LEGISLATIVE COUNCIL

Thursday, 18 February 2021

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Aboriginal Lands Trust, Report, 2019-20

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

Inclusive SA: State Disability Inclusion Plan, Report, 2019-20

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

Lifetime Support Authority of South Australia Participant Service Standards

Question Time

CHILD PROTECTION

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): My question is to the Minister for Human Services regarding child safety. Minister, which government agency and which minister has the lead responsibility for the safety and wellbeing of children in this state?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:17): I thank the honourable member for his question. In terms of the children in care, that is clearly under the remit of the child protection department; however, the Department of Human Services has some role, for instance with the management of child safety environments, and we do have a number of programs in the family space which are operating to have the outcome that families are better able to nurture and raise their children. Everybody knows that any notifications about child safety issues need to be made to the CARL line.

CHILD PROTECTION

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): Supplementary: just for clarity, minister, are you saying that there is not a lead agency or minister with responsibility for the safety and wellbeing of children?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:18): I don't think I said that. My response was that in terms of children in care that is clearly within the remit of the Department for Child Protection. DHS has a range of responsibilities, including child safe environments. Education has its particular role as well. There are a number of people across the system who are mandatory notifiers, which includes a range of people, including teachers and the like. Ultimately, it is a shared responsibility for the cohort who aren't within the child protection system.

CHILD PROTECTION

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding child safety.

Leave granted.

The Hon. K.J. MAHER: The Department of Human Services website says:

DHS has lead responsibility on behalf of the South Australian government in the areas of…safety and wellbeing of children.

I seek leave to table a printout of the said website.

Leave granted.

The Hon. K.J. MAHER: Given that, my question is: how does the minister reconcile the answer she has just given with what her own department's website says? Secondly, what exactly does the minister do, as her department is the lead agency regarding child safety?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): Perhaps I can outline for the honourable member the range of programs that we run through the child and family support system, which is quite extensive.

The Hon. K.J. Maher: Are you the lead minister for child safety?

The PRESIDENT: Order! The leader has asked a question; let the minister answer it.

The Hon. J.M.A. LENSINK: For the programs—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: For the programs that I will outline, I will—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway is not assisting. The minister has the call and will be heard in silence.

The Hon. J.M.A. LENSINK: The Department of Human Services administers a number of programs and also is involved in quite a number of programs in the family space that are responsible for ensuring that our families are safer and are able to nurture their children going forward. These include the child wellbeing practitioners, the child and family assessment referral networks, family practitioners, community development coordinators, Child and Family Health Service, Strong Start—

Members interjecting:

The PRESIDENT: Order! The deputy leader is out of order.

The Hon. J.M.A. LENSINK: —Multi-Agency Protection Service, parenting and family support programs, non-government organisations and contracted services and Aboriginal community-controlled organisations. We also have close collaboration through a system adviser network of people with lived experience and the Aboriginal Leadership Group and regular meetings—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —with the non-government sector. We are in the process of recommissioning—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Opposition Whip is out of order.

Members interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. J.M.A. LENSINK: —our evidence-informed services, which includes a focus on evidence-informed service models, collaboration, evaluation and monitoring system outcomes. I think I have spoken before in this place about the fact that the Department of Human Services underwent an extensive co-design process, including with the Department for Child Protection, to

recommission services. We have made the decision that 30 per cent of those programs will be ring-fenced for Aboriginal community-controlled organisations. We have the child safe environment space, which is under the Children and Young People (Safety) Act—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —which requires prescribed organisations to provide safe environments for children—

The Hon. E.S. Bourke interjecting:

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

The Hon. J.M.A. LENSINK: In order to establish safe environments—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —for children and young people, organisations must develop policies and procedures to ensure child safe environments that meet the child safe environment principles of good practice, meet working with children check requirements for people with children or undertaking child-related work and lodge a child safe environments compliance statement—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —with the Department of Human Services.

CHILD PROTECTION

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary question arising from the answer: what exactly does the minister understand by the words 'lead' and 'responsibility' in relation to her duties about the safety and wellbeing of children?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:23): I think the honourable member is just asking the same question again. I refer him to my previous answer.

CHILD PROTECTION

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): My question is to the Minister for Human Services regarding child safety. Minister, exactly what leadership have you shown in relation to repeated cases of rape, sexual assault and pregnancy of children in state care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:24): I am a little bit perplexed about this particular question. As I stated in one of my previous questions—

Members interjecting:

The PRESIDENT: Order! Minister, resume your seat. I am tiring of members of the opposition asking questions and then the minister has hardly got a word out and there is an interjection.

Members interjecting:

The PRESIDENT: The minister had hardly uttered a sentence and the deputy leader is interjecting, so I ask the minister to continue and she will be heard in silence.

The Hon. J.M.A. LENSINK: Thank you, Mr President. Once again, I think it's disappointing for the people of South Australia that the Labor Party is salivating over these issues—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. Wortley interjecting:

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

The Hon. J.M.A. LENSINK: —enjoying the pain—

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. J.M.A. LENSINK: —using political means to continue—

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. Bourke: When will you take responsibility?

The PRESIDENT: Order! The Hon. Ms Bourke is out of order.

The Hon. E.S. Bourke: It's absolutely outrageous.

The PRESIDENT: Order!

The Hon. E.S. Bourke: You talk about us more than you talk about yourself.

The PRESIDENT: If they don't want to listen to the answer we will move on to the next question.

The Hon. J.M.A. LENSINK: I am in your hands, Mr President.

The PRESIDENT: Minister, you conclude as you wish. The honourable Government Whip has the call.

Members interjecting:

The PRESIDENT: Order! The Government Whip has the call,

MINIMUM WAGE INCREASE

The Hon. D.G.E. HOOD (14:25): Thank you, Mr President.

Members interjecting:

The PRESIDENT: The deputy leader—

Members interjecting:

The PRESIDENT: —and the leader are both out of order. The Government Whip has the call.

The Hon. D.G.E. HOOD: Thank you, Mr President. My question is to the Treasurer.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD: Can the Treasurer outline the results—

Members interjecting:

The PRESIDENT: Order! Sit down, please. The conversations across the chamber this week have been increasing and they are particularly out of order. The Hon. Mr Hood has the call.

The Hon. D.G.E. HOOD: Thank you, sir. My question is to the Treasurer. Will the Treasurer outline the results of a recent decision for an increase in the adult minimum wage in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:26): Thank you, Mr President, for restoring order there. When you get to my age, it gets much harder—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: When you get to my age, it gets much harder to hear, even someone behind me, so I thank you for your assistance in quietening the opposition. It is an important question, and there was a recent decision by the South Australian Employment Tribunal on 12 February, I believe, in relation to the adult minimum wage in South Australia. Workers and worker representatives, I am sure, will be interested in these decisions taken by the Employment Tribunal.

The decision of 12 February reflected consent orders agreed between the government and SA Unions for a 1.75 per cent increase to the minimum wage under SA public sector awards. I think either yesterday or the day before, I reflected on some recent enterprise bargaining negotiations that we had entered into, successful ones with the Festival Centre staff and the HomeStart staff, which settled wage increases at 1.2 per cent and 1.5 per cent. This increase in the minimum wage under public sector awards is at a higher level than that set by the tribunal, at 1.75 per cent.

That 1.75 per cent is consistent with the recent decision of the minimum wage panel of the Fair Work Commission in the annual wage review for 2019-20, which was effective from the first pay period on or after 1 July last year. This decision, whilst important for those workers that it impacts, only impacts a relatively small cohort of workers in the public sector in South Australia, I am advised some 200 employees, because the overwhelming majority of employees are covered by enterprise agreements, similar to the enterprise agreements that I indicated earlier this week had been successfully negotiated over recent weeks and months.

Of course, some time ago South Australia, together with many other jurisdictions, handed over responsibility for the industrial relations of the private sector in particular to the commonwealth jurisdiction, and so states like South Australia are left with, essentially, responsibility for the state public sector and local government, and we have those limited responsibilities in terms of negotiating wage settlements. Whilst it is a small cohort of the public sector, it is nevertheless an important decision for that small cohort.

RECYCLED WATER

The Hon. J.A. DARLEY (14:29): I seek leave to make a brief explanation before asking the Minister for Human Services, representing the Minister for Environment and Water, a question about the sale of recycled water from the Glenelg sewage treatment plant.

Leave granted.

The Hon. J.A. DARLEY: On 3 February 2021, *The Advertiser* reported that the ratepayer-funded $2.3 million water recycling scheme sponsored by the Burnside, Walkerville, Norwood Payneham and St Peters councils cannot provide water for council-owned parks and gardens for the same price as SA Water's drinking tap water for the next 10 years. Can the minister advise:

1. How many councils are currently using recycled water pumped from the Glenelg sewage treatment plant via Anzac Highway and Greenhill Road for council parks and gardens in the eastern suburbs?

2. What is the price that SA Water charges for this recycled water, and how does it compare with normal potable water prices?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30): I thank the honourable member for his question. Indeed, I recall that there has been in recent years a great deal of interest in recycled water schemes and re-use schemes from the water treatment plants. As honourable members would appreciate, there is a large capital cost involved in the development of those schemes and that cost is factored into the price. Therefore, to make those schemes stack up—and I say that with a degree of irony—it is fairly important that the schemes are able to provide that water at a cost which is less than the potable water system, which is through the SA Water mains network. The details of the honourable member's particular question I will take on notice and bring back a more detailed response.

CHILD PROTECTION, RICE INQUIRY

The Hon. C.M. SCRIVEN (14:31): My question is to the Minister for Human Services regarding child safety. Minister, can you understand the community being horrified that, as the minister for the lead department for the safety and wellbeing of children, you appear to take no

responsibility and no care for the children under guardianship who were pregnant when the Rice review was conducted?

The PRESIDENT: I will call the minister. It's getting close to asking the minister for an opinion, but I will call the minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): I just find that offensive. I find it downright offensive that the Labor Party tries to portray anybody as not caring about these people. They come in here with dumb questions that they just want to portray people in a particular light for their own political interest. It has nothing to do—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It has nothing to do—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway doesn't need to assist me either. The minister has the call.

The Hon. J.M.A. LENSINK: It has nothing to do with any genuine concern about the wellbeing of any of these children that they are talking about. My department—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke! And the deputy leader! The deputy leader, I thought, would be interested in the answer.

The Hon. J.M.A. LENSINK: I think what the members opposite don't understand is that the Department for Child Protection—children who are in that system are called in statutory care. Statutory care is defined by legislation. We can all go and sit and examine that, and we can have another open-book exam with the child protection legislation in front of us so that we can point out to the Labor opposition—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order, the deputy leader!

The Hon. J.M.A. LENSINK: —that children in care are the statutory responsibility of the Department for Child Protection. My department has a number of programs which are in the pre-statutory phase, where we are supporting families whose children are at risk of being removed, and we are supporting them to, as best as possible, remain with their families going forward, where that is determined as the safest and best outcome.

CHILD PROTECTION, RICE INQUIRY

The Hon. E.S. BOURKE (14:34): Supplementary arising from the original answer: has the minister read the Rice review?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): Yes.

Members interjecting:

The PRESIDENT: Order!

DOMESTIC VIOLENCE

The Hon. N.J. CENTOFANTI (14:34): My question is to the Minister for Human Services regarding domestic violence. Can the minister please update the council on how a boost in domestic violence funding has assisted South Australian women and children?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I thank the honourable member for her important question and for her interest in this particular area. We have provided a number of packages through additional funding, particularly that we receive from the commonwealth government, but also funding that we committed ourselves prior to government, and on coming to office we have been able to roll out a range of preventative programs that are aimed at assisting people who are in domestic violence situations to escape or to get assistance, including for perpetrators.

Funding has reached the $25.8 million mark, which is a significant investment, particularly in primary prevention. I have talked before about our 40 new crisis accommodation beds, which was a $4 million program, including nine perpetrator beds, which are all up and running. We have also provided support to Women's Safety Services for their crisis hotline to operate 24 hours a day. We have the Domestic Violence Disclosure Scheme, which can continue until 2024. We have funded a new domestic violence app through several different funding pieces so that the specialist services connect women with this app, which can assist them in an emergency situation.

There is funding for the coalition of women's domestic violence services, which is now known as Embolden, as their peak body, nine DV safety hubs in regional areas, primary prevention money of $1.86 million for a national sexual violence campaign called Stop it at the Start and a $5 million interest-free loan to develop a new DV supported housing initiative.

We have also been able to, through the COVID pandemic, assist women with what's called brokerage money, which is flexible financial assistance. They can use it towards a range of things that they may need assistance with. As at 31 December last year, we had had 1,133 women who had received a support package, nearly 50 per cent of whom had never actually needed assistance in the past, which has been significant for them. In one example, one woman was able to get her car fixed, which was her means of being able to leave a violent relationship. We have had very good support across the state for these packages and we know that it has been assisting South Australians through the pandemic when they have been in these terrible situations.

FACEBOOK NEWS FEED

The Hon. F. PANGALLO (14:38): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding the nationwide shutdown of various Facebook sites by Facebook.

Leave granted.

The Hon. F. PANGALLO: We woke to the news today that Facebook has stopped access to various sites containing news, including government sites, without warning. My question to the minister is: which government sites have been affected by this and what impact will it have on users? What is the government doing about restoring their sites and, like the news outlets that are also making demands, shouldn't Facebook and Google also seek placement costs or fees for the vast distribution carriage its own service provides, much like the subscription fees news outlets demand from their readers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): I thank the honourable member for his question. My breath was taken away by the reckless censorship by Facebook today. They can have their stoush with the commonwealth about proposed legislation at that level, but to decommission not just clearly established news sites but to decommission, as I understand it, thousands of both government and community sites—my understanding is that the Bureau of Meteorology has been affected, when so many Australians rely on them for important warnings in terms of climate and so forth. But, obviously, in the middle of a global pandemic it was very reckless of Facebook to deny access to health departments in putting out their public message.

In that regard, my understanding is that three or four health departments were affected. I am pleased to tell the house that ours has been restored. About midday today the SA Health Facebook page was restored, and the first thing that came up was the COVID-19 update. It is a very important source of information for South Australians; it is how we know whether we even have a new case that day. It is the first step to getting the message out about how to respond to an outbreak.

It goes without saying that, whether it is an outbreak in Victoria and people need to know what the restrictions are, when it comes to important ongoing social messaging SA Health makes a lot of use of Facebook. Probably one of the most significant has been the direct streaming of the COVID updates. Almost all COVID updates delivered by the State Coordinator, the Chief Public Health Officer, the Premier or myself are Facebook streamed.

One of the interesting phenomenon that that creates is that people in South Australia get to hear all of the advice from the public health team without its being repackaged by media. To be frank, that includes the bit where the media asks the questions and people get to see exactly what the answer was. The way that Facebook can bring the community closer to key public messages, like those from Nicola Spurrier, has been an important part of maintaining public confidence and maintaining the flow of public information. The fact that Facebook could recklessly censor public health sites in the middle of a pandemic shows to me that they do not even understand their own product.

COVID-19 VACCINE

The Hon. E.S. BOURKE (14:42): My question is to the Minister for Health and Wellbeing regarding public health. In view of the minister announcing yesterday that only two of the promised nine phase 1 sites are going to be open next week to administer the Pfizer vaccine, when exactly will the other seven sites open, and how many of the commonwealth's 30,000 vaccines are being distributed to South Australians?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): I would have thought that the opposition would keep their head down about vaccine supplies, considering their misrepresentation of the facts yesterday, as reflected in the question by the Hon. Irene Pnevmatikos and the public tweets of a member of the other place.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Opposition Whip will be quiet.

The Hon. K.J. Maher interjecting:

The PRESIDENT: As will the leader. The Hon. Ms Bourke asked a question. Let—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke, you asked a question—listen to the answer.

The Hon. S.G. WADE: The first two sites, the first two hubs, will be opening next week and delivering—

The Hon. K.J. Maher: We know that. When are the next ones? That wasn't the question.

The PRESIDENT: Order, leader!

The Hon. S.G. WADE: Then the honourable member asked me about commonwealth residential sites.

Members interjecting:

The PRESIDENT: Minister, you have the call. Continue, and I would ask members to listen.

The Hon. S.G. WADE: I was trying to do this sequentially—I am talking about next week. Next week there are two hubs opening: Flinders and the Royal Adelaide Hospital.

The Hon. K.J. Maher: And the next ones?

The PRESIDENT: Order! Minister, continue.

The Hon. S.G. WADE: I am very pleased to be able to let the house know that the commonwealth today announced some more clinic locations next week. Of course, that's phase 1a, the priority 1a group. In the Adelaide region, there will be Pines Lodge Residential Care, St Raphael's Home for the Aged, Calvary Flora McDonald Retirement Community, Serene Residential Care Services, Regis Marleston, Parkrose Village, Bucklands Residential Care, Estia Health Lockleys—

The Hon. K.J. Maher interjecting:

The Hon. S.G. WADE: Just quietly, the commonwealth vaccinates commonwealth facilities—Charles Young Residential Care Centre, Rembrandt Court, Japara Oaklands, BUPA Morphettville, Resthaven Marion and Oaklands Park Lodge Residential Care. In country South Australia it is great to see Clayton Church Homes Summerhill, Estia Health Aldgate, Eldercare Sash Ferguson, St Paul's Lutheran Hostel, Hillside Residential Care Centre, Hahndorf Residential Care Services, Oakfield Lodge Residential Care, Estia Health Encounter Bay, Ross Robertson Memorial Care Centre, ACH Group West Park Residential Care Home, McCracken Views Residential Care, Sandpiper Lodge Residential Care and Resthaven Port Elliot.

Members interjecting:

The PRESIDENT: Order! The minister will resume his seat. It is very difficult for me to hear the minister when there is a conversation going on from other frontbench colleagues of the minister on the government's side conversing with the member who asked the question, who is obviously not listening to the answer. Minister, have you concluded?

The Hon. S.G. WADE: No, I haven't. I certainly haven't because the honourable Leader of the Opposition can't even stay up to date with what's happening in terms of our programs. He is saying, 'Tell us about the other five.' Actually, there are another seven. There are another seven hubs that will be opening.

The Hon. K.J. Maher: Name them. Can you name one?

The PRESIDENT: Order!

The Hon. S.G. WADE: Okay, let's get them all, then: the Lyell McEwin Hospital, the Women's and Children's Hospital, the Riverland General Hospital, the Mount Gambier hospital, the Whyalla Hospital, the Port Pirie Hospital and the Port Augusta Hospital. While we are in the game for lists, let me tell you that—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —every public hospital in South Australia will in due course be a clinic. Shall I go through that list, too?

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: The opposition can't even read the news. It was weeks ago that we told people—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —about the seven hubs. It was weeks ago that we told them that every public hospital will be providing vaccinations because this government is determined to provide services and the opportunity of vaccination to every South Australian.

Members interjecting:

The PRESIDENT: Order! I will call the Hon. Ms Bourke when her colleagues cease to make noise. The Hon. Ms Bourke has a supplementary.

COVID-19 VACCINE

The Hon. E.S. BOURKE (14:47): I will keep it short. When exactly will the other seven sites open?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): Just quietly, there are more than 70 additional sites, so if the opposition wants to keep talking down the program we will continue to remind them about what is the largest peacetime operation.

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition should remain silent.

The Hon. S.G. WADE: What the opposition is really asking us for is before we have received the first shipment, before the commonwealth has confirmed the forward supply schedule up to the end of this year, they want us to tell them where all 70-plus sites will open. That is bizarre.

COVID-19 AGED CARE

The Hon. T.J. STEPHENS (14:48): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding aged-care facilities.

Members interjecting:

The PRESIDENT: I don't know whether anybody else heard that but I didn't. The Hon. Mr Stephens.

The Hon. T.J. STEPHENS: I will repeat myself, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order! You can't help yourself, can you? The Hon. Ms Bourke will remain silent.

The Hon. T.J. STEPHENS: I will repeat the question: I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding aged-care facilities.

Leave granted.

The Hon. T.J. STEPHENS: We have seen in Australia and overseas the devastating impact the COVID-19 pandemic can have on residents of aged-care facilities, with repercussions for their families in the broader community. Will the minister update the house on aged-care services in South Australia during the COVID-19 pandemic?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): I thank the honourable member for his question. The COVID-19 pandemic has brought many challenges. In Australia, we have experienced less of the health challenges that have been tragically seen overseas but, nonetheless, we have still experienced nearly 29,000 cases of COVID-19 and over 900 deaths nationally. In South Australia, we have experienced 608 cases and, sadly, four deaths.

What is a very stark fact is that of the national death toll more than two-thirds were residents of aged-care facilities: 685 in total. Of those, 655 were in Victoria and the remaining 30 were in New South Wales. In my view, one of the facts that South Australia can be most proud of is that, so far in this pandemic, we have not recorded a single death in aged-care facilities.

That achievement is even more stunning when you consider that we have had a cluster in an aged-care facility. AnglicareSA's facility at Brompton experienced four staff members who were COVID positive, yet not a single resident of that facility became COVID positive. That wasn't luck; that was careful planning and effective teamwork that meant the virus was contained. The measures that had been put in place before the cluster and during the cluster were vital. Then chief executive officer, Peter Sandeman, put it this way in December:

> Our planning and preparation throughout the year, and learnings from other organisations hit by the virus, was put to the test over the past few weeks. We knew all year that it was important to stay vigilant, even when it seemed that South Australia was safe from the threat.
>
> That planning and vigilance has paid off.

I could not agree more. The outbreak response was a collaborative effort within the home, across the Anglicare organisation and with a range of external agencies.

It was my privilege today to go down to Brompton and sing the praises of the unsung heroes of the pandemic. I regard the Brompton outbreak team as one of the least lauded but most important parts of the pandemic response. If the house could indulge me, I would just like to mention some of the members of that broader outbreak team. Daniel Aitchison, the Executive General Manager of Aged Care Services, and Catherine McGovern, the head of clinical practice, are ably supported at the facility itself by Shirley Essex, the site manager, Bruce Linn, the chair of the board of AnglicareSA, and the then chief executive officer, Peter Sandeman.

Of course, within SA Health, there was an outbreak response contribution. Cassie Mason, who has led the engagement with older South Australians and their care providers, was integral. Obviously, Ingrid Tribe and Ann Koehler from the Communicable Diseases and Control Branch were vital in terms of contact tracing and monitoring the spread of the disease, as well as Natasha White and Scott King from the Chief Nurse and Midwifery Office, Kathy McKenna and the team from Drug and Alcohol Services South Australia, and Damien Shen from the State Control Centre—Health, who was providing support in the planning function. Other partners beyond SA Health were SA Police, the commonwealth Department of Health and the Aged Care Quality and Safety Commission.

Most importantly, we need to thank the residents. Without their support and cooperation, the outbreak team would not have been able to achieve what they did achieve. In December, SA Health officially declared the outbreak at Brompton over following the return of results from the seventh round of testing of all Brompton residents and employees.

Today, a little over three months since the outbreak, it was great to meet the team and to thank them for their efforts and to see that they were still being ever-vigilant. There were excellent entry controls and widespread use of masks and hand sanitisers. It was fascinating to see that they are getting ready for the next battle in the COVID war.

They are looking at using the very room where they were donning and doffing personal protective equipment in the outbreak as one of the possible sites for their vaccine clinic. As we pivot from one part of the pandemic to the next, I certainly wish the family at the AnglicareSA facility at Brompton every best wish for their safety and for their happiness in 2021.

ST KILDA MANGROVES

The Hon. T.A. FRANKS (14:54): I seek leave to make a brief explanation before addressing a question on the topic of mosquito-borne diseases to the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.A. FRANKS: Late last year, we had warnings from SA Health that the risk of local transmission of serious and potentially deadly mosquito-borne diseases in our state is at its highest level since 2010. The St Kilda mangroves host a wide variety of visitors and are not far from residential areas. Indeed, as the minister may be aware, we are currently seeing a mass die-off of the mangroves and salt marshes down at St Kilda.

One of the impacts of this is that there has been a surge in the mosquito population, certainly more than one would normally expect at this time of the year. My question to the minister is: what is the government's response to the unfolding environmental disaster down at the St Kilda mangroves with regard to the growing mosquito populations and the possibility of mosquito-borne disease?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): Certainly, the lead minister for the mangroves is the Minister for Environment and Water, the Hon. David Speirs. In terms of the public health response, I will seek advice. I would stress that SA Health shares the public health responsibilities in the South Australian system with local government, so I will seek information from both the local government and SA public health services.

COVID-19 HOME QUARANTINE APP

The Hon. I. PNEVMATIKOS (14:56): 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. I. PNEVMATIKOS: Last November, the state government signed a $1.1 million contract with WA-based company GenVis to create a home quarantine app. This is the same company that created a home quarantine app in WA that was described as having, and I quote, 'more bugs than a roach infection'. Reported problems with the app include facial recognition and the accuracy of GPS positioning. Since the contract was signed in November, there has been no sign of the app being released. My questions to the minister are:

1. Does the app work?

2. When will the app be released?

3. What kind of external review or testing has the app been subjected to?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): My understanding is that the development proposal with that company hasn't been successful and our relationship with them in relation to that project will not continue.

The PRESIDENT: A supplementary, the Leader of the Opposition. There is not a lot there to get a supplementary out of.

COVID-19 HOME QUARANTINE APP

The Hon. K.J. MAHER (Leader of the Opposition) (14:57): A supplementary in relation to the minister's answer that the relationship hasn't continued: how much taxpayer money has been spent to date on the discontinued relationship?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I am happy to take that on notice.

EMPLOYMENT FIGURES

The Hon. D.W. RIDGWAY (14:57): My question is to the Treasurer. Can the Treasurer please contrast the labour force figures released today with the ABS single-touch payroll figures released just two days ago?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. Wortley: Trying to sugar-coat.

The PRESIDENT: The Treasurer has the call.

Members interjecting:

The PRESIDENT: The Treasurer has the call. The leader will be quiet.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: And the Hon. Mr Ridgway is not helping.

Members interjecting:

The PRESIDENT: This is your time ticking down. The Treasurer has the call, before he injures himself.

The Hon. R.I. LUCAS (Treasurer) (14:58): Exactly. These pens can bite you, Mr President. I thank the honourable member for his question because indeed the figures—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition!

The Hon. R.I. LUCAS: The figures released in the last 48 hours have indeed been contrasting. I think, as Minister Pisoni has indicated today, the labour force figures released today are indeed disappointing and indicate from the government's viewpoint, as we have said all along, that there is still much work that needs to be done.

When one looks at the labour force figures today, it is hard to comprehend that, just two months ago, those figures recorded that South Australia had the best and the lowest unemployment rate in the nation—that's for the month of November—and just two months later the figures indicate that they are the highest in the nation. Suffice to say we heard nothing from the opposition about those figures when they were released in November, but they are very chirpy today in relation to the labour force figures that have been released.

But the question, which is an apt one, contrasts the figures released today with the figures released only 48 hours ago, which are the single-touch payroll figures released by the Australian Bureau of Statistics. The labour force figures today for the month of January are a survey based on the first two weeks of January, and some—whatever it is—four or five weeks later these numbers are released in the monthly update, the labour force, for January.

The single-touch payroll figures that were released only two days ago are more recent figures, because they are based on the last week's payroll figures for January. So the survey results released today are based on the first two weeks of January. The single-touch payroll figures released two days ago are more recent; they are based on payroll figures for the last week of January.

Of course, our chirpy critics in the opposition do not want to concentrate on the more recent figures, the payroll figures from just the last week of January, because what they demonstrate was that on the job growth figures South Australia led the nation and on wage growth figures since the lowest point of the pandemic, in the middle of April, we were the second leading state or territory in the nation.

I think what they do demonstrate is that these figures are contrasting. The single-touch payroll figures, the more recent figures, demonstrate South Australia leading the nation or being the second leading state leading the nation; the labour force figures based on the first two weeks of January indicate that we now have the highest unemployment rate in the nation.

What they both indicate, and it is what this government indicated in the November budget, is the important and critical need of the $4 billion two-year economic stimulus package that the government announced in November. That $4 billion stimulus package, which we released in November already, both before it and since—a quarter of a billion dollars in grants, two lots of grants of up to $10,000 to thousands of small businesses and non-government organisations in South Australia through the Small Business Grant scheme.

I will not go through all of the details, because we are anxious to get as many questions as we can into question time, but there are two elements that I do think need reinforcing: the important initiative the government has announced in relation to payroll tax. There is a long debate that we have been having nationally and in South Australia about JobKeeper assistance being phased out by March of this year. People have asked the question both of the federal government and the state government, 'What are you going to do?'

Well, importantly, this government, I again reinforce, has taken a decision that no small business in this state with a payroll under $4 million will pay any payroll tax from April of last year through to June of this year. So beyond the phasing out of JobKeeper the taxpayers of South Australia—it is not government money; the taxpayers of South Australia are putting their hands into their pockets and also borrowing large sums of money to continue to assist every small business in the state with not having to pay any payroll tax right through to June 30.

In addition to that, the taxpayers have been even more generous, because what they've said is every medium and large-sized business in the state which is still COVID impacted—and we can think of some businesses in the travel sector, in the aviation sector, in international education support services and some in the tourism and hospitality sector, who remain COVID impacted; the taxpayers of South Australia are generously saying to those COVID impacted companies, 'Even though JobKeeper might finish in March, the taxpayers of South Australia are going to say—

The PRESIDENT: The Treasurer should bring his answer to a conclusion.

The Hon. R.I. LUCAS: Thank you, Mr President. In a very generous package, over $4 million, they won't have to pay any payroll tax from January through to June 30 of this year.

Members interjecting:

The Hon. R.I. LUCAS: No, this is for the over $4 million—over $4 million. So, Mr President, I take your advice. There are many more very generous elements to the government's $4 billion package, but it is important that the payroll tax initiatives are well understood by all members in this particular chamber.

HOSPITAL WAITING LISTS

The Hon. F. PANGALLO (15:04): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about hospital waiting lists.

Leave granted.

The Hon. F. PANGALLO: I have been informed by a leading Adelaide optician that at the Royal Adelaide Hospital there is a waiting list to get on the waiting list to see a specialist ophthalmologist. A constituent, Mr Anthony Di Giovanni, has also contacted me about the frustration and long delays caused by being bumped off waiting lists from one hospital, the RAH, to another, The Queen Elizabeth Hospital, to see an ear, nose and throat specialist. While on an RAH waiting list for over a year, Mr Di Giovanni's ear condition worsened to the point that he suffers from severe vertigo and is at serious risk of a fall. Mr Di Giovanni uses crutches for mobility because of another serious medical condition he has.

On 29 December, his GP wrote an updated referral that was requested by ENT at RAH, highlighting his worsening medical state, but instead of providing a priority placement at the RAH, Mr Di Giovanni was then demoted and transferred to The QEH's non-urgent waiting list.

My question to the minister is: can he provide the number of patients and waiting times, on both urgent and non-urgent lists, seeking appointments with specialists at all our major hospitals? Why are patients like Mr Di Giovanni being juggled between long hospital waiting lists, just to get specialist appointments? Is smoke-and-mirror shuffling being done to make it appear that SA Health's long waiting lists are actually being reduced? Is it correct that hospitals still require referrals, particularly from opticians, to be made using antiquated fax machines?

The PRESIDENT: There are a number of questions there. I am sure the minister will address them as best he can.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:06): Yes; thank you, Mr President. In relation to fax machines, it is fair to say that the medical profession is one of the custodians of technology that has long ago been disengaged by other industries, so fax machines are quite common in health services. There certainly is a move towards developing different platforms. Obviously, My Health Record is a good example of that, and in the NALHN area my understanding is that there is work being done on secure messaging. My understanding is that one of the reasons why medical professionals like fax machines is that they do reduce risk.

The honourable member is particularly talking about outpatient waiting times, as he put it, to get on the list. This is an issue that the Liberal team identified from opposition. The former Labor government wouldn't even publish that data. Rather than being held to account, they weren't even willing to tell people what was happening. One of the commitments we made from opposition is that we would publicly report. So from 1 July 2018, SA Health commenced publicly reporting median and maximum outpatient clinic waiting times by specialty and metropolitan hospital.

I highlighted the point about public accountability. I think that is very important, but it's also about consumer information. A consumer, if they know that the waiting list is longer at one facility than at another—and for that matter, if a medical practitioner knows that a waiting list is longer at one unit than at another—it may well affect their choice of location.

In terms of some of the recent progress in services, clinical services across all LHNs have been working to continually reduce their long waiting times for outpatient services. In terms of the

period from March 2018 to September 2020, let me give you some examples of progress being made. I will focus on median waiting times.

The honourable member, I think, referred to ear, nose and throat, so he might be interested to know that the Royal Adelaide Hospital outpatient service for ear, nose and throat is reporting that the median wait time for their outpatient clinics has reduced from 44 months to 24 months. It is still too long, but I can tell you 24 is a lot less than 44. In relation to endocrinology at Lyell McEwin, for example, that has gone down from a median wait time of four months to three months.

There is certainly an eagerness to continue to improve our performance in outpatient waiting times, and that's why the department has launched an outpatient redesign program, which commenced in June 2020. My understanding is that it is being led by the Chief Medical Officer, Dr Mike Cusack, who would be well known to members for his exemplary work supporting Professor Nicola Spurrier as one of her Deputy Chief Public Health Officers. Another example of the good work Dr Cusack is doing is the leadership he is providing in that outpatient redesign program.

I know that, both in terms of the initiatives at the local health network level and the initiatives through the outpatient redesign program, one of the key opportunities to improve our performance is to improve the communication between the LHNs and the GPs. The honourable member quite rightly highlighted the relationship between his constituent and the constituent's GP. We rely on GPs to provide ongoing support, obviously, but also to keep us informed about the situation for their patient. A patient who might have been categorised as non-urgent may well become urgent. We rely on GPs to highlight that to us.

One of the other key opportunities being pursued by SA Health is to try to strengthen the partnership between the hospital-based clinicians and the community GPs. Often, it can be through consultation with a hospital-based clinician that a GP is supported to be able to provide the treatment that the patient needs. It doesn't necessarily need to have a hospital-based response. It is also an opportunity to make sure that any pre-work that could be done prior to the outpatient appointment is done in the hands of the GP. The honourable member mentioned ear, nose and throat—

The Hon. I.K. HUNTER: Point of order, Mr President: the honourable minister has been on his feet too long and is no longer making any sense at all.

Members interjecting:

The PRESIDENT: I do have a memory about the length of answers previously in this chamber. I am sure the minister is about to bring his answer to a conclusion, as I do want to get to other questions.

The Hon. S.G. WADE: I am happy to do that. I am just interested that the Labor opposition is less interested in health services than the Hon. Frank Pangallo. Anyway, just to wind up my comments, the point I was making about pre-work is that in the optical area, often you can go to a community-based service, like an optometrist, to get a test done that will be useful for an outpatient clinic.

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

The Hon. F. PANGALLO: It is, and it was a long way back.

The PRESIDENT: Before I call that, there are one or two devices that seem to be quite noisy in the chamber in recent times and I think we should learn how to turn them on to silent.

HOSPITAL WAITING LISTS

The Hon. F. PANGALLO (15:13): The minister said that faxes reduce risks. Can I point out that yesterday I mentioned that the RAH failed to acknowledge a referral to an ophthalmologist, resulting in a patient later losing his eyesight.

The PRESIDENT: It is a supplementary question.

The Hon. F. PANGALLO: It is. You just stopped me right as I was getting to the question.

The PRESIDENT: Ask the question.

The Hon. F. PANGALLO: The question is: what if the machine isn't checked, or it runs out of paper or is out of order?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I certainly accept the point the honourable member is making. Again, I am not trying to defend the medical profession for its love of faxes. My understanding is that they regard it as more secure because you have basically a secure telephone line transmitting material. My understanding is they believe that generally emails are not as secure and should not be used.

But you are quite right, the limitation with faxes is it doesn't open up other opportunities to make sure that people don't fall through the cracks. There are huge opportunities for data analytics and support for patients if their records are electronic. I certainly believe that there is a lot of work being done to support data security in the health environment. If that can build people's confidence, both medical professions and consumers, to have their data available electronically, I think we will all be the winners.

CHILD PROTECTION, RICE INQUIRY

The Hon. T.T. NGO (15:15): My question is to the Minister for Human Services regarding child safety. Minister, following the Rice report, why are the most serious child protection incidents now to be reported to the Department of the Premier and Cabinet and not to your agency, DHS, which claims to have lead responsibility for the safety and wellbeing of children?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16): Mr President, this is just a really bizarre line of questioning from the Labor Party. I have two agencies: the South Australian Housing Authority and the Department of Human Services. They both have critical incident reporting for their clients. The matter of the Department for Child Protection is a matter for that agency. As the Premier, the minister and the Attorney-General have outlined, particular responses have been taken at a government level to ensure that the critical incident reporting for that particular department is improved. I would just like to reiterate to the Labor Party—

The Hon. K.J. Maher interjecting:

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

The Hon. J.M.A. LENSINK: —that the child and family support system which resides within the Department of Human Services refers to the pre-statutory, if I can use that term, children and families.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: For the pre-statutory families, we are trying to support those families so that they are nurturing and safe environments for those families, with the wish that, as long as they are safe, those children can remain within that family.

Bills

CORONERS (INQUESTS AND PRIVILEGE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2020.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:18): I rise to speak on this bill and indicate I will be the lead speaker for the opposition. This bill seeks to amend the Coroners Act 2003 and the Guardianship and Administration Act 1993 to address two issues: firstly, to address the issue of penalty privilege for witnesses in the coronial jurisdiction; and, secondly, to amend the definition of 'reportable death' and the circumstances in which a coronial inquest must be held for a death in custody.

In relation to penalty privilege, it is often thought as protecting a person from giving evidence that may tend to incriminate themselves, but it also covers giving evidence that could expose a

person to civil penalties and things such as workplace disciplinary matters. The current issue around penalty privilege arose from the tragic death in custody of 29-year-old Aboriginal man Wayne Fella Morrison in 2016. Mr Morrison was found unresponsive in a prison van at the Yatala Labour Prison, and he later died in hospital.

In the subsequent coronial inquest, 19 prison staff witnesses refused to answer questions from the Coroner claiming penalty privilege. This claim for penalty privilege was challenged in the Supreme Court in the case of Bell v Deputy Coroner. In this case, the Supreme Court of South Australia upheld the claim of penalty privilege by reasoning that a Coroner is unable to make findings or suggestions of criminal or civil liability under section 25(3) of the Coroners Act.

The bill seeks to overcome the use of penalty privilege in the Coroners Court by proposing to insert a new section 23A in the Coroners Act. The new section 23A relates to privilege in respect of self-incrimination and penalty to address the Bell case in relation to the Morrison inquest. The main impact of this amendment is that the Coroner, in effect, can issue a certificate that prevents the evidence given from being used in other proceedings.

This is consistent with how other jurisdictions around Australia treat issues of penalty privilege or privilege against self-incrimination in the coronial jurisdiction. The new section 23A does a range of things: it allows the Coroners Court to determine the reasonableness of an objection to answering a question or producing a record or document raised by a person at an inquest on the grounds it may tend to incriminate them or make them liable to a penalty in the workplace or under Australian or foreign law.

It provides that the Coroners Court may require that that person answer the question or produce the record or the document if the potential incrimination is in the interests of justice. It allows the Coroners Court to issue a certificate to the person both when the court requires them to answer a question or produce a relevant record or document, or if the person willingly answers this question or request.

It provides that such a certificate will prohibit the relevant answer, record or document or derivative evidence from being used against the person in proceedings. The one exception to the provisions I have just outlined relates to criminal proceedings about the falsity of an answer, record or document provided during an inquest. In this case, the witness may not be protected.

Addressing the operation of penalty privilege will assist the Coroner to investigate and report on the cause and circumstances of death. The compulsion of answers in the Coroners Court has some similarities to earlier debates that we have seen over the last couple of years in this place about open hearings for ICAC. In view of this, the opposition has moved amendments that will bring it in line with what happens in the ICAC jurisdiction. That is, the witnesses called to the Coroners Court will be notified that they may be required to answer questions and may wish to seek legal advice.

Further, that compelled answers are delivered in a closed court unless the witness asks for the court to remain open. Nothing in this bill or these amendments will prevent the Coroner from referring to compelled answers in their findings and reports, as it is in the ICAC jurisdiction. The Coroners Act outlines circumstances that are 'reportable deaths' about which the Coroner must be notified.

Reportable deaths include those that may benefit from investigation to avoid or minimise similar deaths in the future. They include deaths in custody; unexpected, unnatural or violent deaths; deaths in an aircraft during flight; or the death of a person under guardianship pursuant to the Children and Young People (Safety) Act 2017 or a protected person under the Guardianship and Administration Act. The Coroner may decide to undertake an inquest or the Attorney-General may direct the Coroner to do so.

The Coroners Act further outlines circumstances in which the Coroner must undertake an inquest, including deaths in custody as per section 21 of that act. The current section 21 states in part that if the Coroner thinks it is 'necessary and desirable' to hold an inquest or if the Attorney-General directs the Coroner to do so, they can hold an inquest in other circumstances.

These other circumstances may include events such as fires or accidents that result in injuries and fatalities.

With regard to deaths in custody, these extend well beyond people who are in prison and include those who may be temporarily detained by the police or those who are detained under other arrangements. The bill seeks to clarify the arrangements that apply for people who die while under mental health or guardianship orders. Specifically, the bill amends the definition of a reportable death in section 3 of the Coroners Act to include the death of a patient in an approved treatment centre under the Mental Health Act 2009.

The bill then amends section 21 to clarify circumstances where the Coroner may hold an inquest if they deem it necessary and desirable. These include where a person dies from natural causes while subject to an order under the Guardianship and Administration Act. Further, these circumstances include where a person dies while under a Mental Health Act order but this happens in a ward of a hospital that is not exclusively set aside for mental health treatment.

The bill also adds subsections (4) and (5) to section 21. Subsection (4) outlines that death by natural causes of a person subject to an inpatient treatment order under the Mental Health Act and held in a ward of an approved treatment centre, where the ward is set aside for people for mental health treatment is to be taken as a death in custody. Subsection (5) states that deaths by natural causes of persons under orders of the Guardian and Administration Act will not automatically be taken as a death in custody, but the Coroner may still undertake an inquest if deemed necessary.

Subsection (5) goes on to clarify that the death by natural causes of a person subject to an inpatient treatment order under the Mental Health Act, and held in a ward for approved treatment that is not set aside for people having mental health treatment, is not automatically to be taken as a death in custody. This may occur when a person dies in an emergency room after suffering a heart attack, while also under a mental health order, for example. The bill also repeals section 76A of the Guardianship Administration Act to align with changes regarding death by natural causes.

The bill's amendments to section 21 are intended, the government tells us, to avoid unnecessary inquests, along with the consequent costs and delays that families may experience who may wish to farewell loved ones. While removing the obligation to undertake an inquest in these circumstances, the Coroner must still investigate such deaths if they view it as necessary or desirable. The opposition will consider its position on this bill as we look at amendments, the success of amendments the opposition has put up as well as amendments that crossbenchers have filed.

The ACTING PRESIDENT (Hon. T.A. Franks): The Hon. Mark Parnell.

The Hon. M.C. PARNELL (15:26): Thank you, Madam Acting President, and I congratulate you on your elevation and say that you have done an exemplary job thus far. The Greens will support this bill. April this year will mark 30 years since the Muirhead Commission into Aboriginal Deaths in Custody handed down a damning final report containing 339 recommendations for reform, including that 'imprisonment should only occur as a last resort'.

Since that time, 437 First Nations people have died in custody. That is almost 15 lives taken a year, 15 families a year torn apart. First Nations people continue to die in custody because state and federal governments have sat on many of those 339 recommendations, and they have sat on their hands for 30 years. Just this month, the Victorian parliament finally moved to decriminalise public drunkenness, a Muirhead recommendation prompted by the death in custody of Yorta Yorta grandmother Tanya Day in 2017.

The content of this bill, in one incarnation or another, has been kicking around both chambers of this place for decades, and the inaction on both sides of politics was made stark by the recent findings in the case of Bell and Others v Deputy State Coroner and Others, arising out of our state's recent tragedy—a recent and much-publicised shame—that is, the death of Wayne Fella Morrison, who was restrained by no less than 14 guards on 26 September 2016. This was a death that our state's Ombudsman, Wayne Lines, described as demonstrating serious shortcomings in our Department for Correctional Services.

As other members have discussed, the Deputy Coroner was hindered in their investigation of the extent of these serious shortcomings by the refusal to answer questions on the basis of the

privilege against self-incrimination by 19 witnesses to the inquest: 18 guards and a nurse. The privilege against self-incrimination in law is important, but it is not absolute. As the Law Society of South Australia pointed out in their open letter to the Attorney-General on 19 August last year, the privilege against self-incrimination is a basic and substantive human right.

While the Law Society opposes this bill, I respectfully disagree with their analysis. The right to life is also a basic and substantive human right. Article 7 of the United Nations Declaration on the Rights of Indigenous Peoples states:

> Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
>
> Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence.

Article 38 of the declaration states:

> States in consultation and cooperation with Indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

It is my view and the view of many others that First Nations people cannot live in freedom, peace and security, assured that they will not be subjected to acts of violence while in custody, when our laws unreasonably allow witnesses to shield themselves behind the cloak of the privilege against self-incrimination.

In an interview with SBS, published online on 6 February, Ngarrindjeri artist Cedric Varcoe spoke of the ripple effect that a death in custody has on the First Nations community:

> Some of us feel like we've been born into it—the intergenerational traumas that have been passed down to us. It gives you depression, gives you bad mental health issues and makes you feel like you're not wanted by the wider community.

Cedric's installation artwork honouring those 437 lives lost in the last three decades, *Contested Space*, was recently on display at the Signal Point Gallery in Goolwa.

The ALP's proposed amendments to section 23 of the Coroner's Act do not entirely knock the shield from the hands of witnesses, but they do put a dent in it, in the interests of increased transparency regarding the causes of a death in custody.

The curtailing of the privilege against self-incrimination is not revolutionary. As the Treasurer told the house on 12 November last year, every other jurisdiction has a comparable section, albeit with subtle differences. For example, you can look at section 61 of the Coroners Act 2009 from New South Wales, or section 57 of the Coroners Act 2008 in Victoria.

State and federal governments have also limited the privilege under workplace health and safety legislation. For example, you can look at section 172(1) of the Work Health and Safety Act 2011 of the commonwealth.

If protecting the lives and safety of our citizens while on the job is sufficient justification for amending the scope of the privilege, surely facilitating greater transparency during inquests into deaths in custody is as well. Qualifying the privilege is not new. Less than 10 years ago, this parliament qualified the privilege against self-incrimination through the Independent Commissioner Against Corruption Act. I refer members to schedule 2 of that act.

Ian Freckleton QC has contributed to this debate in an editorial entitled 'The privilege against self-incrimination in coroners' inquests', which he first wrote back in 2015. He stated the privilege against self-incrimination is:

> … often regarded as providing a crucial protection for individuals against oppression by the state or against an actual or potential abuse of power…

However the purpose of these amendments to the Coroners Act now is to ensure accountability regarding another potential source of oppression by the state: deaths in custody, which may also involve actual abuses of power.

Fifty years earlier, the famed jurist Justice Victor Windeyer stated in the case of Rees v Kratzmann in the High Court of Australia that the origins of this privilege arose, in small part, by 'a persistent memory in the common law of hatred of the Star Chamber and its works'.

This bill, however, strikes an appropriate balance. It is an amendment that does not ignore the memory of the arbitrary abuses of power in the Palace of Westminster centuries ago, but simultaneously does not turn away from the immediate injustices that periodically occur in our custodial systems.

The Coroner will be able to exercise their discretion when determining whether to compel the giving of evidence. Coroners will need to ask themselves whether such compulsion is in the interests of justice. I believe that that level of judicial discretion is appropriate, and I trust that it will be fairly exercised.

When we get to the committee stage of the debate, we will explore in more detail whether or not the proposed amendments further improve this bill. For now, the Greens are happy to support the second reading.

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

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 February 2021.)

The Hon. F. PANGALLO (15:34): I rise to speak on the Statutes Amendment (Local Government Review) Bill 2020. Reform of local government is a long time coming and I commend the government, the minister and the previous minister, along with other stakeholders like the LGA, its member councils and various community groups for their input to create this extensive overhaul of our third tier of government.

I am a strong supporter of local government because of its links to representing and assisting the grassroots of our community: the ratepayers, the local small and large business, local schools, service groups, the sporting clubs and senior citizens. Local councils have come a long way from the days when their elected members were mostly service-minded resident ratepayers giving their time voluntarily. The fundamentals have for so long been the three r's: rates, roads and rubbish.

Today, local government is far more complex and challenging. Most of the larger councils need to manage very large budgets and carry out various infrastructure and development tasks as well as provide a high level of service delivery in their district. That requires a high level of expertise and professional organisation within their staff structure.

Then there are the responsibilities of the elected representatives themselves, from the mayor down to the ward members. Some of them now seem to think and conduct themselves as quasi members of parliament, many with egos and their own political agendas, even though we like to think the influence of political parties in local government is minimal. When you have so many elected individuals from different walks of life with differing views and opinions, combustible confrontations are inevitable.

Dealing with these situations has become a prevalent problem in recent years, from factionalism to conflicts of interest, appalling behaviour like bullying and sexual harassment, and meetings degenerating into a rabble of insults and accusations. Lack of probity and proper governance and accountability of the administration of councils by their highly paid chief executives have in recent times also cast local government in a poor light and only serve to undermine the community's faith and trust.

Things need to change and, generally, this bill comes with a big broom to clean it up, ranging from the closest scrutiny of spending of ratepayers' funds and the remuneration and performance reviews of chief executives through to disclosure and acceptable standards of conduct by elected members and the staff.

One section I found objectionable is giving a CEO the discretion to suspend a member. While we have seen many instances of poor behaviour and friction between elected members and the staff, often resulting in costly litigation and stress claims, this provision can also be viewed as a blunt instrument allowing an unelected official to interfere with the democratically elected chamber.

I was astounded to learn there was one CEO who conducted a performance review on himself. I strongly endorse the requirement for an independent annual performance review of CEOs. This will assist in improving an individual's professional development by having that two-way engagement and providing feedback while at the same time lifting standards, improving working relationships and efficiencies in workplaces.

There are measures in here that will most likely add to the costs of councils, like provision of annual business plans to an independent regulator agency, the Essential Services Commission of South Australia, while receiving and considering advice from this body every three years on their financial plans and revenue decisions. In effect, it is a backdoor attempt on rate capping, that contentious sledgehammer election promise that had to be ditched because it would have severely hurt the bottom line of councils, just as it has in other states. This new approach ostensibly keeps an eye on council spending and revenue raising; however, most councils have kept their rates well below CPI in recent years.

As we know, local government has long been burdened with cost-shifting from the state government, namely the huge impost of the waste levy. Councils must also bear the brunt of rate exemptions and rebates. For instance, in 2020-21 the City of Adelaide will wipe off $35.5 million in rates revenue because of exemptions and another $7.5 million in rebates. It is a lot of money to write off when we know its finances are in a mess. The reforms will require councils to wear their own auditing costs. There will be a requirement for council audit committees consisting of most independent members to provide specialist advice. Who is going to pay for that advice? This needs to be clarified.

Another key area of these reforms focuses on the election process and a big shake-up of council numbers. The Electoral Commission will play a bigger role in receiving nominations and overseeing the obligations of candidates. I have long advocated for the full disclosure by candidates of any political or organisational affiliations, as well as donations and gifts, and I am pleased this is being addressed, but it should go a lot further. There should be a cap on donations and, as I had proposed, a ban on gifts and donations by any persons connected to the building and development industry. This would be a move to deter corruption, bearing in mind much of the work carried out by councils centres on developments, from commercial to domestic dwellings.

Changes to the supplementary voting process and the filling of casual vacancies are also covered in this bill. It is now proposed that, if there is a vacancy created less than 12 months following a periodic election, based on the proportional representation method, to avoid another costly election the vacancy is to be filled on countback with a runner-up from that previous election. The bill also proposes that if a vacancy occurs 12 months out from an election it does not need to be filled. Currently, it is seven months and perhaps should stay that way. A year is quite a long time for a ward to be under-represented.

The Electoral Reform Society wrote to me in 2018 concerned the countback process was 'crude, lazy and undemocratic' in that it was at odds with proportional representation. It argued that if a group of voters elected a councillor who decided to vacate his or her position before an election, that group would be left without a representative. I am unsure how that would apply when we still like to think that candidates at local government elections are not openly aligned with political parties or special interest groups.

The bill is also proposing to cap the numbers of councillors to 12 with a new amendment coming, I believe, now adding the mayor to avoid voting deadlocks. Not surprisingly, nobody likes it; neither do I. This move will require a review by councils before 2022 to apply it to the 2022 elections; otherwise, it will be implemented in 2026. It also removes the current representation review where the community decides on the level of representation it gets from local members.

There are 14 councils that have more than 12 members; one has 18. This proposal, according to the government, is designed to reduce costs. However, I am inclined to back the LGA and other councils saying it would actually add costs in that fewer members would need to take on a heavier workload in representing their wards and, with it, additional resources would need to be given to them.

To justify her position on this, in a letter to the hardworking and popular Mayor of the City of Salisbury, Gillian Aldridge, the minister in the other place bizarrely draws the analogy of the size of councils with Australian Securities Exchange guides on the structure of corporate boards. Equating the example of corporate boards voted by shareholders with that of democratically elected representatives from wards and council districts of varying size makes no sense to me. She goes on to say that the Remuneration Tribunal would consider the ratio of council members to ratepayers when determining allowances.

In other words, allowances are likely to be increased to match the increased workload. How is that going to reduce costs? She also claims the cap has been welcomed positively by the community. I have yet to see tangible evidence of that. Ms Aldridge rightly points to the large discrepancies that would occur across councils; for instance, compare the City of Prospect, with a population of 21,000 ratepayers, with Salisbury council's 138,000 ratepayers. Under the proposed changes, a councillor in Prospect would represent around 2,000 ratepayers, while one in Salisbury would be responsible for 12,500.

It would, says Mayor Aldridge, reduce the opportunity for a diversity of voices to be heard and represented in council chambers across the state. I could not agree more. Numbers should be based on the need and benefit to the community. Therefore, we will be opposing this measure in new section 11A.

This brings me to my own amendments that I will be moving. I want to thank the venerable long serving councillor from Naracoorte, Ken Grundy, for drawing my attention a couple of years ago to the staggering fact regarding eligibility to vote in local government elections. Unlike state and federal elections, non-Australian citizens are permitted to vote in local government elections in South Australia. Surely the same law needs to apply at local government level as it does elsewhere. There is only one other state where this happens: Victoria. Elsewhere you must be an Australian citizen, albeit with some very minor exceptions for some British subjects in some jurisdictions.

In South Australia you can be eligible to be on the local council voters' roll if you are a resident or a non-Australian citizen who has lived at your residential address for one month or more—one month. Technically, you can come here for an extended holiday, like backpackers, and be eligible to determine who will be the Lord Mayor of our fair city. Would I be able to do that in London, New York, Berlin, Rome, Oslo, Timbuktu? Not on your life. If we were to use the minister's analogy of corporate boards where members are voted by their shareholders and members of sporting clubs voting for boards, then being an Australian citizen should surely apply in the selection of council candidates and mayors in our important third tier of government, should it not?

Let's take the City of Adelaide, where there are or have been more than 13,000 international students and residents, along with backpackers and seasonal workers. They really have no skin in the game when it comes to property ownership, paying rates or running commercial businesses. They are predominantly temporary visa holders, here for a short time. What possible interest would they have in the governance and operations of city hall? Yet, they can make it onto the council electoral roll merely by proving to the council CEO they have lived at an address for the required 30 days or more.

Much like vote stacking in branches of political parties and unions, this glaring anomaly opens the door to corruption and rorting by opportunistic individuals and groups seeking a presence on councils. It only takes a resourceful person to rustle up a few hundred votes and, bang, you have a seat in local government. It needs to be changed. As for those permanent residents without citizenship who do have a stake in the game, they need to be encouraged to take up Australian citizenship. I encourage members in this chamber to support my amendment regarding enrolment so that it is consistent with state and federal voting requirements.

That brings me to the voting process itself. It is time we lifted the rate of voter participation in local government by doing away with voluntary voting and introducing compulsory voting. As I have stated, local government is an important piece in our democratic administration and processes. Communities and individuals have become more engaged and opinionated regarding what happens in their neighbourhoods, but they also need to express their views at the ballot box rather than whinge from a distance when they see and hear things they do not like about their local council and their members.

At the 2018 election, about 400,000 people cast their votes out of an eligible 1.2 million; that represents 32 per cent. That figure is only slightly up from 2014, which means that 68 per cent just do not care. We need to get these figures much higher and promote greater participation. Critics of compulsory voting, and I think the LGA is among them, point to the increase in costs and oversight by the Electoral Commission. However, this can be overcome by trialling online voting in tandem with the current postal ballots, which the LGA does support.

How can you put a price on creating proper and healthy democratic processes? Just see what happened in the recent presidential poll in the US, where voting is not compulsory. Less than 150 million people, out of a country with a population of around 350 million, voted. It was followed by howls of protests and unsubstantiated claims of fraud. We need to start to care about what happens in our local community, how and where money is spent and compelling voters in council elections to take the time to assess the suitability of their candidates. Another 68 per cent need to do their homework.

This bill could have presented us with an opportunity to test the water for a new way to lodge ballots: electronic voting. This is the modern digital age and we should be examining ways to streamline the voting process, whereby there is greater participation while at the same time lowering the costs of conducting them. Cybersecurity covering these votes must of course be considered, that is why we should start looking at trialling it, perhaps with the elections of the Adelaide City Council, which I note has made several submissions in the past for both compulsory and online voting.

While this bill could have been far more innovative than it is, I am confident that much good will come from this legislation and the proposed amendments. I look forward to it progressing to the committee stage.

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

Parliamentary Committees

STATUTORY AUTHORITIES REVIEW COMMITTEE: STATE COURTS ADMINISTRATION COUNCIL—SHERIFF'S OFFICE

The Hon. D.W. RIDGWAY (15:52): I move:

That the 73rd report of the committee, entitled Inquiry into the State Courts Administration Council—Sheriff's Office, be noted.

The Statutory Authorities Review Committee resolved to inquire into the State Courts Administration Council in February 2019—two years ago. The terms of reference for the inquiry focused on the employment practices in the Sheriff's Office and the processes in place to deal with allegations of workplace bullying and harassment. The committee embarked on an extensive inquiry over the course of 20 months, receiving 50 written submissions and hearing from 27 witnesses.

During this time, the committee had some membership changes. As the newly appointed Presiding Member of this committee, I would like to thank the current members of the committee, the Hon. Terry Stephens, the Hon. Justin Hanson, the Hon. Irene Pnevmatikos and the Hon. Frank Pangallo. I also recognise the former members of the committee who contributed to this inquiry, the Hon. Dennis Hood and the Hon. Nicola Centofanti. I am sure that a number of those members will make a contribution to the noting of this report in the coming weeks.

This parliament legislated for the judiciary to have an independent courts administration some 28 years ago, which abolished the former court services department that sat under the Attorney-General's portfolio. In providing the judiciary with independent control over courts administration through a governing statutory authority, the parliament also granted its chief executive officer an equivalent position, known as the State Courts Administrator, with the power to employ staff who are outside the Public Service.

The State Courts Administrator is appointed by the Governor, on recommendation of the State Courts Administration Council, which is comprised of the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate. The State Courts Administrator is under the control of the courts council. However, the committee heard that in practice the

administrator has the carriage of all day-to-day staffing decisions, including the power to make decisions concerning industrial relations matters.

Considering the significant change that the courts administration bill represented at the time, this parliament, including a report from the Legislative Review Committee, sought accountability from the new independent authority through a number of methods, including annual reporting and ensuring that the State Courts Administration Council members appeared before parliamentary committees.

Concerns raised during the debate on the courts administration bill included that the then Commissioner for Public Employment would not have the responsibility over any of their determinations that the State Courts Administration Council decided to override, with a lack of oversight or review capability on the industrial relations decisions. Therefore, the Courts Administration Authority has the power to manage allegations regarding workplace bullying, harassment and misconduct, including in the Sheriff's Office, in accordance with its own policies and procedures.

Whilst the specifics in relation to a large percentage of the evidence received from current and former Courts Administration Authority employees remain confidential to the committee in this inquiry, the overwhelming evidence received led the committee to find inconsistent practices implemented by the management towards its employees.

In relation to the authority's own policies in this space, only two of the 14 Sheriff's Officers who spoke to the committee knew of the respectful behaviour guideline and intranet information relied upon by the States Courts Administrator for staff to follow in relation to complaints processes. The Chief Justice then told the committee, near the inquiry's completion, that the guideline had in fact been revoked in 2017.

Overall, the committee found that the human resources practices described to the committee, either in supporting formal documentation or received by way of oral evidence in relation to how misconduct complaints are made, handled and investigated, have not been made in accordance with the public sector guidelines and determinations as relied upon as guidance for the Courts Administration Authority industrial relations process.

The committee would like to make it very clear that it was not only the oral evidence received from the Sheriff's Office but also viewing the documents in black and white that demonstrated to this committee that there have been inconsistencies in the way the Courts Administration Authority has dealt with disciplinary matters, including in the handing out of sanctions to its employees.

There is currently no oversight of these employment decisions by any other body, and although the appeal processes are available to staff, it was evident the staff are too scared to appeal the flawed determinations, fearing further repercussions from the management. This included being moved to other locations after being categorised as troublemakers and after making bullying and harassment complaints. Some staff were moved or suspended when a complaint had been made against them prior to an investigation or finding in the matter. In one particular case, a Sheriff's Officer had their employment terminated after the Courts Administration Authority wrongly deemed their complaint was vexatious.

Some employees had their mental health so adversely affected by the treatment they received after bringing a bullying or harassment complaint, or being subjected to questionable disciplinary allegations, they could not risk further trauma to their already badly affected families and relationships. Some were urged by their medical practitioners not to appeal or pursue the Courts Administration Authority decisions, even though they had grounds to appeal the flawed investigation practices and determinations finding them guilty on the balance of probabilities.

The committee questioned how these employees could appeal such misconduct decisions when the word of one of the Sheriff's Officers is taken over another and one found guilty of misconduct is denied access to the evidence relied upon to find them guilty by the original decision-maker. This makes it nearly impossible to appeal the Courts Administration Authority determinations and was reflected in the extremely low number of appeals that have been made.

Others complained about going to the courts to appeal against determinations made by the courts, and some found those in the legal profession reluctant to represent them in such matters, for obvious reasons. The repeated questionable human resources practices outlined in the evidence by this committee, including in the documentation before the committee, included:

- Sheriff's Officers being closely monitored on CCTV after making complaints about other employees' workplace behaviour;
- performance reviews either not occurring regularly or only once an employee had made a complaint against another employee's conduct;
- managers allegedly breaching confidentiality and having multiple complaints against their behaviour ignored;
- inconsistent approaches towards recruitment process, including interview panels;
- inappropriate refusals of employees' applications;
- the lack of employment contracts or employment contracts containing errors;
- retraction of correspondence drafted and sent to an employee the subject of allegations, which was found by the investigator to have breached procedural fairness principles;
- dictating to external investigators the witnesses to be interviewed and the length of the investigations prior to their formal engagement;
- a lack of conciliation of minor matters and instead putting staff through expensive and lengthy investigations into allegations against them;
- most alarmingly, deciding upon disciplinary penalties against employees prior to an investigation into allegations being completed;
- a lack of communication to employees who had been suspended from the workplace for months on end without knowing the progress of any investigations into allegations made against them, but at the same time being told in writing they were not to speak with anybody about the investigation, thereby denying them the chance to produce evidence from willing colleagues to corroborate their side of the story. Their pleas for other employees to be interviewed to provide relevant evidence on the allegations were ignored on multiple occasions;
- Sheriff's Officers have been allowed to act in higher positions for long periods of time, sometimes years on end, without merit selection processes, including the current Sheriff; and
- erroneous advice provided to employees from the human resources manager that they are Public Service employees and that they should not make complaints to members of parliament—I reiterate that: should not make complaints to members of parliament.

The committee found the number of Sheriff's Officers who made complaints about bullying and harassment, who then had allegations of misconduct made against them by the Courts Administration Authority unacceptable. This accorded with evidence received from the Sheriff's Officers, who told the committee they lived in fear of retribution if they made a bullying or harassment complaint. Some were even told by their colleagues at the time of recruitment not to make any complaints or they would face the likelihood of becoming targets themselves.

The committee also heard that the current Sheriff had told his employees at the start of the inquiry that they could be cross-examined by this parliamentary committee if they decided to provide it with evidence. Such erroneous advice given to the Sheriff's Officers, who are used to being in adversarial courtrooms every day, was extremely disappointing and of concern to the committee.

Having said that, the committee did hear from numerous current and former employees, including Sheriff's Officers. Some of these employees are now on medication for depression and anxiety disorders, with multiple suffering from serious diagnosed mental health issues. Workers compensation expenditure by the Courts Administration Authority is continuing to increase at over

$1 million for the 2018-19 year. Psychological claims costs are also on the rise, with the figures provided in the Budget and Finance Committee showing it reached some $671,000 in the 2018-19 year.

This committee, not unlike all other parliamentary committees, is not tasked with making findings of fact based on evidence given under oath and subject to the rules of evidence as the courts do. Rather, it inquires into authorities meeting the definitions outlined in the Parliamentary Committees Act, and acts in accordance with its functions and the terms of reference of each inquiry.

Parliamentary committees gather the evidence and information presented to them, whether given publicly or in camera, to form recommendations for the executive to improve processes or practices and, in the case of this committee, the way that the statutory authority is functioning. The only difference with this inquiry was that the recommendations regarding the administration of the authority are made to the parliament as a whole, as the Attorney-General has no formal oversight of the administration of the courts.

When the committee considered the magnitude of the material put before it in this inquiry, it saw no other option than to recommend that these Sheriff's Officers become public servants, subject to proper industrial relations regimes, with decision-making affecting their lives capable of oversight by the Commissioner for Public Sector Employment.

Management making these employment determinations and handing out sanctions have no formal HR qualifications. The committee had documentation showing that managers had handed out sanctions above their level of delegation. These managers also had other important statutory roles to be concentrating on, such as keeping our courts secure and safe. Overall, the committee found that bullying and harassment levels in the Sheriff's Office have not improved over the past ten years, despite attempts over the years to improve the structure of the Sheriff's Office and introducing online bullying and harassment training.

These new measures seem to have failed in reducing the unprofessional behaviour. The committee was concerned with the evidence it received about the unaccountable attitude displayed by some managers in the Sheriff's Office that is still occurring today. The committee was told that some of these managers have openly expressed their belief to staff that this inquiry would have no impact on their positions.

Having received submissions containing complaints of bullying and harassment behaviour in the Sheriff's Office dating back to 1995, the committee found that the unprofessional culture in the Sheriff's Office has continued to exist over a long period of time. The Courts Administration Authority has been unable to improve the workplace cohesion in the Sheriff's Office, particularly in regional courts. The committee has made seven main recommendations for this parliament to seriously consider, with the committee's only recourse under the current independent courts administration structure to recommend that the parliament, as a whole, legislate for change. These recommendations are as follows.

Recommendation 1 is that all Sheriff's Officers and the Sheriff be afforded public servant status under the jurisdiction of the Public Sector Act 2009, ensuring oversight capability of the Commissioner for Public Sector Employment. The committee also recommends that the Sheriff's Office move to being under the purview of the Department for Correctional Services, given its experience in providing similar training for prison officers and the management of officers in regional locations.

Recommendation 2 is that the committee further recommends that the position of Sheriff no longer be appointed by the State Courts Administrator and in accordance with the Sheriffs Act 1978. Instead, the position of Sheriff should be afforded the full status of a public servant, and report directly to the chief executive officer of a government department, as occurs in other jurisdictions.

Following on from this recommendation, recommendation 3 is that the committee recommends that the position of Sheriff be limited to maintaining security and orderly conduct in all court premises, with all human resources matters concerning Sheriff's Officers being managed by a government department such as Correctional Services to ensure proper decision-making is made in accordance with approved and accountable public sector industrial relations policies.

Recommendation 4 is that the committee recommends that the remaining Courts Administration Authority employees (outside the Sheriff's Office) continue under the purview of the State Courts Administration Council. However, the committee strongly recommends that these employees have the ability for industrial relations-related decisions to be reviewed by the Commissioner for Public Sector Employment.

Recommendation 5 is that the committee also recommends that all future annual reports of the Courts Administration Authority not be bound by the data-based approach of the Premier and Cabinet Circular PC013 in recognition of the authority's unique independent status. The committee sees this measure as improving the transparency and increased visibility in the parliament regarding matters that affect the Courts Administration Authority employees.

Recommendation 6 is that the committee recommends that further expertise be available to the State Courts Administration Council, so it can appoint up to two non-judicial members who have extensive expertise in human resource management, finance and administration. The committee noted the importance placed on this in the Courts Council of Victoria equivalent model, the only other independent courts administration in Australia.

Recommendation 7 is that the committee review this parliament's progress on legislating for the suggested changes within 12 months.

As honourable members can tell from these recommendations, the committee strongly suggests amending the Courts Administration Authority's governance structure to allow for the safety and wellbeing of its employees, including Sheriff's Officers. I take this opportunity to acknowledge all stakeholders who provided written and oral evidence to this inquiry. The committee particularly thanks the current and former Courts Administration Authority employees who appeared before the committee in this inquiry, both in public and on a confidential basis. The information gathered by the committee enabled a comprehensive report to be tabled under the inquiry's terms of reference.

There has been much said about the decision of this parliamentary committee to decline the Chief Justice's request to view the confidential evidence provided to this inquiry. As honourable members can understand, and as pointed out in the committee's report, providing such confidential evidence received from witnesses to the chair of the authority being inquired into by the parliament would go against well-established parliamentary practices and procedures. This includes standing orders requiring this parliament to protect witnesses and would have had the effect of undermining and sabotaging any future parliamentary inquiries, with witnesses being reluctant to provide vital information, fearing this parliament may not protect their confidentiality.

It is worth bearing in mind that these people have had serious adverse mental health conditions diagnosed as a result of their treatment by the Courts Administration Authority, with the committee told of the strain this has had on their families and relationships. For numerous witnesses, it took an enormous amount of courage to provide this committee with their evidence, with multiple witnesses visibly shaken such was the effect their treatment has had on their lives.

I would like to thank the honourable committee members and committee staff for their assistance in this inquiry and their commitment to producing a report with recommendations worthy of the serious issues highlighted by the inquiry.

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

At 16:10 the council adjourned until Tuesday 2 March 2021 at 14:15.