with their exemption should they be questioned by South Australia Police (SAPOL) at the road side.

Riding contrary to these restrictions will result in an expiation fee and demerit points that will be prescribed in the Regulations. It is intended the expiation fee and demerit points will align with other comparable offences that apply to learner and P1 drivers which currently carry a fine at $382 and 3 demerit points.

The Bill introduces a requirement for a person to hold a motorcycle learner's permit for a minimum of 12 months.

Currently learner riders holding a car licence classification do not have a minimum period they are required to hold a motorcycle learner's permit. To provide novice riders with more riding experience under protective learner conditions, the Bill requires a person to hold a motorcycle learner's permit for a minimum of one year before being eligible to apply for an R-DATE (intermediate) licence classification, irrespective of any other licence held by that person. This will apply to new and existing learner's permit holders upon commencement of the new provisions.

The Bill introduces a restriction for learner riders from carrying a pillion passenger/s or a side car passenger/s, including a qualified supervising driver and from towing trailers.

The Act currently allows a person on a motorcycle learner's permit to carry a pillion passenger or a passenger in a side car provided that passenger is acting as qualified supervising driver. It is not a requirement under the Act for the holder of a motorcycle learner's permit to be accompanied by a qualified supervising driver as is the case for the holder of a learner's permit for a car. Due to the inexperience of the rider, the balance distribution while riding and possible distraction to the rider that a pillion passenger may pose, the Bill no longer allows any pillion passenger to ride with the rider on a motorcycle learner's permit – this includes a passenger in a side-car. Therefore, any person accompanying a learner rider will have to ride on a separate motorcycle. As towing a trailer may increase the risk of a crash, this practice will also be prohibited during the learner's permit stage.

The Bill introduces a night-time riding restriction between midnight and 5am for all learner riders aged under 25 years, irrespective of whether that person also holds a P2 or full driver's licence for another classification of vehicle.

Currently, night-time riding restrictions are limited to riders aged under 25 years who hold only a motorcycle learner's permit or a P1 licence. The Bill extends this provision and applies a night-time riding restriction between the hours of midnight and 5am to all motorcycle learner's permit holders aged under 25 years.

However, as per existing provisions, a motorcycle learner's permit holder will be exempt if the person meets the prescribed circumstances listed in Schedule 2 of the Act. This includes when riding for employment, education or between home and an activity to participate in sports, artistic, charitable, religious or scientific activities provided by an organisation, association or club. As with the existing provisions relating to the motor vehicle GLS, no formal application for an exemption will be required, however the rider would need to carry evidence they were riding within the exemption grounds.

A person issued with a restricted motorcycle learner's permit will be restricted to riding only for tertiary education, vocational education and training, work purposes or to participate in a sporting activity at all times. Broader exemptions from the night-time riding restrictions (as referenced above) would not apply to the holder of a restricted learner's permit.

The Bill introduces a restriction on riding only an automatic motorcycle if tested on one.

Rider Safe Courses currently allow participants to be trained and assessed on a motorcycle with an automatic transmission. As these courses include teaching and assessing a person's ability to smoothly take off and change gears, some students see the option to ride a bike with an automatic transmission as an easy way to pass. They are then able to ride a bike with a manual transmission on the road which poses a risk to both the rider and other road users as they have not undergone the proper training nor had the ability to practice gear changes in a controlled environment. The Bill will ensure those tested at Rider Safe on a bike with an automatic transmission will be restricted to riding only bikes with an automatic transmission. Similar provisions already exist in New South Wales, Victoria, Western Australia, Tasmania and the Australian Capital Territory.

The Bill raises the minimum age to obtain an R-DATE (intermediate) licence classification from 17 to 19 years of age.

This will enable novice riders to gain more riding experience under protective conditions and will apply to new and existing motorcycle learner's permit holders upon commencement. Existing learner riders who are aged under 18 years will not be restricted from where they can ride, nor required to obtain a provisional licence in order to maintain their existing learner's permit, although it will require them to ride under protective conditions for longer before progressing to an R-DATE classification.

At the same time I intend to amend the Motor Vehicles Regulations 2010 to extend the minimum time a person must hold an R-DATE licence classification from one year to two years.

This will require the rider to continue riding a lower powered Learner Approved Motorcycle Scheme motorcycle for an additional year before being eligible to progress to an unrestricted 'R' licence classification, at which point they may ride a higher powered motorcycle.

The Bill introduces a restriction for the holder of a driver's licence with an R-DATE (intermediate) licence classification to have zero blood alcohol concentration while riding a motorcycle, irrespective of whether that person also holds a full car or higher classification of licence.

Alcohol consumption and riding a motorcycle is a dangerous combination, reflected in crashes. Alcohol impairs skill and decision-making and can increase confidence and aggression. Currently the holder of a full car licence is able to ride a motorcycle on an R-DATE classification with a blood alcohol concentration of less than 0.05 grams in 100 millilitres of blood. The Bill requires all R-DATE motorcycle riders to have a zero blood alcohol concentration whenever they are riding. This will apply to new and existing R-DATE holders upon commencement of the new laws. A zero BAC already applies to the holder of a motorcycle learner's permit, all provisional licence holders and some other driver licence classifications.

This Bill further clarifies that a person must hold either a motorcycle learner's permit or a licence endorsed with R-DATE (intermediate) or R (full motorcycle class) to allow them to ride a motorcycle.

An anomaly in the legislation allows a person to ride a motorcycle (under learner's conditions) without holding a licence endorsed with R-DATE or R, or a motorcycle learner's permit, if they hold another class of licence. To resolve this issue, the Act is being amended to clarify a person must hold either a motorcycle learner's permit or a licence endorsed with R-DATE or R to allow them to ride a motorcycle. This will address an enforcement issue raised by SAPOL.

To maximise the impact of the proposed initiatives and create an immediate safety benefit for novice riders, the new offences related to towing, passenger, night-time riding and alcohol restrictions will apply to all new and existing learner's permit holders and holders of an R-DATE classification (as appropriate) upon commencement of the new laws.

While amending the licensing provisions under this Act, the Bill also takes the opportunity to broaden the provisions relating to testing and evidence provided to the Registrar of Motor Vehicles ('the Registrar') to allow for future innovation and to better meet customer needs and expectations.

The Bill amends provisions relating to the learner theory test and the hazard perception test to allow these tests to be conducted by a method approved by the Registrar.

To obtain a learner's permit in South Australia a person must undertake a theory test. Further, to obtain a licence a person must undertake a hazard perception test. Sections 79 and 79A of the Act require an applicant to produce a certificate signed by a tester, as defined in the Act. Options to improve service delivery associated with the licensing process include the potential for these tests to be provided via an online platform. The amendments within the Bill allow for changes in the delivery of such tests into the future.

Similarly, the Bill amends provisions relating to the production of a log book to allow the Registrar to be satisfied a person has met the prescribed requirements relating to the applicant's driving experience by providing evidence, other than a written document/hard copy (i.e. electronically via an app on a phone), into the future.

Holders of a learner's permit for a car are required to complete a log book demonstrating that they have met the minimum required supervised driving hours before they may progress to a provisional licence. Section 79A of the Act requires the applicant to produce to the Registrar a logbook that is approved by the Registrar and has been completed in accordance with the instructions contained within the log book. To allow for future options for demonstrating that supervised driving hours have been completed, the Bill allows the Registrar to be satisfied by other evidence (which could be accepted electronically) that the applicant for a provisional licence has satisfied the prescribed requirements related to the applicant's driving experience.

Removing the limitations around physical attendance at customer service centres and paper-based models will provide greater flexibility around service delivery models. This supports the Government's move to digital first and will improve service availability in the future, particularly for those in rural and remote areas of South Australia.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 16—Permits to drive vehicles without registration

This clause amends section 16 to refer to the 'former' General Post Office because of the closure of the GPO.

5—Amendment of section 74—Duty to hold licence or learner's permit

This clause amends section 74 to make it clear that in order to be authorised to drive a motor vehicle of a particular class, a person must hold a driver's licence or learner's permit authorising them to drive a vehicle of that class, or a driver's licence and the minimum driving experience prescribed by the regulations for the grant of a licence that would authorise the person to drive a vehicle of that class.

6—Amendment of section 75—Issue and renewal of licences

This clause amends section 75 to prevent the issue of a licence authorising the driving of a motor bike to a person who is under the age of 19.

7—Amendment of section 75A—Learner's permit

This clause amends section 75A to prevent the issue of a learner's permit authorising the driving of a motor bike to a person under the age of 18 unless—

(a) the person is at least 16 years of age and satisfies the Registrar that the person lives in an area of the State defined by the regulations as a prescribed locality; or

(b) the person is at least 17 years of age and holds a provisional licence.

The clause also amends section 75A to impose additional conditions on learner's permits authorising the driving of a motor bike, namely, a condition prohibiting the holder from carrying any person on a motor bike, a condition prohibiting the holder from driving a motor bike to tow any vehicle, and a condition prohibiting the holder (if under the age of 25) from driving a motor bike between the hours of midnight and 5 am.

8—Insertion of section 75B

This clause inserts a new section.

75B—Special provisions applying to certain motor bike learner's permits

New section 75B prohibits a person who holds a restricted motor bike learner's permit (that is, one issued to a person at least 16 years of age who lives in a prescribed locality) from driving a motor bike except in certain circumstances prescribed by Schedule 2 (as amended by clause 13 of this measure) (driving for work purposes or driving to attend recognised tertiary education or training, vocational education and training or for the purposes of recognised sporting activity participation).

9—Amendment of section 79—Examination of applicant for licence or learner's permit

This clause amends section 79 to allow the Registrar to require evidence to the satisfaction of the Registrar that a person has passed the prescribed theoretical examination required for the issue of a driver's licence or learner's permit. It also substitutes a new definition of *approved theoretical examination*.

10—Substitution of section 79A

This clause substitutes section 79A

79A—Driving experience required for issue of licence

Section 79A sets out the requirements for the issue of a driver's licence where a person has not held a licence during the period of 5 years immediately preceding the date of the application. The section has been re-drafted so as to require an applicant for a licence authorising the driving of a motor bike to have held a learner's permit authorising the holder to drive a motor bike for a continuous period of at 12 least months. If an applicant has been disqualified from holding or obtaining a licence and has not held a licence since the end of the disqualification, the applicant must have held a learner's permit authorising the holder to drive a motor bike for a continuous period of 12 months of which there must be a continuous period of not less than 3 months since the end of the period of disqualification.

11—Amendment of section 81—Restricted licences and learner's permit

This clause amends section 81 to allow a Registrar to impose a condition on a licence authorising the driving of a motor bike, the effect of which is to limit the licence holder to driving a motor bike with an automatic transmission if the Registrar is not satisfied that they are competent to drive a motor bike fitted with a manual transmission.

12—Insertion of section 81AC

This clause inserts a new section.

81AC—Special provisions applying to certain motor bike licences

Proposed new section 81AC imposes a condition on prescribed motor bike licences, being licences authorising the driving of a motor bike of a class prescribed by the regulations for the purposes of the section. The condition is that the holder of the licence must not drive a motor bike, or attempt to put a motor bike in motion, on a road while the prescribed concentration of alcohol is present in the holder's blood, or a prescribed drug is present in the holder's oral fluid or blood. This condition is to apply to licences whether issued or renewed before or after the commencement of the section.

13—Amendment of Schedule 2—Prescribed circumstances (sections 75A, 75B and 81A)

This clause amends Schedule 2. The amendments are consequential on the insertion of new section 75B included in this measure.

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

At 18:21 the council adjourned until Thursday 18 February 2021 at 14:15.