

LEGISLATIVE COUNCIL

Thursday, 4 March 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)—

Report to Parliament on the proposal to construct a new classroom, waste bin enclosure and associated works at Old Noarlunga Primary School within the City of Onkaparinga.

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

Reports, 2019-20—

Adelaide and Mount Lofty Ranges Natural Resources Management Board
Alinytjara Wilurara Natural Resources Management Board
Environment Protection Authority—Page 23 Amendment
Eyre Peninsula Natural Resources Management Board
Kangaroo Island Natural Resources Management Board
Murray-Darling Basin Authority
Northern and Yorke Natural Resources Management Board
SA Murray-Darling Basin Natural Resources Management Board
South Australian Arid Lands Natural Resources Management Board
South East Natural Resources Management Board

Ministerial Statement

SOUTH AUSTRALIAN SKILLS COMMISSIONER APPOINTMENT

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:17): I table a ministerial statement on the appointment of the South Australian Skills Commissioner made by the Minister for Innovation and Skills in another place.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

HOUSING SAFETY AUTHORITY

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 housing.

Leave granted.

The Hon. K.J. MAHER: An issue was raised in question time yesterday about a couple whose home is uninhabitable due to meth contamination and who wrote to the minister on 8 February on this issue. It has now been nearly a month since the minister's agency and the minister's office

were made aware of the dire circumstances faced by this couple, who were forced to leave their rental home rather than be poisoned. The couple have had to keep paying rent on this home, even though they can't live there, and they now can't access their possessions without hazmat suits.

The minister's own substandard property register shows that no rent control notice has been put in place, despite the landlord admitting in writing that the property can't be legally occupied. Flinders University experts have been involved. This matter was vented on radio yesterday morning, and the minister was asked about this issue in parliament yesterday. My question to the minister is: given the amount of attention this case has now received and given it was raised in parliament yesterday, can the minister now inform the chamber exactly what she has done to resolve this?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): I could have actually had this one organised to be a Dorothy Dixier, but the Labor Party have done it for me instead. We are getting to the point with some of the Labor questions that we might be instituting the daft question of the week. To provide some update on this matter, my office did indeed receive a letter from a couple in the circumstances as have been described.

As I mentioned yesterday, knowing that my staff are as studious and as hardworking as I do, they would have, on receiving this information, taken action immediately, and indeed they did. The letter was received. The couple were contacted very quickly. They were provided with advice. The matter was referred to the Housing Safety Authority, which took action within two days to issue an order. That order was subsequently published in today's *Gazette*, and the landlord has complied and is cooperating.

HOUSING SAFETY AUTHORITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Supplementary arising from the sort of answer: minister, what exactly has happened that provides any help for this elderly couple?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:22): I understand that they are actually not residing in that particular property now.

The Hon. K.J. MAHER: Are they paying rent? For some—

The Hon. J.M.A. LENSINK: If they are not residing in the property, I presume they are not paying rent for a property they are not living in—is the advice that I have received. They have also been provided with advice about other matters relating to their property and the like. Some of those matters reside with ministers who hold other portfolios. Indeed, we received an email this morning from one member of the couple to thank my office for the assistance they had received.

HOUSING SAFETY AUTHORITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary arising from the original answer: just for the sake of clarity, can the minister confirm that this couple are not paying rent anymore, or did she just make that up?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:23): The advice I have received is that the couple are not residing in that particular place. A rent control notice was issued for that particular property which means that the amount that can be charged for renting that property is \$0.00.

HOUSING SAFETY AUTHORITY

The Hon. C.M. SCRIVEN (14:23): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. C.M. SCRIVEN: The minister's agency issued a housing improvement order on 17 February about a meth-contaminated home in Mannum. The landlord subsequently admitted in writing that 'the premises have ceased to be lawfully usable for residential purposes'. My question to the minister is: given the landlord confirmed that the property can't be used for residential purposes, why hasn't the minister used her power of rent control so that this older couple don't pay rent for a home that they can't live in?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:24): I'm not sure whether the honourable member was actually listening to the exchange in relation to the first set of questions, but I think if she wants to inspect the *Hansard* then she might find that the answer to her question lies therein.

HOUSING SAFETY AUTHORITY

The Hon. E.S. BOURKE (14:24): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing improvement.

Leave granted.

The Hon. E.S. BOURKE: On 17 February, the minister's agency issued housing improvements requiring a meth-contaminated house be cleaned by 17 August. On Friday 26 February, the landlord issued a form 2B to the tenant of the meth-contaminated house. This required them to provide vacant possession by Monday 1 March. Vacant possession is effectively an eviction order that requires all their possessions to be removed or risk them being seized by the landlord as abandoned goods and possibly sold off.

When experts from Flinders University recently attended the meth-contaminated home, they only entered after covering themselves in hazardous material suits. On radio this week, the tenant advised that it may cost \$12,000 to \$15,000 to have their possessions removed from the home and decontaminated. My questions to the minister are:

1. How can a retiree couple possibly find and pay for specialist contractors in hazmat suits in a single weekend to remove all their possessions that are contaminated by meth?
2. If the landlord now seizes their possessions as abandoned goods, what obligation does the landlord have to notify potential purchasers that their goods are contaminated?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): I thank the honourable member for her question. The matters as relating to the Housing Improvement Act are indeed matters that are under my responsibility. My office has been providing advice to this couple about what their particular options are, but some of these matters fall into the responsibilities particularly through the Attorney-General with her responsibility for the Residential Tenancies Act and may actually require SACAT orders, which again the South Australian Civil and Administrative Tribunal falls within the responsibility of the Attorney-General's Department.

My office has been assisting this couple. They have also, I understand, had advice through the RentRight service, which is run by Uniting Communities in conjunction with Service to Youth, and we continue to provide advice and support on what avenues they have.

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

HOUSING SAFETY AUTHORITY

The Hon. E.S. BOURKE (14:27): Can the minister please run us through exactly the assistance her office or herself has given to this couple, and has there been any financial support?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): Without the couple's permission, I am not going to provide that information to the chamber because, as I have stated many times before, I think it is important to protect the privacy of individuals. But my office is aware—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher!

The Hon. J.M.A. LENSINK: —of what avenues are available and is providing support and advice.

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

ELECTRIC VEHICLES

The Hon. D.W. RIDGWAY (14:28): Thank you—

Members interjecting:

The PRESIDENT: Order! Conversations across the chamber are out of order. The Hon. Mr Ridgway has the call.

The Hon. D.W. RIDGWAY: Thank you, Mr President, I will try again. My question is to the Treasurer. Can the Treasurer please update the chamber on the progress that this government, and indeed the Victorian government, has made in introducing legislation for a road user charge for electric vehicles?

The Hon. R.I. LUCAS (Treasurer) (14:28): The South Australian government through its officers has been involved for a number of months now in consultation with other jurisdictions, in particular the officers from the Victorian Labor government who have publicly indicated their intention to introduce legislation some time early this year in relation to the introduction of a road user charge.

As the New South Wales Treasurer has indicated, he, too, was exploring the introduction of legislation in that state allied with their 2021 budget potentially for a road user charge, so South Australian officers have been involved for some time in relation to discussions. As we have indicated, in our view it is preferable to have the greatest level of consistency, if possible, between the jurisdictions, in particular South Australia and Victoria, in relation to the essential elements of a road user charge.

At this stage the final details of the Victorian legislation have still not been resolved and the legislation has not been introduced. We had hoped that the legislation might have been introduced last month, but that hasn't eventuated. The South Australian government will continue to consult with officers in the Victorian and New South Wales jurisdictions, and we will await the public release of the details of the Victorian legislation when it is introduced into parliament in, we understand, the not too distant future.

As a result of that we have decided to extend our consultation period. The introduction of the proposed legislation will still continue for the imminent future—that is, in the period up to or including this year's budget—but for the scheduled introduction date, if it were to be approved by the parliament, instead of 1 July this year it will be extended to 1 July next year. This will allow more time and opportunity for consultation, and it will also allow the opportunity—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, we missed you yesterday, but you are making too much noise.

The Hon. R.I. LUCAS: Not all of us missed him, Mr President, not all of us. As I said, it will allow more opportunity for consultation but also more opportunity to see the details of the Victorian legislation and potentially the New South Wales legislation so that we can ensure the greatest degree of consistency we can in relation to the introduction of a road user charge as an important reform in relation to both transparency and accountability of road funding.

ELECTRIC VEHICLES

The Hon. M.C. PARNELL (14:31): My supplementary question of the Treasurer is: what is the government's program of consultation? Who will you be consulting and how?

The Hon. R.I. LUCAS (Treasurer) (14:32): There is a long list of groups for targeted consultation that will be written to tomorrow, with a copy of the consultation paper. They include a significant number of groups that have expressed views either for or against a road user charge: some great friends of mine and, I suspect, possibly friends of the Hon. Mr Parnell.

The Conservation Council, for example, is amongst the long list of groups to be consulted. It is the obvious groups, such as road industry organisations like the RAA, the Electric Vehicle Council nationally, manufacturers, industry organisations, conservation and conservation-related groups. Also, as from tomorrow a copy of the consultation draft will be placed on the Treasury website so that all can see a copy of it. Indeed, even the Hon. Mr Parnell will be able to see a copy of the consultation draft.

At this stage we have delayed the consultation draft but, because the legislation hasn't been introduced in Victoria, we have decided to proceed with the consultation draft in South Australia on the basis of the early discussions we have had. The government's final position in relation to the

shape and nature of its legislation will be influenced significantly by what is introduced in Victoria, and New South Wales if anything were to be introduced there as well.

As I said, the overriding objective is to try to achieve the greatest level of consistency we can between the South Australian legislation and the legislation that might exist in our biggest Eastern States neighbours, Victoria and possibly New South Wales.

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

ELECTRIC VEHICLES

The Hon. F. PANGALLO (14:34): Can the Treasurer tell us how many electric vehicles were sold in South Australia in the past 12 months?

The Hon. R.I. LUCAS (Treasurer) (14:34): I am happy to take that question on notice and bring back a reply.

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

ELECTRIC VEHICLES

The Hon. F. PANGALLO (14:34): Does the Treasurer have a response to the boss of Nissan, who has slammed the federal and state governments for not giving incentives to lift the rate of sales of electric vehicles, and is he now looking at providing those incentives?

The Hon. R.I. LUCAS (Treasurer) (14:34): I always treat with respect any views that might be expressed in relation to a reform package that this government or indeed any government might offer. I had either a Zoom meeting or a Microsoft Teams meeting with representatives from a number of the car manufacturers. I would have to check exactly which particular companies were represented on that particular Zoom or Microsoft Teams discussion. We had a very cordial, frank and useful discussion, at least from my viewpoint.

The government will, as I said, listen to the views that are expressed by both supporters and opponents and those who remain to be convinced one way or another in relation to the proposed road user charge.

ELECTRIC VEHICLES

The Hon. M.C. PARNELL (14:35): I seek leave to make a brief explanation before addressing a question to the Treasurer in his capacity as the minister responsible for the South Australian Government Financing Authority which is in turn responsible for Fleet SA on the subject of electric vehicles in the state fleet.

Leave granted.

The Hon. M.C. PARNELL: Approximately 20 per cent of Australia's greenhouse emissions come from the transport sector. Today, in InDaily, Electric Vehicle Council chief executive Behyad Jafari, in response to news that only 6,900 electric vehicles were sold in Australia last year, blamed political inaction, and stated:

We have no targets, no significant incentives, no fuel efficiency standards...our governments are apparently doing everything possible to ensure Australia is stalled with its hazard lights on while the rest of the world zooms into the horizon.

By contrast, in January this year, new US President Joe Biden pledged to eventually replace the entire USA government fleet of 650,000 vehicles with electric vehicles. In South Australia, according to the South Australian Government Financing Authority's Fleet Snapshot from February this year, only 1 per cent of the government's fleet of 6,742 vehicles are plug-in electric, which category also includes plug-in hybrid electric vehicles which still have petrol engines. There is no detail provided about how many 100 per cent electric vehicles are in the state fleet.

Also, according to the list of approved state fleet vehicles able to be leased by members of parliament, a majority are now lower emission hybrid vehicles, which is good; however, none of them are fully electric. I note that the Premier's commitment, via the State Electric Vehicle Action Plan, is for the state fleet to be fully electric by 2030. My questions to the Treasurer are:

1. Can the Treasurer advise how many vehicles in the government fleet are purely electric vehicles as opposed to petrol/electric hybrid vehicles?
2. If the intention is for the South Australian government to be 100 per cent electric by 2030, when will the government start to include more fully electric vehicles in the state fleet?

The Hon. R.I. LUCAS (Treasurer) (14:38): I am happy to take the honourable member's questions on notice and bring back a reply. Certainly, the government has taken a number of actions in relation to encouraging the take-up of electric vehicles, contrary to—I think the inference in the honourable member's question was that in last year's budget the government announced a range of initiatives, \$18.3 million, in relation to the Electric Vehicle Action Plan for South Australia.

One of the key issues that has to be addressed in relation to the uptake of electric vehicles, putting aside the critical issue for consumers of cost, is access to recharging facilities. The government has recognised that and part of the expenditure in the Electric Vehicle Action Plan, the \$18.3 million—which I might say, as I commented in the budget last year, is significantly more than the projected possible collections from a road user charge in South Australia.

This government has demonstrated its commitment to transitioning to electric vehicles, but it is not the mere fact of by dictate saying, 'Everyone shall drive an electric vehicle,' if you don't cater for the essential infrastructure that is going to be required, which is recharging. I am sure the honourable member, when he reflects on that, will accept that there are other issues that will have to be addressed.

I think I indicated earlier that even the opponents of the electric vehicle user charge, one of whom the honourable member quoted, have all, in their discussions with me, agreed with the industry assessments that I have been given, that the cost of electric vehicles will be competitive with our current range of vehicles by around about 2025, due to the natural progression of both the improvements in technology and the greater economies of scale in terms of international production.

As I said, that is an assessment that has not only come from government advisers within the departments that are involved but has also been confirmed in some of the meetings that I have had with opponents of the proposed road user charge. They concede that the price of electric vehicles will come down, and come down significantly, in the relatively short term, that is, by 2025.

Of the two key issues that all the research shows inhibit consumers from taking up electric vehicles, one is the initial cost, because at the moment it is more expensive to purchase an electric vehicle. As I said, all the advice is that over the next five years that will significantly disappear, if not completely.

The second issue is the issue of infrastructure, in terms of recharging or charging capacity across the state. You don't want to head off on a lovely trip down to the South-East or up to the Flinders Ranges and find that you have run out of power part way there and you don't have the capacity to recharge. There are all these issues that the government is seeking to address in the significant budget allocation we gave last year of \$18.3 million to try to address some of those issues.

In relation to the state fleet, the government has made it clear that we will have a program of transitioning the government fleet over time to electric vehicles that are fit for purpose and cost effective. There is a clear commitment from the government there. Regarding the issue of cost-effectiveness, if the industry experts are correct and the price of those vehicles in terms of the initial cost comes down, then clearly the overall running costs are going to be significantly cheaper, and therefore whole-of-life cost is likely to make the purchase of electric vehicles attractive not only for the taxpayers of South Australia but also for consumers when they purchase their own vehicles, as to whether they choose an electric vehicle or not.

ELECTRIC VEHICLES

The Hon. M.C. PARNELL (14:42): Supplementary question: is the Treasurer saying that in relation to the number of electric vehicles in the state fleet it is not inclined to buy more vehicles until 2025, when price parity is reached, in order to be cost effective? Is that the effect of the minister's answer, that the less than 1 per cent of state fleet vehicles is likely to remain until price parity is achieved in four years' time?

The Hon. R.I. LUCAS (Treasurer) (14:43): No, it's not. I am happy to sit down with the honourable member and run through the detail of it again, but no, it's not. The issue, as I indicated to the member, was in relation to whether they are fit for purpose and cost effective. One looks at a combination of both the initial purchase price and the ongoing whole-of-life costs of a vehicle. It's not just your purchase price, you look at what the cost of running the vehicle might happen to be and you work out a whole-of-life cost. That is the way the state fleet has always been run in relation to the purchase price.

We have also introduced some other flexibilities for departments. If, for example, as part of their package they previously had purchased 100 vehicles, if they were prepared to reduce the number of vehicles by five, so that it was 95 vehicles, we would look flexibly in terms of keeping the overall cost; that is, if they are going to run 95 instead of 100, we would look at that in terms of being cost effective.

So we are looking at all ways of trying to encourage cost-effectiveness on behalf of taxpayers, because this is taxpayers' money we are spending in relation to what is occurring. We are looking at flexibilities in terms of how we can encourage departments and agencies. The simple answer to the honourable member's question is no, it wouldn't be correct to interpret my original response in the way that he did.

HOMELESSNESS

The Hon. R.P. WORTLEY (14:44): I seek leave to make a brief explanation before asking the Minister for Human Services a question regarding homelessness.

Leave granted.

The Hon. R.P. WORTLEY: On Thursday 4 February, the minister was asked questions about the eviction of an elderly, poor, single woman with a disability from public housing due to property condition issues. She was evicted the next day into the pouring rain and the opposition had to work with housing staff over the phone to ensure that the tenant had a place to go for the weekend.

The minister's response to these questions was highly concerning. When asked about whether the Housing Authority would take action that resulted in an eviction into homelessness, the minister's reply was, 'It depends on your definition of homelessness.' The minister went further and began ranting about meth labs, despite there being no link whatsoever to the case at hand. This was a disgraceful slur against someone who had lived in public housing for 38 years.

My question to the minister is: exactly what assurances has the minister sought about the safety and wellbeing of this older single woman with a disability and on a low income who was evicted from public housing?

The PRESIDENT: Before I ask the minister to respond, the honourable member would realise that his explanation was laden with opinion and that shouldn't be the case, so I ask him to take note of that in the future.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46): I thank the honourable member for his question and for the opportunity to place on the record some comments in relation to these processes. As I have said in this place before, the South Australian Housing Authority takes its responsibilities to tenants very seriously.

There are processes in relation to evictions and there is a range of reasons why people who are resident within our properties are taken to SACAT, not just for evictions but to enforce particular orders that have been made in the course of things that I think people would completely understand. People might need to clean up their properties. They might need to be reminded of their obligations to pay rent and the like. So there is a range of reasons why our tenants, as they do in the private sector, can appear before SACAT on these matters.

When I was responding to the particular question the Labor Party put to me that day, they hadn't actually outlined the full details of the case—

Members interjecting:

The Hon. J.M.A. LENSINK: Well, I was reminding them—

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I was reminding them of the fact that under our policy—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the leader!

The Hon. J.M.A. LENSINK: —that our policy includes—

The Hon. J.E. Hanson interjecting:

The PRESIDENT: No, the Hon. Mr Hanson is not helping. The minister has the call.

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. J.M.A. LENSINK: I didn't actually accuse—

Members interjecting:

The PRESIDENT: Order! If the opposition don't want to hear the answer, we will move on to the next question. Minister, I am listening.

The Hon. J.M.A. LENSINK: Thank you, Mr President. Having not been fully apprised of the particular details of the case, it's very hard for me to make inferences about somebody—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The leader will come to order.

The Hon. J.M.A. LENSINK: —when I don't know who they are and I don't know what their circumstances are is the point that I am trying to make.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: So there are circumstances in which, in the worst case scenario, the Housing Authority will seek eviction for things like somebody having a meth lab in their property. They also will need to take people to the tribunal, as I have said, to enforce the conditions of their tenancy. There are also situations, particularly with antisocial behaviour, where people have been placed on a series of warnings that they have not adhered to, so we have had to take them to the tribunal. What I was able to outline the next day when I was able to gather the facts, which had not been presented to the parliament, as usual I might add—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —is that the tenant—and I will just remind members that we have 34,000 properties that we manage. I am not aware of the exact circumstances of every individual in those 34,000 properties. If I may continue, in this particular case, as I said—

The Hon. K.J. Maher interjecting:

The Hon. J.M.A. LENSINK: And the Leader of the Opposition is incorrect in his interjections when he says that we evict people to homelessness.

The PRESIDENT: He shouldn't be interjecting. He should be listening to the minister.

The Hon. D.W. Ridgway interjecting:

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

The Hon. J.M.A. LENSINK: This particular client was living in unsafe conditions due to hoarding and the Housing Authority determined that it was unsafe for her to remain there. She had been offered alternative properties, and she had also been offered emergency accommodation. The

Housing Authority has continued to provide support. I understand that the Labor Party has inveigled themselves in this situation. I hope they have been attempting to—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition will remain silent.

The Hon. J.M.A. LENSINK: The Leader of the Opposition continues to claim that we were evicting someone into homelessness, and that is not correct.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It is not correct. If the Housing Authority offers someone alternative properties as well as emergency accommodation, how is that evicting someone into homelessness?

The Hon. K.J. Maher interjecting:

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

The Hon. J.M.A. LENSINK: As we see continuously, the Labor Party come in here with false—they either omit facts or they fabricate facts, as the deputy leader did a couple of years ago—

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley will be quiet.

The Hon. J.M.A. LENSINK: —and they do not present the reality of these individual situations. What my agency does is it follows them up, and it continues to provide support. My understanding is that they continue to be engaged with this case for a good outcome.

HOMELESSNESS

The Hon. K.J. MAHER (Leader of the Opposition) (14:51): Supplementary to the original answer: in the individual case that the minister refers to, was there any evidence of this woman running a meth lab or engaging in antisocial behaviour? If not, why does the minister keep slurring her by bringing it up?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): The only person who is making inferences is the Leader of the Opposition. As I stated, I say these things, and I will continue to say them. I will continue to repeat myself until the penny drops for the Leader of the Opposition that, when they presented this case, they did not present all of the facts.

I was outlining to them what the reasons are—very genuine reasons on the public record—which the South Australian community fully support. In fact, I receive lots of letters from the Labor Party about antisocial behaviour from properties within their electorates, so I am sure they also appreciate that we have a much stricter antisocial behaviour policy than the Labor Party did. That continues to be the case.

If the Labor Party wants to present false information in here, it should not be surprising that we will need to go and check the facts. We always need to check the facts. We almost need to have a fact checker website for SA Labor because they do this on such a regular basis.

HOMELESSNESS

The Hon. C.M. SCRIVEN (14:52): Supplementary: can the minister advise the house on the wellbeing of the woman at present?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:52): I get regularly updated on these cases. My understanding from my agency is that they continue to provide support for a good housing outcome.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee has the call. She should be heard in silence.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Leader of the Opposition!

The Hon. D.W. Ridgway: Chuck him out.

The PRESIDENT: The Hon. Mr Ridgway shouldn't tempt me.

DISABILITY SERVICES

The Hon. J.S. LEE (14:53): My question is to the Minister for Human Services regarding disability. Can the minister provide an update to the council on the Marshall Liberal government's commitment to provide \$1.8 million over three years for disability advocacy services?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): I thank the honourable member for her question and for her interest in this important matter. As I have spoken in this house before in relation to the systemic advocacy service that the government provided following the 2018 election, honourable members may be aware that Dr David Caudrey has been fulfilling that role. It was interesting actually, if we take our minds back to before the election, that the Labor Party (in government) had promised to provide such a service, but when I came into office and asked the department where the funding was, they said that it hadn't been allocated.

So we were very pleased that we were able to appoint Dr Caudrey to that role in which he continues. He has met with a large number of South Australians for them to tell him their stories in relation to what their experience is with the NDIS and with other disability interfaces. He provides regular reports to me and has made submissions to important things like the federal government's Tune review into the customer experience for people on the National Disability Insurance Scheme.

Once again, we have been able to fund a new service. Following the Safeguarding Taskforce report that was released in July, which recommended that the state government invest in individual advocacy to assist individuals with accessing what they need from the NDIS in the community, we have been able to fulfil that commitment. It is important to note that individual advocacy hasn't been funded by South Australia since 2007 when the former Labor government defunded it as a cost saving measure.

On 3 August, we announced \$1.8 million over three years for disability advocacy services; that is, \$600,000 to continue the role of the Disability Advocate and \$1.2 million for individual services. We undertook a competitive tender process and on 9 December announced Uniting Communities was to provide a new statewide service for people with disability to ensure they can access and receive services they require.

In the selection criteria, we sought that the tenderer would have the following: demonstrated legal and individual advocacy experience; understanding of client group; proposed service delivery model, including regional engagement, technology and customer feedback; systems, resources, capability and budget; an industry participation plan; a view to risk; and financial viability.

We received seven applications, which were subjected to an extensive evaluation process. The successful service provider has demonstrated that they are able to provide outcomes to vulnerable people with disabilities; assist them in understanding their rights; assist in navigating the NDIS system; address gaps in support; address discrimination, conflict and unfair treatment; support clients to make informed decisions; to build capacity to advocate for themselves; ensure their fundamental needs are being met; and support clients through legal matters.

I had the pleasure of visiting the Uniting Communities Law Centre quite recently. The centre has a multidisciplinary approach, so it includes a range of services at that site, such as financial counselling and others. They have advised me that they have been kept busy with access issues and a number of guardianship issues as well. It is quite a holistic service, which we think will greatly assist some of our most vulnerable South Australians to achieve the services they need.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:58): Supplementary arising from the answer: I wonder if the minister can inform the chamber if Uniting Communities is a disability service provider in South Australia.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I think what the honourable member is referring to is that there has been criticism of the choice of Uniting Communities because they do provide NDIS services. I think what that doesn't appreciate is that this is an individual advocacy and it is not there to provide a complaints mechanism to the NDIS; that is the role of the Quality and Safeguards Commission. Furthermore, the law centre is a separate organisation, if you like, from Uniting Communities as well.

DISABILITY SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:59): Further supplementary: can the minister understand criticism, though, that having a dedicated advisory service being the same organisation that actually provides services is not best practice?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): I respectfully disagree because, in terms of the NDIS-funded services that the organisation provides, there is a recognised legal pathway, which is the Quality and Safeguards Commission, for people to make complaints about NDIS providers. What the Uniting Communities Law Centre is there to do is help people navigate the system and to get assistance on a range of matters, not to make complaints about providers.

RETIREMENT VILLAGES

The Hon. J.A. DARLEY (15:00): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General, a question about the implementation of the government's decision in respect of the valuation policies and charges on retirement villages.

Leave granted.

The Hon. J.A. DARLEY: In September 2020, I was advised by the Treasurer that the Valuer-General intended to undertake a consultation process with industry participants and stakeholders prior to its implementation. My question to the minister is: when is the Valuer-General planning to commence an appropriate and comprehensive consultation process with key stakeholders, bearing in mind that there is less than four months to implement the decision?

The Hon. R.I. LUCAS (Treasurer) (15:00): I am happy to refer the honourable member's question to the Attorney-General and bring back a reply.

HOMELESSNESS

The Hon. I. PNEVMATIKOS (15:01): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding homelessness.

Leave granted.

The Hon. I. PNEVMATIKOS: On 12 May 2020 (last year), the government announced that it was seeking expressions of interest for the first \$6 million of its alleged \$20 million Homelessness Prevention Fund. Tenders closed in June, with documents showing that successful bidders should have been notified in August, contracts executed in September and started in October. In February this year, InDaily published a highly critical article because nothing had happened.

After being publicly shamed on 25 February, the minister announced \$4.4 million in funding, despite promising \$6 million in May last year. The government gave NGOs just weeks to submit proposals for innovative new approaches and then took eight months to partially announce the results, while our homelessness and the rental crisis spiralled out of control. My questions to the minister are:

1. Where exactly is the remaining \$1.6 million from this funding round?
2. How many terms of government will the minister need, and how many more people need to be sleeping rough and on the street before the minister spends the \$20 million that she has been touting?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:02): I thank the honourable member for her question. In relation to this particular fund, a lot of things go on behind the scenes.

The honourable member has availed herself the dates and times of when tenders opened and closed. Once the tenders have closed—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —the process is that the tenders will be evaluated against a set of criteria. We have quite a robust process, which we make no apology for engaging in, in that the tender needed to meet those particular criteria in terms of being innovation. Things I think we can broadly describe as bids for funding for existing service expansion did not meet that criteria. We were clearly looking for things which were different—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The Leader of the Opposition will remain silent and listen to the minister.

The Hon. J.M.A. LENSINK: —which would particularly focus on the early intervention phase, so the two projects we announced quite recently fit that criteria. Once the tenders close, there is an iterative process that goes on between the agency and those providers to seek more information and to clarify information, because we want to make sure the tenderers put themselves in the best possible position to meet those particular criteria. It is not that we just close the tender and sit in a darkened room and people draw their own tallies and then they come out at the end and—

The Hon. C.M. Scriven: You gave them only weeks to apply in the first place.

The PRESIDENT: The honourable deputy leader is out of order.

Members interjecting:

The PRESIDENT: Order! If you don't want to listen to the answer, we will move on. The crossbench are very keen to ask some questions.

The Hon. J.M.A. LENSINK: I must say, too, that once the panel has made its decision there is also a process that it needs to be approved by the board, so—

The Hon. K.J. Maher: Why didn't you tell them at the time it was going to take that long?

The PRESIDENT: The leader is out of order.

The Hon. J.M.A. LENSINK: So there is a range of processes. We are very pleased with the ones we have received to date. I think similarly to the funding we have received through the women's safety meeting that was provided by the commonwealth, which is a significant amount of money, we have through this process been able to be nimble by not spending it all at once.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: We have been able to respond to need. I mean, the Labor way—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —is to have a rush of blood to the head and throw money out like there's no tomorrow. We want value for money. We wanted to make sure they met the criteria and we unashamedly expected the best outcomes from tenders rather than putting money out into things, because we already spend \$70 million on homelessness services, and as I have said, the system is—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: So we will continue to have the greatest expectations of the system and of providers, and we make no apology whatsoever about having expectations to ensure that we are getting the best outcomes, because at the end of the day it's about the clients.

Members interjecting:

The PRESIDENT: The Hon. Ms Pnevmatikos has a supplementary and will be allowed to ask it without help or otherwise from her own backbench.

HOMELESSNESS

The Hon. I. PNEVMATIKOS (15:06): How does not spending funds prevent homelessness?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): We already spend \$70 million in South Australia every single year on 20,000 clients per annum, and on the measures homelessness is actually not increasing in South Australia. What has been happening is that clients go through repeated cycles.

There could have been one option taken which could have been to do what they do with the NDIS, which is to provide the funds to the client. They might determine that they wanted to spend that significant funding which goes into the system themselves on services that would assist them, but we have worked together through the alliance process.

That tender closed last week. We are very excited about what the services are going to look like into the future. The Homelessness Prevention Fund was really not designed to address additional homelessness because homelessness, from all the metrics, has not increased. We saw an increase last year due to COVID, but we are not experiencing homelessness in South Australia increasing across the board.

AGED-CARE REFORM

The Hon. T.J. STEPHENS (15:08): My question is to the Minister for Health and Wellbeing. In light of the release this week of the report of the royal commission into aged care, will the minister please update the chamber on the government's service development since Oakden?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): I would like to thank the honourable member for his question. The Marshall Liberal government is focused on working to prevent a recurrence of what the former ICAC commissioner labelled 'a shameful chapter in South Australia's history'.

Last week, as part of this government's response to Oakden and our commitment to reactivating the Repat as a genuine health precinct, I had the privilege of attending the opening of the neurobehavioural unit at the Repat. This specialised unit provides support and care for people living with advanced dementia and is now welcoming residents.

Importantly, the NBU has been codesigned with people with lived experience of dementia, including families of former Oakden residents as well as carers of people living with dementia. In particular, I would like to thank Mr Paul Brown, a lived experience and consumer consultant and also a brother of a former resident of Oakden, for his contribution to that codesign effort.

SA Health has brought together a high-quality team of more than 40 highly skilled and specialised staff: geriatricians, geriatric psychiatrists, nurses, allied health staff, including a family carer consultant, and support staff. This team and residents have now moved into Australia's first neurobehavioural unit. South Australia can be proud that we are moving into a new era of care for people with advanced stages of dementia in a facility designed in collaboration with those who have lived experience of dementia.

The 18-bed unit is made up of three six-bed pods designed to provide patients with person-centred and compassionate care in the least restrictive setting possible. The NBU provides a clinically appropriate environment for South Australians living with the most extreme symptoms of dementia and is part of the Marshall and Morrison governments' \$110 million investment in revitalising the Repat. The design means a safe and caring space where consumers will be able to experience typical activities they enjoyed at home, as well as quiet areas where families will be able to gather and share meals.

Lastly, I would like to thank Stewart Johnston, the Spriggs family, Alma Krecu and other Oakden families for their courageous advocacy and for their contribution to the evolution of older persons' mental health services. I know their loved ones suffered at the old Oakden facility, and their tireless work has been invaluable in crafting services for the future. I am delighted to hear their positive feedback about the new Repat facility. To quote Stewart Johnston from Twitter last week:

Attended the opening of new NBU 2day W other oakden families. What an outstanding facility. I was lost 4 words as we had a tour. The innovation/design is world leading, 40 + carefully selected & qualified staff 2 kick off with. Amazing facility

With the new Repat Dementia Care Unit it puts us here in South Australia proudly at the front of best practices, a far cry from where we came from. Huge focus on a home like feel not clinical & bereft of love. It's all about the residents & families & quality, highly skilled staff

I agree with Mr Johnston: it's all about the residents and families. Having met with some of the highly skilled staff, I was very impressed with the strong values-based approach that they have to providing dementia care. To the residents, to the families, to the staff, we wish you all, all the best in your quest to form a community of care in the years to come.

MCGAVIGAN, PROF. A.D.

The Hon. C. BONAROS (15:12): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about criminal charges against an Adelaide cardiologist.

Leave granted.

The Hon. C. BONAROS: Yesterday, we learned that Andrew Douglas McGavigan, an Adelaide cardiologist, has pleaded guilty to two counts of possessing child abuse material. According to media reports, he was first arrested on 7 December for offences that occurred between September and December of last year. My question to the minister is: when did the government and SA Health first find out about the charges against Mr McGavigan and when was his employment with Flinders Medical Centre terminated?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): If the house might bear with me, I will try to glean from the information provided to me the information the honourable member seeks. I am advised that on 7 December 2020, the Australian Federal Police executed a search warrant and charged a senior clinician from the Southern Adelaide Local Health Network with the criminal offence of possessing or controlling child abuse material and accessing child abuse material.

The individual is a senior cardiologist at Flinders Medical Centre, employed since 2007 at SALHN and working across Mount Gambier, Flinders Private Hospital and credentialed to work at the Women's and Children's Hospital, Mount Gambier hospital, Darwin and Berri.

I am advised that on 11 December 2020, the Australian Federal Police notified the Australian Health Practitioner Regulation Agency and Risk, Assurance and Integrity Services, SA Health. I will take on notice whether or not there was any prior notification, but I take it from that advice that that was the first time SA Health was aware of the matter.

I think the honourable member's other question was regarding what action has been taken since then. His primary place of employment is the Southern Adelaide Local Health Network, so I will respond in relation to that. SALHN has suspended employment and credentialing of the employee. The honourable member seeks to know the specific date. I don't think I am offered that in the brief, so I will certainly undertake to take that on notice.

We were advised on 11 December, and I can advise that on 4 January 2021 the Australian Health Practitioner Regulation Agency suspended the registration of the person. As I indicated earlier, the Women's and Children's Hospital had given credentialing to the clinician, on 5 January 2021 amended the SA Health credentialing database to reflect the fact that the clinician is not currently credentialed at the Women's and Children's Hospital.

The latest advice I have is that the employee has been on leave since notification of the breach of the code of conduct.

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

MCGAVIGAN, PROF. A.D.

The Hon. C. BONAROS (15:16): Can the minister explain to the chamber what that means, that the person in question has been on leave since the breach of the code of conduct? Is that paid or unpaid leave?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): What I advised the council is what I have been advised. I will certainly seek clarification on that, and I will certainly seek clarification as to whether that leave is paid or unpaid.

PUBLIC HOUSING

The Hon. J.E. HANSON (15:16): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. J.E. HANSON: On Wednesday 13 January, public housing residents at Hove and Brighton were issued with a relocation letter due to their homes being acquired to support a level crossing project. This is despite reported assurances that consultation on the project would continue into February. Labor supports improvements into transport infrastructure, but the way residents have been treated is appalling. The minister's new housing strategy says:

At the heart of each key strategic direction is a commitment to put the needs of our customers first. This means providing opportunity for people to be the architects of their own futures. People want greater control, choice and improved outcomes and opportunities.

They want to be heard and involved in housing and support decisions.

My questions to the minister are:

1. How does just sending a letter to tell people that they are being evicted align with the new housing strategy? Is this simply another opportunity where the government shows it doesn't care about people?
2. Has this failure been caused by the sacking of relocation officers in the agency who previously made personal contact with people who were being relocated?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:18): I thank the honourable member for his question. The South Australian Housing Authority has a relocations policy in place for when a tenant may be asked to move from one property to another. I am advised the authority contacted the 15 affected tenants by hand-delivered correspondence on 8 January 2021 advising of the project. The correspondence advised that the authority would need to relocate them to alternative public housing by June 2021 to meet the requirements of the project.

The authority's local regional office has since made contact with each tenant either in person or by telephone. The authority will continue to work with these tenants on a one-to-one basis to support them through the relocation process. When offering a tenant another property I understand the authority does the following:

- provides as much information as possible and makes sure the tenant is central to the decision-making process;
- makes every reasonable attempt to minimise disadvantages the relocation may have;
- considers the tenant's age, health and any special needs or circumstances;
- pays any reasonable costs associated with the relocation as agreed with the tenant—for example, for removals; and
- offers the tenant a similar type and length of lease agreement in a new property as they have in the existing property.

My advice is that the Housing Authority has made contact with all of the tenants and provided as much notice as possible to ensure that each of those tenants is given time to make considerations and that some tenants have already accepted the opportunity to move to another property.

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

Adjourned debate on second reading.

(Continued from 16 February 2021.)

The Hon. C.M. SCRIVEN (15:20): I indicate that I am the lead speaker for the opposition on this bill. This bill has bipartisan support and so I will speak only briefly. The bill seeks to amend the National Electricity Law set out in the schedule to the National Electricity (South Australia) Act 1996, and the National Energy Retail Law set out in the schedule to the National Energy Retail Law (South Australia) Act 2011.

The intended outcome of the amendments is to ensure that the National Electricity Market extends to the electricity supplied by a regulated standalone power system. The national electricity objective extends to matters relating to the regulated standalone power system. The rule-making powers of the Australian Energy Market Commission and the functions of the Reliability Panel will extend to regulated standalone power systems and the Australian Energy Regulator's economic regulatory functions and powers will extend to regulated standalone power systems.

Put simply, the legislation before the parliament intends to allow the national laws to be amended to allow for standalone power systems to function within the National Electricity Law and the National Energy Retail Law.

A standalone power system is an electricity supply arrangement that is not physically connected to the national electricity grid. It is my understanding that technological developments mean that standalone power systems are an increasingly viable option for customers, and I am advised that in many instances, although standalone power systems may be the most efficient option, network upgrades are preferred because standalone power systems do not fall under the national electricity framework and are instead governed by inadequate jurisdictional legislative frameworks.

This legislation proposes to allow for standalone power systems to be used where economically efficient whilst maintaining appropriate consumer protections and service standards. For this reason the opposition will be supporting the bill.

The Hon. R.I. LUCAS (Treasurer) (15:22): I thank the honourable member for her indication of support for the second reading.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (15:24): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 18 February 2021.)

The Hon. M.C. PARNELL (15:25): The workload before us is not extensive today. I know that some members dread the idea of a lengthy speech from the Greens, and myself in particular. I do not have a long speech today, but I do want to put a few things on the record in relation to this bill. The first thing I would say is that as legislators it can be difficult when a bill stays on the

Notice Paper for a very long period of time and undergoes many iterations before we actually get around to voting on it.

I looked through my archives—I think that is the best word for it—on this bill and I found that the submissions that I have received and the notes that I have made go back for 12 months. A number of members have put amendments on file, so I think the bill that we ultimately pass will vary a fair bit from what the government put out last year.

What I would say at the outset is that a large number of reforms are proposed in this bill. Some of them go to the way councils conduct themselves and conduct their meetings. There are issues that go to how we as a community choose who should represent us on local councils. There are a range of issues that go to accountability, in particular financial accountability. I do not think it is helpful for me to go through every one of those in detail now, because I suspect that the committee stage of this bill will go for a fairly long while.

There are a lot of amendments on file, and I suspect that there will be more to come. In fact, within the last hour, I have received a lengthy submission from the Local Government Association entitled 'Summary of ALP amendments' and the LGA's response thereto. In the last hour, I have not had a chance to go through those, obviously. That is what the committee stage of the debate is for. That is what we will be doing when we get to that point.

I want to touch on a couple of key issues that have been raised with me over the last little while, and I suspect with all other members as well. The first issue I would like to raise is the question of how many councillors is the right number, because the government's bill is proposing to cap the number of elected councillors at 12 per region. That raises a whole lot of issues. There is no shortage of theoretical writing about the ideal number of people to make decisions, whether that is the ideal number on a company board or the ideal number in a national legislature. There is no shortage of thinking on that, and the results, I think, are wide and varied and all need to be taken with a grain of salt.

A good example would be the so-called cube root rule, which suggests that for the lower house of a bicameral parliament, or in fact for a unicameral parliament, the number of elected representatives should ideally be the cube root of the population that it represents. If you apply that—I am not sure whether any members' mental arithmetic is up to the task of calculating cube roots; my iPhone is—for South Australia that would suggest 120 members of state parliament.

If you want to add the upper house to the lower house, we currently have 69, but that rule suggests 120 is the right number. On the other side, I think people in government have suggested that when it comes to local councils maybe what we should look at is the ideal size of a corporate boardroom, and maybe that is what should be our target for local council elections. That would give you, say, between eight and 12 members, and the government has settled on 12.

I do not think either of those analyses helps us very much. My preference, and the Greens' approach to these things, has always been that in a democracy those people who are to be governed should have the primary say over how that government should operate, and that would include how many representatives they think they need to do the job properly. That is currently how the system works. Councils, effectively, can decide for themselves how many elected members they want.

Certainly, there are some parameters and there is a process that needs to be gone through. But my view, and the Greens' view, has been that we would basically leave that alone. We would leave it to local councils to decide for themselves how many councillors they should have. I will note, for example, a couple of submissions.

The Local Government Association points out that with a cap on the maximum number of elected members there are 14 councils that would be impacted by such a cap. The LGA's official position is similar to the Greens'. They would leave it to the local government sector—individual councils and the people in those councils—to determine how many elected members they want.

However, they have put forward an alternative which involves the representation review process but leaves the door open for larger councils to have a larger number of elected representatives. I also note a submission that I received in October last year—so this bill does go

back a little way—from the City of Salisbury. They say this is generally in relation to the bill. This is a letter to me from Gillian Aldridge OAM, Mayor of the City of Salisbury, who states:

While I appreciate that many of the difficult proposals have either been diluted or withdrawn by State Government through its own amendments to the Bill, the proposal to limit the number of elected members of a council to 12 and removing the current Representation Review clauses strikes at the core of the fundamental relationship between the elected local representatives and their constituents in the local government sector. This will be particularly true for bigger councils across the State.

To illustrate the point, a comparison between the City of Prospect and the City of Salisbury with populations of 21,000 and 138,000 respectively—

and that is from the 2016 census—

shows that a councillor in Prospect will be representing roughly 2,000 people, while in Salisbury a councillor will be representing the interests of roughly 12,500 people.

So that is the difference in representation if you have an arbitrary cap and if every council goes to 12 members. I think that very neatly sums up the dilemma, particularly of those big councils. If we want our residents to be properly represented, then we do need to have enough representatives to do that job. I thank the City of Salisbury for their submission.

Another issue that is raised by the Local Government Association—and I think this is also the subject of some amendments that are before us—is the eligibility to vote in council elections. That is quite a vexed issue because I think most of us accept that when it comes to voting for our national representatives, or even for our state representatives, it is quite reasonable that the pool of voters be comprised of citizens. Citizens are people who are either citizens by birth, because they happen to be born here, or citizens who have become citizens through a process of migration and a citizenship ceremony and all the rest of it. So only citizens can vote at state and federal elections.

Not quite uniquely, but almost uniquely, South Australia at the local government level does have a much broader franchise where you do not have to be a citizen. In fact, I do not think you even have to be a permanent resident. All you have to have done is lived in the council area for one month, so technically I suppose that pool of overseas students, if members cast their mind back to when we had overseas students pre-COVID, could vote in local government elections. My understanding and experience is that they do not. They are here to study. They are not engaged enough. I do not think anyone has ever had the wherewithal to go out and try to recruit the overseas student population for voting in local council elections, but technically they could.

I know there are amendments, and other people who have not filed amendments have had similar sentiments, that maybe we should limit local council elections only to citizens. I do not accept that view. I think there is a case to be made for a much broader franchise at the local council level.

Just to give an example, I was approached some time ago by an elderly person, who has only lived in Australia for coming up to two years. She is a regular user of the buses. She is in reasonable health but not overly confident on her feet and does not like standing up for long periods, but she is a big user of Adelaide's buses. She was asking me the other day, 'Can we do more about shelters at bus stops? Can we get more seating put in for bus stops?'

I am thinking, yes, I can raise that issue in state parliament. I can ask a vicarious question of the Minister for Infrastructure and Transport, or you could just go and talk to the local council because if it is a bus stop on a local street then presumably the local council is going to be looking after that. If people do not know how the system works, if they do not know that they can engage with their level of local government, then they probably are not going to do that.

It just seems to me that the services that are provided by local councils impact the whole community and therefore, at that level of government—and I will confine it to that level of government—I do not have a huge problem with having a broader franchise. It should not be as narrow as citizenship. Maybe it should be broader than it currently is. It would certainly include visa holders with permanent resident status—absolutely it would include those people.

I think it would include other people who have a connection with the community. Maybe it needs to be longer than one month, but certainly I would not be confining it to only citizens voting in

local council elections. I note that the LGA does not have an endorsed position on that issue, so that is something that we might have to deal with when we get to the amendments.

When we first had this bill many months ago, there was a deal of hostility, especially around what many in local government saw as a backdoor approach to rate capping. Those provisions are now pretty well gone from the bill. The most recent communication I have had from the Local Government Association is they say the bill should now be progressed.

Whereas previously the Local Government Association's position might have been to oppose the bill, now I think there is enough common ground that they are keen for the bill to go forward. However, they do want some of these additional amendments that they have outlined. There are other issues that they acknowledge could be held over for a future reform process because they do require more consultation and more research.

Another submission I received, again last year, was from the City of Onkaparinga. This one, I think, will be contentious, as it always is. It is the issue of corflutes in local government elections. We have another bill before us which deals with corflutes in state government elections. Various people have said that whatever the rules are about corflutes they should be consistent between federal, state and local government. That is hard for us to manage. We do have some control over the federal regime through our town planning laws and control of local streets and roads. I do not think corflutes are in the bill, but Onkaparinga is keen to get rid of them, so they have written to me asking for support for that proposal.

I also received a range of submissions from the City of Adelaide. One thing they put to me was that, because they have the advantage of having their own act of parliament, there are a range of local government reforms that could be trialled in the Adelaide City Council area whilst not necessarily being introduced broadly across the whole of South Australia. Two of those issues are compulsory voting and online voting, both of which we have discussed here in different contexts many times.

The idea of compulsory voting is obviously much harder when your franchise is much broader than the citizenry. Certainly at the federal and state level voting is compulsory, or at least attendance at a voting place is compulsory, whether or not you formally mark your ballot paper is not something that anyone can police in a secret ballot system, but you have to turn up and either vote or appear to vote. However, at the local council level it has always been voluntary.

Because the franchise is so much broader and includes, as I have said, people who might have only lived in a council area for a month, I think it would be close to impossible to have any regime of compulsory voting. It is a little bit dim now, but my recollection of working as a lawyer for local government in Victoria in the early 1980s is that I think they had compulsory voting back then. As well as issuing dog infringement notices, one of my jobs as the junior solicitor was to issue notices for people who had not voted in the local council election.

The letter sort of went like this, 'Dear sir or madam, it seems you didn't vote. You need to have a good excuse not to vote. Please turn over for a list of possible good excuses: (a) I was heavily pregnant, (b) I was dead, (c) I was out of the country.' It was quite farcical and I do not think anyone actually ever paid the \$15 fine or whatever the penalty was. I am not saying that no jurisdictions have not had compulsory voting for local council elections, but we do not have it here, I do not think it would work here and I am yet to be convinced that it is a good idea here.

Another thing the City of Adelaide think could be trialled in their jurisdiction is online voting. Again, that is something I have raised with the Electoral Commissioner. It is an idea whose time will come, but whether we are there yet is obviously a matter of some contention. Within the Greens as a political party, we are converts to online voting and we conduct all our preselections with an electronic voting system.

It has had the advantage of greatly increasing the participation rate because again—this is stating the obvious, I guess—if all you have to do is click a few buttons on your computer that is a lot easier than filling out a ballot paper by hand, putting it into an inner envelope, which you sign and maybe you write your membership number on, you put that in an outer envelope and then you have to go and find a postbox somewhere. Electronic voting is certainly easier.

The main objection people have had to it is: can we guarantee its security? Even in those jurisdictions that have had fairly secure processes, like the United States, you still have the outgoing President who basically says it is all a fraud and nothing can be trusted. I think we will eventually get to online voting. Whether that is something that could be trialled in the City of Adelaide, we will see. I do not think there are any amendments before us. I have not yet determined whether I will be putting one out there, but I make the point that the City of Adelaide has suggested that is an option.

Another suggestion the City of Adelaide put forward, which I do not like but I will put it on the record that they have asked for it, is that they wanted to be able to allow their ordinary meetings to start from 2pm rather than from 5pm. The reason for that is that they have gone to monthly meetings apparently, so their meetings last a very long time and they go until after midnight. It seems to me that an alternative to starting at 2 o'clock would be to have an extra meeting and have two meetings a month rather than one. You then have twice the amount of time to fit in the available amount of work.

There is no particular magic in a time, whether it is 5 o'clock or 2 o'clock, but what I think we need to realise is that being a local councillor is not a full-time job. They do not get a full-time salary, unlike members of parliament. I will be critical of members of parliament who moonlight, take other jobs and have extra paid work outside their parliamentary duties, but as a member of a local council, unless you are a very frugal person, the \$10,000 to \$20,000 stipend that—

Members interjecting:

The Hon. M.C. PARNELL: We are having a bidding war here, Mr President. It might be as little as \$8,000 per year. We know it depends on the size of the council. Some councillors get paid a little bit more, but none of them are a full-time job, with the exception perhaps of mayors. A mayor's pay is modest but is a full-time wage, but local councillors are not full time. Therefore, the assumption is that, unless a person is retired or a person has independent means, chances are they have a day job.

Whilst not every day job is nine to five, that is still a fairly standard indicator of working hours. We know that workplaces start before then and after then, and in the retail industry shops are open later, but nine to five is still recognised as standard office hours, so the idea of a council meeting starting at 2 o'clock is problematic for people who work day jobs. I understand that quite a few country councils routinely have their meetings during the day. It is more common for the people on those councils to be farmers or to be self-employed, and perhaps it is easier for them to attend daytime meetings, but I think it would be a travesty to our democracy if the meeting schedule was a major disincentive to people putting themselves forward for local council elections.

The Local Government Association also had comments to make about behaviour, and we will deal with this in detail when we get to the committee stage of the bill. Various councils have put forward various options: the sin bin, where a disruptive member can be put aside for a little while. One councillor's submission that I saw was that three strikes and you are out, like for good! There are some problems with the democratic process when a councillor's presiding officer or perhaps the councillor's peers decide that they are no longer to be part of the council. That has some difficulties for the democratic process, so I am not sure that is going to fly, but we will get to these behavioural issues when we get into the committee stage.

The Adelaide City Council raised the issue of meeting electronically. I know that is an issue that has been on all our minds, because during 2020, being the year of COVID, in this parliament we passed many laws to enable things that would normally be done face to face to be done electronically. The question for us would be: once we are in the post-COVID era, is that the new normal? Do we have provisions so that people can participate in meetings electronically, regardless of any health status, any pandemic, because that is the new normal?

I understand that from the City of Adelaide's point of view they have a number of councillors who travel, and it would be convenient for them to participate in a meeting from, for example, a Parliament House office in Canberra, rather than have to attend the Town Hall in King William Street. I have an open mind as to how that would work, but I think my starting point would be that face-to-face meetings are the way to go, and I would like electronic attendance to be the exception rather than

the rule, so we will see. I do not know if there are any amendments on that topic, but we will see whether it comes up in the committee stage as well.

There are a whole range of issues, and I should also say that, as well as naming three councils that have written to me, many councillors have contacted me as well, many with similar ideas, others with very different ideas. I think the real reforms proposed by this bill have largely been resolved through negotiations with the LGA and its members and with the state government. My feeling is that the bulk of this bill should sail through with multipartisan support, but we still have some of these sticking points, which we will deal with when we get to the committee stage of the debate.

With those brief observations, the Greens will support the second reading of this bill, and we look forward to the committee stage, which I suspect might be in the next sitting week. Whilst today might be a fairly light legislative workload, my expectation is that the next sitting week, if we have the electoral bill, the local government bill and the Coroners bill, all with lots of amendments, then I think members should bring in their nightcaps for that sitting week, even if this week is fairly light on. The Greens for now will support the second reading of this bill.

Debate adjourned on motion of Hon. D.G.E. Hood.

DISABILITY INCLUSION (RESTRICTIVE PRACTICES - NDIS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:49): Obtained leave and introduced a bill for an act to amend the Disability Inclusion Act 2018. Read a first time.

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:51): I move:

That this bill be now read a second time.

The Disability Inclusion (Restrictive Practices—NDIS) Amendment Bill aims to protect and improve the rights of South Australians with disability under the National Disability Insurance Scheme (NDIS) who may be subject to the use of restrictive practices. It creates a new regime for the authorisation of the use of restrictive practices under the NDIS and supplements the existing legislative framework for NDIS participants.

All governments have been working with the NDIS Quality and Safeguards Commission to develop a regulatory framework in relation to restrictive practices in line with the National Disability Insurance Scheme Act 2013 of the commonwealth (NDIS Act) and the national principles for restrictive practices authorisation—the shorthand is national principles—that were supported at the disability ministers' meeting on 24 July 2020 as a key milestone in the path to national consistency. Other jurisdictions have enacted new legislation that complements the requirements of the NDIS Act and aligns with the national principles.

In South Australia, restrictive practices are currently regulated by a range of legislation including the Mental Health Act 2009, the South Australian Civil and Administrative Tribunal Act 2013, the Advance Care Directives Act 2013, the Consent to Medical Treatment and Palliative Care Act 1995 and the Guardianship and Administration Act 1993. A preliminary assessment of the national principles indicates that there are gaps in our current system.

The bill establishes a more simplified framework and will provide appropriate safeguards against unlawful use of restrictive practices. Under the existing legislative framework, South Australia uses a guardianship model to regulate restrictive practices, which gives a guardian the power to consent to restrictive practices, unless there is use of force or detention, in which case additional powers must be approved through application to the South Australian Civil and Administrative Tribunal (SACAT).

The introduction of the NDIS has resulted in an increase in the number of applications for guardianship orders, which will be avoided by implementing an appropriate authorisation regime for restrictive practices, as outlined by this legislation. There is also currently limited ability to legally review practices that have the potential to infringe the human rights of people and have insufficient safeguards against unlawful use of restrictive practices and inappropriate decision-making.

The authorisation process for the use of restrictive practices for NDIS participants in South Australia outlined in the bill addresses these complexities and limitations. It also supports the government's commitment to people with disability to reduce and eliminate the use of restrictive practices and, where required, supports the use of appropriately measured and ethical practices. An authorisation process outlined in legislation provides the strongest safeguard to people with disability and can ensure any restrictive intervention can only be used:

- as a last resort;
- when there is a risk of harm to the person or others;
- if the use is the least restrictive way of ensuring the safety of the person or others;
- when the use is in accordance with an NDIS behaviour support plan; and
- when its use is not prohibited.

The bill will amend the Disability Inclusion Act 2018 to regulate the authorisation of the use of restrictive practice for participants in the NDIS and provides an operational structure for the new role of the senior authorising officer.

The bill aims to create a more streamlined risk-based authorisation process for South Australia. It enables a graduated level of authorisation in line with the level of risk or intrusiveness a restrictive practice or collection of restrictive practices impose on a person. However, it is also flexible enough to allow service providers to fulfil their duty of care to their staff and ensure that the participant is not at risk of harm to themselves and others.

It also enables smaller service providers to seek authorisation from the senior authorising officer for lower risk restrictive practices where they are unable to engage a person with the requisite skills and experience to authorise restrictive practices in their organisation. In summary, the purpose of this bill is to, first, provide for the regulation of restrictive practices for participants of the NDIS. Secondly, create the new role of the senior authorising officer to:

- authorise specified persons in prescribed NDIS providers to authorise the use of specific lower risk restrictive practices, which will be classed as level 1 practices;
- authorise, if required, lower risk or higher risk (level 2) practices, or both;
- provisions for revocation of the authorisation of restrictive practices, and vary in certain circumstances;
- assist the minister to produce and disseminate restrictive practices guidelines;
- build sector capacity through education and training on restrictive practices and improve awareness to minimise the use of restrictive practices for the disability sector; and
- review and regulate the authorisation of restrictive practices.

Thirdly, it is to provide for the review of decisions, and fourthly, capture and record the authorisation of restrictive practices that are deemed to be necessary and necessary information gathering and sharing provisions.

Without appropriate legislative intervention there are risks that restrictive practices will continue to be used without authorisation and consideration of the person's behaviour support plan. The consequence is risk of significant harm to people with disability from the unnecessary use of restrictive practices. NDIS service providers are also at risk in the absence of an appropriate authorising framework. In the long term, quality supports underpinned by a comprehensive safeguarding process will better support the reduction.

The bill will allow the protection of the most vulnerable people in South Australia and prevent harm from the unnecessary use of restrictive practices. It will also enable South Australia to meet the national principles, where there is a streamlined authorisation process covering all NDIS participants and it is enshrined in legislation. It is important that this legislation is not delayed to support the safeguarding of people with disability. I commend the bill to members and seek leave to insert the explanation of clauses in Hansard without my reading it.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Disability Inclusion Act 2018*

4—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to insert a definition of the SACAT.

5—Insertion of Part 6A

This clause inserts new Part 6A into the principal Act as follows:

Part 6A—Restrictive practices

Division 1—Preliminary

23A—Application of Part

This section sets out the person, NDIS providers and uses of restrictive practices to which the new Part applies.

23B—Interpretation

This section defines terms and phrases used in the new Part.

23C—Meaning of *detention*

This section defines the meaning of detention when used in the new Part.

23D—Prohibited restrictive practices

This section is a regulation making power allowing the regulations to prohibit the use of certain kinds of restrictive practice.

23E—Limits on kinds of restrictive practices that may be used by person

This section clarifies that the new Part does not authorise a person to use a restrictive practice of a particular kind if they are prevented from doing so by a condition imposed on an authorisation under the new Part, or do not hold any other authority that may be required under another Act to use the practice.

23F—Interaction with other Acts and laws

This section sets out the relationship between the new Part and various existing Acts and laws.

23G—Principles

This section sets out principles that must be observed in relation to the operation of the new Part.

23H—Minister to publish restrictive practices guidelines

This section requires the Minister to publish guidelines for the purposes of the new Part. The section makes procedural provision in relation to the preparation etc guidelines, and requires the Minister to lay the guidelines before Parliament and publish them on a website.

Division 2—Senior Authorising Officer

23I—Senior Authorising Officer

This section enables the appointment of a Senior Authorising Officer, who is to be a Public Servant.

23J—Functions of Senior Authorising Officer

This section sets out the functions of the Senior Authorising Officer under the new Part.

23K—Power of delegation

This section is a standard power of delegation.

Division 3—Authorised Program Officers

23L—Authorised Program Officers in respect of prescribed NDIS providers

This section enables the Senior Authorising Officer to authorise a person as an Authorised Program Officer in respect of a particular NDIS provider. That authorisation must comply with requirements to be set out in the regulations. The Senior Authorising Officer may revoke such an authorisation for any reason the Senior Authorising Officer thinks fit.

Division 4—Use of restrictive practices other than those involving detention

23M—General provisions relating to use of restrictive practices

This section makes provisions of general application to the use of restrictive practices under the new Part, clarifying the specified aspects relating to such use.

23N—Authorised Program Officer may authorise use of level 1 restrictive practices

This section provides that an Authorised Program Officer for a particular NDIS provider can authorise the use of level 1 restrictive practices (as defined) by the NDIS provider. The authorisation may only occur in the specified circumstances and must comply with the section, the regulations and the restrictive practices guidelines. The section also makes procedural provision relating to the use of such restrictive practices by the NDIS provider.

23O—Authorisation of use of level 1 or 2 restrictive practices by Senior Authorising Officer

This section enables the Senior Authorising Officer to authorise the use of level 1 or 2 restrictive practices (as defined) by a particular NDIS provider. The authorisation may only occur in the specified circumstances and must comply with the section, the regulations and the restrictive practices guidelines. The section also makes procedural provision relating to the use of such restrictive practices by the NDIS provider.

23P—Revocation of authorisation to use restrictive practices

This section provides that the Senior Authorising Officer may revoke an authorisation under the specified sections if the Senior Authorising Officer considers it appropriate to do so.

Division 5—Information gathering and sharing

23Q—Senior Authorising Officer may require information from State authorities

This section confers on the Senior Authorising Officer a power to require a State authority to provide specified information.

23R—Senior Authorising Officer may require information from other persons

This section allows the Senior Authorising Officer a power to require other persons (including but not limited to NDIS providers) to provide specified information. The section creates an offence for a person to fail to comply with such a requirement.

23S—Senior Authorising Officer may notify NDIA or the NDIS Quality and Safeguards Commission

This section authorises the Senior Authorising Officer to notify the NDIA or the NDIS Quality and Safeguards Commission of certain matters that have come to the attention of the Senior Authorising Officer.

23T—Senior Authorising Officer may disclose etc information to other jurisdictions

This section authorises the Senior Authorising Officer to both receive and make use of specified information, and to disclose specified information to certain persons and bodies in other jurisdictions whose duties include screening of people who work with people with disability.

23U—Disclosure of information to prevent harm

This section authorises the Senior Authorising Officer to disclose information to an appropriate person or body if the Senior Authorising Officer is of the opinion that to do so is reasonably necessary to prevent harm being caused to a person with disability.

23V—Disclosure of information for research purposes

This section allows the Senior Authorising Officer to disclose information for the purposes of research of a specified kind.

23W—Provision of other information to Senior Authorising Officer

This section clarifies that persons and bodies may provide to the Senior Authorising Officer any information that the person or body reasonably believes is relevant to the functions of the Senior Authorising Officer under the principal Act. No liability attaches for doing so, provided the person acted in good faith and without negligence.

23X—Information sharing for national register or database

This section allows the Senior Authorising Officer to disclose information for the purposes of providing information for entry on a national register or database relating to the use of restrictive practices.

Division 6—Dispute resolution

23Y—Internal review by Senior Authorising Officer

This section confers on a person who is aggrieved by a decision of an Authorised Program Officer or a prescribed NDIS provider under the new Part a right to a review of the decision by the Senior Authorising Officer. The section also makes procedural provision in relation to such reviews.

23Z—Review of decisions by South Australian Civil and Administrative Tribunal

This section confers jurisdiction on the SACAT to review decisions of the Senior Authorising Officer under the new Part, as well as other decisions identified by the regulations (if any).

Division 7—Miscellaneous

23ZA—Limitation of liability

This section limits the liability of the persons and bodies as specified in the section.

23ZB—Offence to hinder or obstruct Senior Authorising Officer etc

This section creates offences for a person to hinder or obstruct the Senior Authorising Officer in the course of doing their duty, or an NDIS provider in the course of using restrictive practices.

23ZC—False or misleading statements

This section creates an offence for a person to make false or misleading statements in information provided under the new Part.

23ZD—Evidentiary provision

This section makes evidentiary provisions relating to the proof of certain matters under the new Part.

Debate adjourned on motion of Hon I. Pnevmatikos.

**CRIMINAL LAW CONSOLIDATION (CAUSING DEATH BY USE OF MOTOR VEHICLE)
AMENDMENT BILL**

Introduction and First Reading

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

At 15:59 the council adjourned until Tuesday 16 March 2021 at 14:15.

*Answers to Questions***REMOTE AREA HOUSING**

In reply to **the Hon. E.S. BOURKE** (2 February 2021).

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

The tender for the replacement of 26 properties in the APY lands over five years closed in April 2020. The commencement of construction work was affected by biosecurity restrictions as a result of COVID-19.

The construction of four houses is commencing in Pipalyatjara in February 2021.

SEXUAL VIOLENCE

In reply to **the Hon. E.S. BOURKE** (2 February 2021).

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

The traffic to the Break the Cycle website from 25 November 2020 to 17 February 2021 was 17,570 user visits.

ST KILDA MANGROVES

In reply to **the Hon. M.C. PARNELL** (2 February 2021).

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

The Environment Protection Authority (EPA) has regulatory responsibility for the Dry Creek salt field in collaboration with the lead regulator, the Department for Energy and Mining (DEM).

Operations of the Dry Creek salt field operator, Buckland Dry Creek Pty Ltd, are under the specific management of the Mining Act 1971 through the Program for Environment Protection and Rehabilitation under the mining lease.

The EPA licenses Buckland Dry Creek Pty Ltd under the Environment Protection Act 1993. This licence can be viewed by the public using the EPA's online public register.

As with all businesses undertaking activities in South Australia, Buckland Dry Creek is subject to the Environment Protection Act 1993. This includes the requirement to comply with the general environmental duty, that is to take all reasonable and practicable measures to prevent or minimise environmental harm.

PERSONAL ALERT SYSTEMS REBATE SCHEME

In reply to **the Hon. C.M. SCRIVEN** (2 February 2021).

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

Between Monday 25 January to Friday 29 January 2021, more than double the number of average weekly PARS applications were received, totalling 167. Approximately 114 (68 per cent) of these were received on or after 27 January, with 46 applications received on Friday 29 January.

Given the high volume of applications received in this period, around 63 per cent of applications received were not able to be processed by 11.59pm on 31 January, however, these were all processed by Tuesday 2 February 2021, still within DHS customer service standards.

HOMELESSNESS SECTOR STAFFING

In reply to **the Hon. N.J. CENTOFANTI** (3 February 2021).

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

The Office of Homelessness Sector Integration comprises 19.8 FTEs.

DISABILITY TRANSPORT SERVICES

In reply to **the Hon. F. PANGALLO** (4 February 2021).

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department for Infrastructure and Transport has advised:

The government is currently not negotiating with rideshare providers to be part of the taxi voucher scheme.