LEGISLATIVE COUNCIL

Thursday, 1 April 2021

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 11:00 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

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and questions without notice to be taken into consideration at 2.15pm.

Motion carried.

Bills

DISABILITY INCLUSION (RESTRICTIVE PRACTICES - NDIS) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I would like to make some remarks at clause 1 to address some of the concerns raised in second reading speeches. The Disability Inclusion (Restrictive Practices—NDIS) Amendment Bill, as has been stated, aims to protect and improve the rights of South Australians with disability under the National Disability Insurance Scheme, who may be subject to the use of restrictive practices.

It creates a new streamlined regime for the consistent authorisation of the use of restrictive practices under the NDIS and supplements the existing legislative framework for NDIS participants, which does have significant gaps in South Australia. The NDIS Act and the NDIS rules, which detail behaviour support planning requirements, are our source of authority and constrain what we can operationalise within our own legislation as we must maintain alignment with national requirements.

In relation to consultation, extensive consultation on the draft bill commenced on 15 December 2020 and concluded on 29 January 2021 and was led by the YourSAy platform in conjunction with the Department of Human Services' social media campaign. This broad public consultation across the community was complemented by targeted consultation with key stakeholders in the sector, including people with lived experience, which I understand was through JFA Purple Orange.

The feedback received from different platforms identified an opportunity to strengthen the bill to ensure people with a disability have a voice relating to the restrictive practices that may be used on them. In response, the draft bill was slightly amended, and a provision has been included to reflect that a behaviour support plan has been developed in consultation with people with disability. This re-emphasises what is already required in the NDIS (Restrictive Practices and Behaviour Support) Rules 2018.

The consultation process highlighted the high degree of interest and engagement by people with disability and the disability sector on the next steps of the reform process, the development of the regulations and guidelines, and the education and training of the sector. The government has carefully considered all feedback and made determinations about how to address individual points, and we will use this feedback in shaping the regulations.

In relation to the position of the senior authorising officer within the Department of Human Services, the role of the senior authorising officer within the Department of Human Services was raised in feedback, and I can confirm that this role will be separate from the service delivery arm of the department. The position will be responsible for the authorisation of higher level 2 restrictive practices, and level 1 under certain circumstances, in addition to the review of level 1 restrictive practices. This role will also have an ongoing role in leading the education and training of NDIS providers relating to the authorisation of restrictive practices.

The Department of Human Services is best placed to establish this new regime, in consultation with people with disability, the sector and the NDIS commission, having led the state in national negotiations on disability policy, including the NDIS, and specifically in relation to restrictive practices. I have committed, along with all disability ministers, to national consistency, and my department is actioning this on my behalf.

If the senior authorising officer was to reside within the Office of the Public Advocate, as is being suggested through some amendments, this would be inconsistent with the national principles for the authorisation of restrictive practices, which outline that authorisation regimes must be established separate to guardianship arrangements. This is also in line with the state government working with the NDIS commission and other states and territories to develop nationally consistent minimum standards in relation to restrictive practices under the NDIS Act.

Situating the senior authorising officer role in the Office of the Public Advocate would also pose a conflict of interest for the Public Advocate and their role under the Guardianship and Administration Act 1993. The Guardianship and Administration Act was established to provide for the guardianship of persons unable to look after their own health, safety or welfare, or to manage their own affairs. The Public Advocate has a specific legislatively defined role to speak on behalf of people with disability under their guardianship, and as an appointed guardian—like any other appointed guardian—the Public Advocate has a role in the development of the behaviour support plan, as outlined in the NDIS rules.

Placing the senior authorising officer role within the Office of the Public Advocate removes an important safeguard for people with disability who are under guardianship. It creates a potential conflict of interest if the Public Advocate has contributed to a behaviour support plan that then needs to be approved by the senior authorising officer.

The functions and duties of the senior authorising officer can be effectively managed within a larger government agency, such as DHS, that has existing delineations between its service delivery, policy and advisory responsibilities. The conflict of interest for the senior authorising officer and the Public Advocate may not be effectively managed within a small statutory office, where the specific legislative functions may be in direct conflict.

In relation to level 1 and level 2 authorisations, during the consultation there were quite differing views on what constitutes a level 1 and level 2 restrictive practice. Some respondents believe that all restrictive practices are intrusive and some called for stronger safeguards and rules for higher risk practices. Others suggested a matrix approach, as some practices are highly intrusive but low risk, or low intrusiveness but high risk. Some respondents provided examples of practices that should be included in level 1 and level 2, and for this reason the types of level 1 and level 2 restrictive practices will be determined through further consultation in the regulations.

Generally speaking, a level 1 restrictive practice is considered low level unless intrusive and would have a lower impact on the person's dignity, freedoms and human rights. The authorised program officers within the NDIS provider will be responsible for the authorisation of low-level restrictive practices, which may include locked cupboards or fridges, which is an environmental restraint; locked windows or gates, again an environmental restraint; or a buckle guard to keep a person in their seat while being transported or to stop a behaviour of concern, which is a mechanical restraint.

A high-level restrictive practice is one or multiple restrictive practices that, combined, can have a greater impact on a person's dignity, freedoms and human rights. The authorisation will remain with the senior authorising officer. Examples of this may include clothing that limits someone's

movement and which the person cannot remove, which is a mechanical restraint, and certain ways of holding a person to stop them from moving, which is a physical restraint.

As the Hon. Connie Bonaros outlined in parliament, this is complex work. While I agree with her in principle that it would be of great interest to the parliament to have these outlined in the act, the details necessitate it being placed through regulation. We also need to support changes that may be required as we shape this critical work to get it right, which will require significant consultation with people with disability and the broader sector. And over time, the types of restrictive practices may need to be added or changed.

In relation to the review of a behaviour support plan, the Hon. Clare Scriven has highlighted the opposition's concern that the authorised program officer and the senior authorising officer may authorise the use of restrictive practices without a review date or a cessation date. The bill requires that the authorised program officer and senior authorising officer who authorise the use of restrictive practices must set out 'the date (if any) on which the authorisation ceases to have effect' and 'any other information required by the regulations'.

The prescribed NDIS provider must also comply with the restrictive practices guidelines. The details of review schedules and cessation dates will be addressed in the regulation guidelines, which are being developed in consultation with people with disability, their families and the sector. In addition to these requirements, the NDIS (Restrictive Practices and Behaviour Support) Rules 2018, which are established under the NDIS Act 2013, have very clear requirements to set up and review behaviour support plans. This includes information about time frames as well as who is required to be consulted in their development.

A requirement for the specialist behaviour support practitioner under the NDIS is that each participant's behaviour support plan is reviewed at least every twelve months. However, consideration is also given to whether the participant's needs, situation or progress create a need for more frequent reviews, including if the participant's behaviour changes, or if a new provider is required to implement the plan.

The registered NDIS provider that implements a behaviour support plan, which may include the use of a restrictive practice, is required to notify the practitioner if there has been a change in circumstances that requires the behaviour support plan to be reviewed. This may include the review of a restrictive practice. A reportable incident involving the use of a restrictive practice—either in emergency use or unauthorised use—must be reported to the NDIS commission, reviewed and monitored to identify actions for improved outcomes.

There are roles outlined under the NDIS for the NDIS commission, the practitioner and implementing provider to review and monitor the use of restrictive practices, including the requirement for the need of more frequent reviews. Any time a behaviour support plan is reviewed due to a change in circumstances which requires the plan to be amended earlier than the 12-month review, if the amendment includes a new restrictive practice or amendments to the existing use of a restrictive practice they must be authorised or re-authorised.

The 12-month review of a plan must also include new authorisation of a restrictive practice if the plan includes a restrictive practice. The senior authorising officer and authorised program officers are required to abide by all these requirements, so suggestions that there are no time frame or review requirements are inaccurate and are effectively covered within the bill.

Regarding the title of senior authorising officer, there has been strong support for the establishment of the role of the senior authorising officer in South Australia. The primary issue that was raised during our consultation about this role was the title, with some stakeholders indicating a preference for the title of senior practitioner.

The position title for the senior authorising officer is to ensure that there is no confusion between the authorisation of restrictive practices in South Australia and the role of the NDIS Quality and Safeguards Commission's senior practitioner. It also suggests that the role is not responsible for the broader sector—outside of NDIS participants and providers—as is the case in some other jurisdictions. For these reasons, while the feedback was considered, we felt it was not appropriate to change the title.

In relation to the qualifications through the consultation on the draft bill, the government sought views on the skills and experience of an authorised program officer and the senior authorising officer, who are the decision-makers required in undertaking the role of authorising restrictive practices. While we have indicated these would be more detailed in the regulations and guidelines, we have taken on board feedback that qualification and skill requirements for the authorised program officer role have not been established in the bill. In response, I will be moving an amendment to the bill regarding the inclusion of the term 'appropriate qualifications, skills and experience', as outlined in the regulations to the relevant APO and SAO sections of the bill.

In relation to conflicts between the authorised program officer and the NDIS service provider, conflicts between the APO and the NDIS service provider have been raised; however, the APO will not be authorising restrictive practice if it is not in a behaviour support plan, which requires consultation with a person with disability and their family, carer or guardian. Decisions may be reviewed by the senior authorising officer and the SA Civil and Administrative Tribunal, so we believe that this potential conflict is managed effectively. I thank all honourable members for their contributions and look forward to further committee consideration of this bill.

The Hon. C.M. SCRIVEN: I thank the minister for her comments, which do touch on some of the issues that have been raised and some of the amendments that are going to be forthcoming. I will have more to say on those individual clauses. First of all, some general questions at clause 1. With regard to the public submissions to YourSAy, why was a default position not adopted where submissions were made public and were only not published if the author requested that they not be published?

The Hon. J.M.A. LENSINK: I am advised that the feedback came through via a range of quite disparate platforms, if you like, and that is why it was all consolidated. It included via social media and the like, so to have published all of that would have perhaps not been very useful to understanding what the consensus of the submissions were. Obviously, there were written submissions and there were people who used the YourSAy platform and the like. There was also the client reference group and Julia Farr Purple Orange. The format in which they would have taken feedback would have been verbal and through supported decision-making of clients. It was quite a disparate range of feedback, so that is why we consolidated it into a particular document that we have made publicly available.

The Hon. C.M. SCRIVEN: Can the minister understand that that has led to some concern around transparency in that essentially it has been moderated? That is one word that could be applied. Notwithstanding the fact that they came in different forms, there is not a clear reason why they could not still have been published unless they were requested not to be so at the request of the participant.

The Hon. J.M.A. LENSINK: Sorry, could you just repeat the last bit?

The Hon. C.M. SCRIVEN: I said notwithstanding that they could have been requested to be kept confidential by the participant if the participant in the feedback had so wished.

The Hon. J.M.A. LENSINK: Clearly, if anybody made a confidential submission then that would always be respected. I think the honourable member raising that as having been moderated is not something that my department has had concerns raised about in regard to the format in which it has been provided.

The Hon. C.M. SCRIVEN: Has the government published a list of organisations or individuals that provided submissions, whether those were via YourSAy or by the other mechanisms?

The Hon. J.M.A. LENSINK: No, my understanding is that we have not actually published a list of all the organisations that made submissions, but certainly in the consultation report there is some data about the number of social media impressions (I think they call them), including comments, posts and likes, as well as the substance, if you like, of the feedback that was received.

The Hon. C.M. SCRIVEN: So it was not a full list of those who made submissions included?

The Hon. J.M.A. LENSINK: Again, I think it goes to the disparate and perhaps modern world that we live in, in that the way the feedback was received was through a number of platforms.

How long is a piece of string? Do you consider whether somebody likes a post on Facebook to be something that you would include in a formal list of organisations or not?

The Hon. C.M. SCRIVEN: What community feedback was not consistent with the final bill as it has been moved, and why were those suggestions not adopted?

The Hon. J.M.A. LENSINK: I think that I have outlined in my clause 1 contribution some of the consistent suggestions that came through with consultation. Can I use as an example the title of the senior authorising officer: there was a consistent view among, I guess, a significant number of stakeholders that they considered that that would be an appropriate alternative. We have responded to those and further detail is also available in the summary of feedback.

The Hon. C.M. SCRIVEN: Has anyone made representations to express their disappointment either with changes being adopted or not adopted?

The Hon. J.M.A. LENSINK: Yes, there have been a select few.

The Hon. C.M. SCRIVEN: Could you outline what organisations they were and what provisions they related to?

The Hon. J.M.A. LENSINK: I do not have permission to do that, so I will not.

The Hon. C.M. SCRIVEN: Have those making representations asked that they not be made public?

The Hon. J.M.A. LENSINK: In these matters one would generally ask individuals or organisations if they have permission prior to the event rather than take a default position that unless they asked to be kept confidential that that remains so. I will always err on the side of protecting people's privacy, as the honourable member knows.

The Hon. C.M. SCRIVEN: What provisions did they relate to?

The Hon. J.M.A. LENSINK: In addition to the matter of the title that I referred to previously, there was some concern about the coverage of this particular bill, that it should either include all people with disabilities and not just NDIS participants, but also that it should be a broader statewide piece of legislation.

What took place last year was that we had a working group across government, which included Dr David Caudrey, considering the disability side, Attorney-General's, Health and a range of other agencies because the government recognises that a statewide legislation would help to bring some consistency to the use of authorised practices across the state, but that is a very complex piece of work.

We needed to get on and get this sorted out for NDIS participants because it is causing difficulties for participants, their guardians, families and carers in terms of achieving a regime which is much more streamlined. One of the additional issues was whether there was an independent person to be consulted with in relation to the authorisation of a restrictive practice, but this is already covered by the NDIS rules.

The Hon. C.M. SCRIVEN: Were they the only two issues that were raised with stakeholders being disappointed?

The Hon. J.M.A. LENSINK: There were about three or four, I think, that I have raised.

The Hon. C.M. SCRIVEN: But there were not others that you have not mentioned; this is my question.

The Hon. J.M.A. LENSINK: I cannot comprehensively exclude any others, but those are the major matters that have been raised that people, subsequent to the consultation, said they thought should have been addressed.

The Hon. C.M. SCRIVEN: Can the minister outline why the government bill did not contain reporting mechanisms in relation to restrictive practices, which, after all, can result in people effectively being held in isolation, among other things? Why were those reporting mechanisms not in the original bill?

The Hon. J.M.A. LENSINK: I think there are two issues that the honourable member may be referring to. I will address both of those. The first matter relates to APO approvals to the senior authorising officer, and the government was always intending to include that in the regulations. I understand the honourable member has an amendment in relation to annual reporting, and that is an amendment that the government will be accepting.

The Hon. C.M. SCRIVEN: I was trying to establish why the annual reporting was not included in the original bill.

The Hon. J.M.A. LENSINK: If I can point out, too, that this is probably one of the underlying themes in part of this debate in relation to this bill. It needs to be understood that the state government is trying to retrofit, if you like, a piece of legislation within the constraints of the Australian commonwealth parliament's NDIS rules. There are obviously already reporting mechanisms to the NDIS commission in relation to restrictive practices; in fact, I think it forms the largest number of reports to the commission at the moment, so we do need to be careful in this space about replicating processes that already exist, in that they may place unnecessary administrative burden either on providers or on the state itself, or indeed on families.

The Hon. C.M. SCRIVEN: I am not sure that has quite answered the question, but I am glad the government has indicated they will be accepting the amendment. Was any feedback received in regard to the proposed searching powers?

The Hon. J.M.A. LENSINK: The advice that I have received is no, not to DHS's awareness. My understanding of those particular clauses in this bill is that, like all of these restrictive practices, they must be used as a last resort. They exist for the safety of the participants, so they are part of the duty of care to the participant and will only be used under particular circumstances where there is a risk to the participant. It may include things like concealing of food, which may pose a choking hazard or serious health risk, or concealment of unsafe items, including sharp objects that people might use to place themselves or others at risk. It is very much about risk and safety for the participant and others, as indeed all of this bill regime is about.

The Hon. C.M. SCRIVEN: Did the minister say that she had not received feedback about that searching? I did not quite hear that at the beginning.

The Hon. J.M.A. LENSINK: Yes, the advice from my department is they are not aware of any issues raised on that.

The Hon. C.M. SCRIVEN: Did the minister seek input from SAPOL or the Law Society with regard to the proposed searching powers?

The Hon. J.M.A. LENSINK: Apart from the usual means by which organisations or other agencies can be consulted, clearly SAPOL would be consulted through the cabinet process. The Law Society was specifically asked whether they had any feedback, and their response was that they choose not to provide feedback on this particular piece of legislation. Of course, there were the other open fora such as YourSAy, so it was fairly well publicised that this was taking place.

The Hon. C.M. SCRIVEN: I am happy to be corrected if I am wrong, but my understanding is that the police have to be invited to respond—it is not an automatic part of the cabinet process. Please let me know if I am mistaken on that.

The Hon. J.M.A. LENSINK: Having been a member of cabinet for three years, while I cannot talk about cabinet-specific matters I can advise that all agencies are contacted through that process for their feedback.

The Hon. C.M. SCRIVEN: Did the minister not think that perhaps, given that searching is a particular area of expertise of SAPOL, it might have been prudent to specifically request some feedback about those aspects of the bill?

The Hon. J.M.A. LENSINK: I will give the honourable member the benefit of the doubt of not having been a minister, but it is a standard process through cabinet that all agencies are invited to produce feedback. They are well aware of that. They do not need to be reminded to do their homework, with due respect.

The Hon. C.M. SCRIVEN: The minister said they did not provide feedback. Is that correct? Is that what the statement was?

The Hon. J.M.A. LENSINK: I see hundreds of these documents, so I cannot specifically recall what feedback they provided to cabinet. If I could recall it I would not be able to refer to it anyway because it would be subject to cabinet confidentiality.

The Hon. C.M. SCRIVEN: Did the minister seek any advice or input from the former senior practitioner on this bill?

The Hon. J.M.A. LENSINK: I personally did not seek advice from anyone because that is the role of the department. My understanding is that a number of individuals and organisations provided feedback through that process. I am not going to disclose who may or may not have contacted me because I do not have their permission.

The Hon. C.M. SCRIVEN: I am taking it as the minister saying that she does not contact people. That is what it sounded like. Did her department seek advice or input from the former senior practitioner?

The Hon. J.M.A. LENSINK: I am not quite sure what the honourable member is trying to imply. Once again, I will give the honourable member the benefit of the doubt. We have these discussions, which are open to anybody to provide feedback. We do not necessarily seek out individuals to say, 'By the way, have you seen this?' There is a process. There is also an email database, the Disability Engagement Group, that has a very broad number of people, which may or may not include the former practitioner. He may well have received information via that means. I would have been very surprised if he was not aware that this was taking place.

The Hon. C.M. SCRIVEN: Did the minister or her department not think that perhaps with his decades of experience it might have been particularly useful in terms of looking at this bill to specifically seek out that expertise?

The Hon. J.M.A. LENSINK: I have already responded to this line of questioning.

The Hon. C. BONAROS: I just want to jump in there on that point of consultation, because we have heard about who potentially has not been consulted with. Can the minister provide us with some information about the qualifications and experience of those who have actually led the charge in terms of the changes? I think that will go some way to informing us of the sort of experience that we have had in drafting these reforms.

The Hon. J.M.A. LENSINK: I thank the honourable member for her question. If I can just refer again to the working group, which was established last year as the cross-government working group to look at how we could construct both an appropriate regime for what we are dealing with now but also across government. That working group included Dr David Caudrey, who is the independent Disability Advocate; the Office of the Public Advocate; very senior officers within the Attorney-General's Department; a representative from Health; and Dr John Brayley, who has been the Public Advocate but is currently the Chief Psychiatrist.

They were tasked last year with that framework group. More recently, in pulling out the parts that relate to what we are dealing with for this, we had an officer within the Attorney-General's Department who pulled a lot of that information together, and also JFA Purple Orange conducted the consultation on behalf of government with people with lived experience. So some very senior and experienced people have helped to reach the point at which we are today.

The Hon. C. BONAROS: Just by way of follow-up, they would have been looking at this specifically through the lens of the interaction between the state legislation and the NDIS scheme.

The Hon. J.M.A. LENSINK: Yes. The mechanics of that are—I will be corrected if I am wrong—the officer within AGD who was brought back from the disability royal commission had previously worked for the state government. She had been working for the disability royal commission. She was re-employed by the Attorney-General's Department to pull this particular piece of legislation together, bearing in mind the NDIS rules and the like and the Disability Services Act, the guardianship act and any of the other acts that currently lawfully allow restrictive practices in South Australia.

The Hon. C. BONAROS: I think it goes without saying then, but I would like the minister to confirm that she is satisfied that we have pooled individuals and groups with extensive experience, in the considerations that we are actually undertaking at the moment, from both jurisdictions as well.

The Hon. J.M.A. LENSINK: I can say I am very confident that the relevant skills and expertise at a state level were applied and that the commonwealth was also consulted on this and that we also, through JFA Purple Orange, consulted people with lived experience. This is not to say that everybody will agree with the final bill that is before the council, but we believe that any concerns that have been raised have been addressed. I can but repeat that we are constrained by the NDIS rules.

The Hon. C. BONAROS: I just want to follow up on the issue of SAPOL's involvement. I need practical examples when it comes to this piece of legislation, so they are what I am going to refer to. The provisions that we were referring to in relation to SAPOL really relate to keeping individuals safe, so is it ordinarily the case that in this area we would expect SAPOL's input when we are not necessarily dealing with police matters but things like preventing a choking hazard, things like preventing someone sneaking some biscuits into their pocket when they have a choking hazard, things like ensuring that when someone has an item on them that might be dangerous to themselves that can be taken from them?

I am not seeing the correlation between that and what you would ordinarily expect SAPOL to comment on. Notwithstanding that, if there are other areas where we are looking at taking away items from somebody and retaining them, do we have other provisions in this or other pieces of legislation that would appropriately deal with other concerns that we may have above and beyond those that present an immediate risk to somebody's safety?

A biscuit in the hands of somebody who has a choking hazard could be life-threatening, so you would expect that somebody should be able to remove that from them quite quickly to prevent them from choking. Another unsafe item they might have at their disposal could equally present the same sort of risk. So do we have other mechanisms to deal with risks beyond those that I have just explained that present an immediate risk to somebody's life, basically?

The Hon. J.M.A. LENSINK: I thank the honourable member for her question and I will attempt to answer it as best I can. In relation to SAPOL, I can probably only speculate about what they might say but, having been in this parliament for quite some time, in relation to other pieces of legislation I think generally their view is that they prefer to have more things in the statute books for search powers, but I will just leave that there. In relation to these particular provisions, they are very much about the risk to the participants in care, and they are similar provisions to legislation that exists in the Mental Health Act.

Parliamentary Procedure

VISITORS

The CHAIR: Before calling the Hon. Ms Bonaros, I welcome to the Legislative Council Mrs Molly Byrne OAM, former member for Barossa, Tea Tree Gully and Todd—welcome.

Bills

DISABILITY INCLUSION (RESTRICTIVE PRACTICES - NDIS) AMENDMENT BILL

Committee Stage

Debate resumed.

The Hon. C. BONAROS: Just turning to those particular provisions (and I note that we will get to these clauses when we deal with them specifically in terms of the amendments), we have provisions here which allow somebody, for instance, to search the prescribed person's clothing or possessions, or take possession of anything they may consider to be harmful to them, and that they can retain those for as long as is necessary for reasons of safety. These provisions we are talking about, to confirm: we are not going in and taking somebody's general possessions. This is something that poses an immediate and potentially life-threatening risk to an individual.

I can point to an obvious example, without getting personal—the choking hazard is one that I am very familiar with. Sometimes individuals are PEG fed, for instance, but who like food and will do anything to get their hands on a chocolate biscuit, a Tim Tam or a Monte Carlo, or whatever the case may be. In our instance, it is biscuits. The threat and the risk that that biscuit poses to this individual is life-threatening. It can mean ending up in hospital and having your lungs pumped and whatnot, and keeping an individual alive.

I am trying to crystallise what it is that we are actually talking about here. We are talking about things that could result in someone's death or very serious health implications if they have access to those. We know, from whatever setting they may be in, that those opportunities for people to take possession of things that can be very dangerous are ever present. Would the minister agree with that analysis?

The Hon. J.M.A. LENSINK: Yes, I completely agree with all of what the honourable member has said, and thank her for providing those examples. To go back a couple of steps to another underlying concept that I think we need to bear in mind with all of this debate, a lot of restrictive practices are taking place at the moment which are 'unlawful'. That means that, if there is not a provision in a statute somewhere that says that a particular action can take place, then it is unlawful.

If we are referring to these specific instances themselves, at common law that can be considered assault. We have a situation where someone may remove a personal item from someone because they are concerned about the risk to that person, which, as is stated in this clause, is the specific and sole reason that can be done, namely, the safety of that person or others because of those objects being in their possession, yet it could be considered theft, assault or a range of things.

A provider in that circumstance who removes those items in that sort of circumstance at present can be sued by that person. There are a range of other practices taking place at the moment that are all considered unlawful. That is why these clauses are there. It has been explained to me (and I am no lawyer, that is my plea) that South Australia is a common law jurisdiction in these things in relation to a range of offences against people, so we need to bear in mind that, if there is not an explicit statute that enables that to take place, it is unlawful and therefore all these providers currently are being exposed.

The Hon. C. BONAROS: In terms of the retention of those items, can the minister explain how we envisage that would play out? We might remove a chocolate biscuit and that removes an immediate risk, but it might not be a chocolate biscuit. It might be a sharp object; it might be a pair of scissors. I am guessing. It might be a very valuable hairpin that happens to be in the possession of the person but could also pose some risk to that individual. What do we think will be the process once we have retained that item? What are the next steps?

The Hon. J.M.A. LENSINK: I can advise the honourable member that we will be publishing guidelines that will address a range of these things going forward. Particularly if this was a new situation that had not been anticipated, it would be reported to the commission that it had taken place, but it would also, going forward, need to be part of the behaviour support plan and some sort of appropriate means would need to be found. The behaviour support plans are all about addressing things in the least restrictive way, bearing in mind the dignity and choice of that individual. Those with expertise would be invited to assist with some way of managing that in the least restrictive way going forward.

The Hon. C. BONAROS: So if we are talking about an item that might have some sentimental value to this person but we know it is dangerous, for instance, for them to hold onto it, the guidelines would say, potentially, we are going to remove this from harm's way but at some point, in some way, it should be returned to the individual. It might be placed somewhere where they do not have direct physical access to it, but it will be left in their possession, just in a safe manner, if that is appropriate. Do you envisage that the guidelines will actually canvass those sorts of issues? We know what happens to anything that is actually removed from a person when they do not want, necessarily, for that item to be removed.

The Hon. J.M.A. LENSINK: Yes, I do not know that the guidelines will go to that level of detail, but the anticipation would be that the item could be accessed in a safe way. Again, I am speculating or thinking aloud here, but it may well be that it is displayed in a locked glass cabinet or

something of the like. I think that would be something that would need to be determined by the behaviour support practitioner and in the support plan, bearing in mind the level of sentimental value that the person might have to it.

I just reiterate that none of the measures in relation to restrictive practices can be used in a punitive way. I think in the past some of the workers or providers might have told someone they had been naughty and therefore they could not have access to it; that is just anathema to where disability practice is going forward. The behaviour support plans should particularly address something that is as high level and serious, and as high a risk, as these particular examples.

The Hon. C.M. SCRIVEN: I have two questions as follow-ups to the two parts that we have just had. First of all, when the minister talked about some of the restrictive practices, without this being unlawful and the possibility of prosecution, can she advise how many prosecutions there have been for that type of behaviour in the last 10 years and how many of those prosecutions have been successful?

The Hon. J.M.A. LENSINK: We do not have that sort of information, but we do know that it is a significant risk and therefore, particularly if you were to speak to the providers, they know they are exposed all the time. SACAT is being utilised all the time because people seek guardianship orders so that they can reduce the legal risk to themselves. We cannot not address this significant gap that we have in our legislation. To be honest, the commonwealth will give us a kick up the backside if we do not get on with it.

The Hon. C.M. SCRIVEN: As the minister is aware, the opposition is supportive overall of the bill, but can she also advise if she is aware of any prosecutions whatsoever?

The Hon. J.M.A. LENSINK: There is a particular case that we often refer to as the 'locked door' case, which on my understanding is in the aged-care space and which is going to the High Court. It has thrown a lot of what was thought to be established practices in relation to restrictive practices and has meant that there is a much higher level of scrutiny. I think from a human rights perspective you would say that is the right way to go. It is certainly something that needs to be addressed.

The Hon. C.M. SCRIVEN: Just to be clear, if a search needs to happen to save someone's life under the new law but there has not been a restrictive practice authorisation, will the workers continue to be at legal risk and, if so, how will that be managed?

The Hon. J.M.A. LENSINK: It is a bit of a hypothetical; if you ask a lawyer, you will get a very convoluted answer, which is no reflection on anybody who may or may not be in this chamber. But it would depend. I guess that is usually the lawyer's response. There may be circumstances under which a particular action is covered under another act such as the Consent to Medical Treatment and Palliative Care Act—you know the one I am referring to. They are bearing in mind, too, that there is also the cross-government work that I have referred to several times which is intended to pick up all these sorts of issues to make sure that those gaps are also closed.

The Hon. C.M. SCRIVEN: Was any consideration given to including a provision in this bill to ensure that those workers would be protected—specifically, say they are potentially removing a risk or hazard that is life-threatening where there is not a restrictive practices authorisation in place?

The Hon. J.M.A. LENSINK: In addition to the cross-government work that is taking place to cover the other gaps, I think the honourable member might be conflating that this could potentially be an unanticipated action that needs to be taken in an emergency and is not part of a behaviour support plan.

Any practice that is placed or anticipated in a behaviour support plan, including those actions in this clause, does not expose those workers. It is the emergency unanticipated event where people may be at risk that is a risk, but there are provisions with the Quality and Safeguards Commission that those events must be reported within a short space of time.

My broad understanding is that the sector and the legislators would know that these emergency situations are highly unusual and you would anticipate that the welfare of the person who is at risk or the welfare of others is the primary consideration. That is one of the underlying principles in this legislation.

The Hon. C.M. SCRIVEN: So is it the minister's view that such a provision, specifically in this bill, is not needed?

The Hon. J.M.A. LENSINK: The NDIS rules do constrain us somewhat in this space and so we have to be consistent with those. It is a very complex space. I think there are many hypotheticals that we can think about across legislation, such as: if somebody is subject to a restrictive practice and they are a mental health patient, they are an NDIS client, and they happen to be in the Youth Training Centre, which act are you using to restrain them? That is one of the complexities where the government is working towards closing all of those gaps and having some level of consistency because there are practices that have evolved over time.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. C.M. SCRIVEN: I move:

Amendment No 1 [Scriven–1]—

Page 4, lines 26 to 29 [clause 5, inserted subsection 23B(1), definition of *level 1 restrictive practice*]—Delete the definition and substitute:

level 1 restrictive practice means a restrictive practice of the following kinds:

(a) mechanical restraint (being the use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour but not including the use of a device for therapeutic or non-behavioural purposes);

(b) environmental restraint (being the restriction of a person's free access to all parts of their environment (including items or activities));

(c) any other restrictive practice declared by the regulations to be a level 1 restrictive practice;

With the indulgence of the chamber, I will also refer to my amendment No. 2. These two amendments continue to allow restrictions to be defined by regulation, which is an important point that I will emphasise. Importantly, they set out some basic differentiation between level 1 and level 2 restrictions. It still allows for further definition through regulation but it, importantly, sets some basic differentiation between level 1 and level 2. This is important for people with disability and their carers and will assist with further upcoming consultation on regulations.

Level 1 under this amendment would include mechanical and environmental restraints, which may include things like wheelchair seatbelts, locks on cupboards or secured property gates. The intention is to ensure that these matters are dealt with as level 1 restraints, which may be authorised more quickly and with less administrative burden. Per the second amendment, a combination of level 1 restrictions may amount to a level 2 restriction, so by having multiple level 1 restrictions that could amount to a level 2.

Level 2 will include seclusion, chemical and physical restraints that have greater impact on a person's physical and psychological wellbeing and which may also place carers at greater risk. These are intended to be dealt with as level 2 because they require greater oversight. As noted, level 2 could also include a combination of a number of level 1 restrictions.

This means that there will be more clarity of the legislation itself rather than waiting and referring to regulations, and it is the opposition's view, following consultation with various stakeholders within the sector, that this will provide a greater level of guidance if these are included in the legislation.

The Hon. J.M.A. LENSINK: The government opposes these amendments that seek to designate all mechanical and environmental restraints as level 1 practices and designate seclusion, chemical restraint and physical restraint, or a combination, as level 2. The amendment does not reflect—as I outlined I think in my clause 1 speech—that through the consultation there was a range of different views about what constituted level 1 and level 2, and some being that there needed to be a matrix, if you like, as well.

We believe a lot more work needs to be done to tease out these particular categories, not do the blunt instrument which is what these amendments are. These amendments do not reflect that mechanical and environmental restraints exist on a continuum of intrusiveness and impact on people with disability. More intrusive forms of environmental and mechanical restraints require a high level of oversight and should not be designated as a level 1 restrictive practice.

For instance, persistent one-to-one supervision could be included as an environmental restraint, even though I think we can all anticipate the circumstances in which that could be incredibly intrusive. Another environmental example could include restriction of access to a communications device for someone who has complex communication needs. That one speaks for itself. There is a range of mechanical restraints that by this amendment would be included, which could include straitjackets, shackles—either soft or hard—or weighted blankets on children, which may serve to restrict their capacity to breathe, so we think this is something that is impossible to support.

Further, the designation of specific types of practices as level 1 or 2 fails to recognise the impact of restrictive practices on people with disability, and that people with disability may experience the same practice in different ways based on their needs and life experiences. We are just really saying that every individual needs to be taken into consideration. That particular feedback about individuals was consistent across disability service providers, carers and people with disability and people with lived experience.

It is appropriate that level 1 and 2 restrictive practices are prescribed in the regulations, which the government has committed to on numerous occasions. Prescribing this level of detail in the bill at this stage of the process does not reflect or allow consultation with people with disability or other stakeholders. Furthermore, the second amendment does not reflect the impact of informed consent and involvement in decision-making by the NDIS participant or on their experience of a restrictive practice. I think that covers both of those particular amendments.

The Hon. C. BONAROS: I have some questions, both of the mover and the minister, because I think this is where we really get to the nitty-gritty of things in relation to restrictive practices and the concept of splitting them into levels. The minister made reference to shackles and straitjackets, and clothing that limits someone's movements. What sorts of things does the mover envisage would be covered by a level 1 restrictive practice?

I think most of us would consider that things like a weighted blanket, shackles and clothing that restricts one's movements should not be defined as a level 1 restrictive practice. Have you had some advice about the sorts of things, practical things, so we can actually identify what would fit under the mechanical restraints, environmental restraints and other restrictive practices declared by the regs?

The Hon. C.M. SCRIVEN: With the indulgence of the honourable member who has asked the question, if she is happy with this, it actually leads to a question that I was about to ask of the minister, which I think will help to inform her question as well. The first part of that is: can the minister advise whether straitjackets and shackles are currently used by Disability SA?

The Hon. J.M.A. LENSINK: No.

The Hon. C.M. SCRIVEN: Are they permitted to be used by Disability SA?

The Hon. J.M.A. LENSINK: No.

The Hon. C.M. SCRIVEN: If they are not permitted to be used in South Australia, they could not be considered under this restrictive practices bill; is that correct?

The Hon. J.M.A. LENSINK: The honourable member is referring to what our practices are in Disability SA, and I have responded to those. I am pointing out the folly of this amendment. I do not think the Labor Party has thought through the details of this. If we are going to use the blunt instrument of categorising things as level 1, based on whether they are either a mechanical or an environmental restraint, these are the sorts of things that this amendment will potentially categorise as level 1.

The Hon. C. BONAROS: Can I jump in there just to assist in the process? I think we have chosen two extremes, straitjackets and shackles, because those are the things that immediately

come to mind. Can the minister confirm, for instance, the example of a weighted blanket? I think we know that there are other clothing items, or there may be other items, that actually are intended to limit someone's movements. Is it the view of either member that those things may, under this amendment, be considered level 1 restrictions?

We are not, potentially, talking about the extremes, although in my view nothing is out of the question. Until recently, we still saw spit hoods being used in our juvenile setting in this jurisdiction, so nothing should be left to chance. There are other clothing items, things like weighted blankets, for instance, that may be used and they are used specifically for the purpose of constraining or limiting someone's movements. So there may not be a straitjacket, but there might be something else that is used for that purpose; is that correct?

The Hon. J.M.A. LENSINK: The advice that I have—and I will be a little bit convoluted in this because I think there are a few elements to consider in this debate, some of which includes considering what practices might have been considered in the past as appropriate which now we balk at. One of the examples that I often use with colleagues who have not worked anywhere in the sector is the use of bedsides in hospital beds which, when I was practising 35 years ago, was something that you automatically have in hospitals to stop someone falling out of bed. That is now a restrictive practice. Some people raise their eyebrows.

The point of it being that it restricts someone's free movement and therefore is to potentially address their behaviour, particularly for people who might wander. So the practice these days is that beds are close to the floor. For someone they are concerned about falling out of bed they will have a mat on the floor to alert the staff so that if they get out of bed then they can just make sure they have not fallen over and the like.

There can also be other grey areas such as a chest strap in a wheelchair, something which is to control someone's behaviour. If it is to control someone's behaviour—stop them from voluntary behaviour—then that is a restrictive practice. But if it is for someone who does not have control over their torso and they will fall over, that is being considered as therapeutic practice. Some of these things have some nuances.

I do admit that the use of a straitjacket is an extreme example that does not fit with current practices, but it does demonstrate that these particular amendments have not been well thought through. Past practices within DHS are that there were, I am advised, seamstresses within the Highgate building, or the Julia Farr building, who constructed garments for patients who either had particular involuntary movements or they might have had a muscle weakness in a particular limb or it may well have been to stop a particular behaviour that the agency at the time needed to deal with for their own convenience. There are some these areas which are hard to nail down in a black-and-white sense, which is again why I think this is an arbitrary way of dealing with level 1.

The Hon. C. BONAROS: I think the minister has made a good point there. Again, in a practical sense it might not be something as obvious as a strap, a shackle or anything like that, but you can very easily turn your mind to things like, for instance, someone who does have those sorts of issues with movement being extraordinarily tucked in to a bed, a hotel-style bed, where you cannot get those sheets out. So for somebody being extraordinarily tucked in and then perhaps having a weighted blanket or even just a normal blanket thrown over the top it could very well result in what would be deemed to be a restrictive practice because you are actually restricting an individual's movement in ways that are questionable.

You are not using a straitjacket, you are not using a belt, you are not using any of these things, but it is not unforeseeable that we could be using other means of keeping somebody in their place. I think the bedsheets and the blankets is a very good example of that. For me, there is some concern around what level they would fall in under the proposal.

The Hon. J.M.A. LENSINK: I think that is a very good example and I thank the honourable member for raising it because it obviously depends on the individual. If you have someone who does not have a lot of motor control, it is definitely a restrictive practice. If it is someone who has as much movement as my five-year-old son, he would wriggle his way out of there in five minutes. So yes, it is very much about the individual and individual circumstances.

The Hon. C.M. SCRIVEN: I have a couple of points there to respond to. First of all, I am glad that the minister has acknowledged that shackles and straitjackets are prohibited in South Australia.

The Hon. J.M.A. Lensink: No, I did not say that.

The Hon. C.M. SCRIVEN: Okay; my apologies if I have misunderstood what the minister said.

The Hon. J.M.A. Lensink: We do not use them in Disability SA.

The CHAIR: Order! Perhaps the minister might like to stand and put that on the record.

The Hon. J.M.A. LENSINK: Yes. The member has misrepresented me. What she asked me was: does Disability SA use shackles? The answer is no. If she had been cognisant of some of the media, the Chief Psychiatrist has been intervening in the mental health settings in relation to the use of hard shackles, so they are not illegal.

The Hon. C.M. SCRIVEN: I think the point still remains that the minister has indicated that shackles and straitjackets are extreme examples that are not likely to be used here. I think one of the points that has been missed is that the amendment moved in my name does not set out every example. It is not intended to do that. As I have mentioned, there will be the opportunity in regulations for further differentiation, but the request that we have had from experts within the sector is that there be a level of definition, and the amendment here is as a result of that.

In responding to a couple of comments in regard to what the purpose of a restraint might be and how that would influence its designation, I point out to members that paragraph (a) states:

> (a) mechanical restraint (being the use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour but not including the use of a device for therapeutic or non-behavioural purposes);

I think some of the examples that have been put here rest on that—whether it is to influence the person's behaviour or not. I think that will assist.

In terms of the bedsheets, which I think is also a very useful example, that is the kind of level of differentiation that can occur at the regulation level. However, having a descriptor of level 1 and level 2 is giving that general guidance as to the sorts of practices that are envisaged by this and then there is the opportunity to go into the matrix, as the minister referred to it—develop a matrix that would be then reflected in the regulations. This responds to experts within the sector who would like to have that broad guidance set out in the legislation.

The Hon. C. BONAROS: I think the Hon. Clare Scriven has misunderstood my point. My point is that those sorts of practices should not be level 1 restrictions. They should be level 2 restrictions because they fall more within the ambit of those restrictions that are intended to actually physically restrain a person, and so I do not think they are appropriate in level 1. That is the point that I have been trying to make through my contribution.

In my view, I think we are getting into murky waters about what is a level 1 and what is a level 2 restraint. I do not like the idea of somebody using things like bedsheets and weighted blankets to keep a person in a bed at level 1. That is clearly, in my view, something that should probably be considered a level 2 restriction because you are actually using another means to physically restrain a person.

I note that our preference is always as legislators to prescribe as much as we can in legislation rather than regulation, but I think we have to acknowledge in this area that there are practical implications that we are not going to be able to overcome easily. If we tie ourselves in knots over what is a level 1 and what is a level 2 restraint and do not consider these adequately, and acknowledge also that there are going to be changes—and I think we acknowledge that there have to be changes to the sorts of things that would be identified as a restraint and what level of authorisation someone needs to use those—I think we are getting into dangerous territory.

I make it abundantly clear—I have said in this place time and time again—our legislation should always be the primary focus and having clauses in legislation should be the primary focus.

But I am concerned that at a practical level, even when I can come up with an example like bedsheets, we are getting into risky territory by trying to put these things into baskets in the way that we have described. I have some real concerns about that.

The Hon. C.M. SCRIVEN: If I could just clarify, I absolutely take on board the points that the Hon. Ms Bonaros is making. If this was to be the sole determinant, then I would absolutely agree with her, but what we are looking at here is these amendments give guidance as to the types of restrictive practices and then those specific examples are exactly what would then be worked out in the regulations. So I do not think we are actually necessarily talking in opposition to each other on this amendment.

Specifically, the points that the Hon. Ms Bonaros raises are why the regulations have a very important part to play. To give this first level of guidance, as requested by many in the sector, certainly will not prevent what the Hon. Ms Bonaros is keen to see and I think we are probably all keen to see. I think the two are entirely consistent in terms of intent.

The Hon. J.M.A. LENSINK: I have grave concerns that if this amendment is passed it will lead to unintended consequences. I think the consultation the Labor Party has done is inconsistent with the consultation feedback that we received. The feedback that we received is that these issues are very nuanced. As they say in the sector, 'Nothing about me without me,' so we need the voice of lived experience to be advising us on the guidelines to make sure that we get them absolutely right. I believe that this is an arbitrary allocation that is going to jeopardise the good management of restrictive practices going forward.

The CHAIR: The Hon. Ms Bonaros, I will call you but what I am going to do is say that we have canvassed this clause at some great length—

The Hon. C. BONAROS: Well, it is an important clause, Chair.

The CHAIR: —so it is my intention to go to a vote fairly soon. I will go to the Hon. Ms Bonaros.

The Hon. C. BONAROS: I think both members have addressed the point that I am trying to make and herein lies the problem really. We have consultation by the government, we have consultation by the opposition on a different level and we are asked to make a decision based on whose consultation is right. That is always a very tricky position for the crossbench to be in, but I think in this instance I am not inclined to support amendments that have not been through what I would deem a robust consultation process, which I anticipate the government have put their proposals through.

I am extremely concerned about unintended consequences. Having said that, if some of the concerns the opposition member has raised do come to fruition, then we will have the opportunity to consider those when the regulations are actually drafted. We know the bulk of these practices will be dealt with in regulation, and frankly I am more comfortable with that notion than I am with supporting amendments that could potentially have some unintended consequences.

The Hon. C.M. SCRIVEN: I want to thank the honourable member for her very considered response. Whilst we are obviously coming to a different conclusion, I think everyone within the chamber is seeking the same outcome, which is the best outcome for people with a disability as well as their carers. So I thank everyone for their contribution.

The Hon. J.A. DARLEY: For the record, I will not be supporting this amendment.

The Hon. T.A. FRANKS: The Greens will not be supporting this amendment.

Amendment negatived.

The CHAIR: I presume, the Hon. Ms Scriven, you will not be moving your amendment No. 2?

The Hon. C.M. SCRIVEN: Correct. I move:

Amendment No 3 [Scriven–1]—

Page 6, line 10 [clause 5, inserted subsection 23B(1), definition of *Senior Authorising Officer*]—Delete 'Officer' and substitute:

Practitioner

I will mention for the benefit of the council that there are 60 consequential amendments from this amendment, so obviously this will be the test amendment and the others will not be required to be moved if it is not passed. This amendment changes the terminology 'senior authorising officer' to 'senior authorising practitioner'. These amendments respond to feedback from stakeholders who believe that the title 'practitioner' should be used in preference to 'officer', and would be consistent with similar roles that have existed in the past in South Australia and in other organisations.

The proposed changes also support other amendments that would require clinical skills for this role and place it outside the Department of Human Services, that together improve the operation of the system and send a clear message about safeguarding and high-quality clinical practice. I note that the minister in her contribution at clause 1 said that the reason for the preference for 'senior authorising officer' versus 'practitioner' was to avoid confusion with the national NDIS position.

The opposition would point out that the word 'officer' is used in so many contexts throughout, frankly, many different organisations, government organisations in particular, that the risk of confusion is actually greater with the term 'officer' rather than 'practitioner'. This is in response to feedback from stakeholders, who feel that 'senior authorising practitioner' is a far preferable title to use.

The Hon. J.M.A. LENSINK: The government is not supporting this amendment, which changes the title of the senior authorising officer to the senior authorising practitioner, for several reasons that I will outline. The honourable member referred to authorised officers being in a lot of legislation—that is true. Things that come to mind include environmental legislation, but I do not think anybody will be confusing authorised officers under the Natural Resources Management Act—'we are coming to check on your low-flow bypasses', which is something we have talked about many times in this place, as honourable members would remember.

We think senior authorising officer reflects the actual position. The word 'practitioner' is used at the national level for quite a different position. I think there may have been some references in consultation to the Victorian legislation where there is a practitioner, but I point out that they have had that legislation for some time prior to the advent of the NDIS, and I think they also may have some overarching legislation—it is a broader role. South Australia does not have that broader overarching position, so therefore we think it is quite risky that that change be made.

We also have some amendments to the qualifications of the person. Practitioner is part of the health language, if you like. We are seeking to broaden the level of skill experience for these particular roles so that it does not just have a health lens—we would probably prefer a disability lens to a health lens in any case—but also has some of that legal experience, with a mind to human rights as well.

The Hon. J.A. DARLEY: I indicate that I will not be supporting this amendment or any other consequential amendment.

The Hon. C. BONAROS: I appreciate what the opposition is trying to do through this amendment. Frankly, I think our concern on this side of the chamber is that the qualifications and skills far outweigh any title in terms of the importance that should be front and centre on this. I do not personally have any objection to the use of 'senior authorising officer', but I would like to see those further amendments moved that actually prescribe the level of qualification and skill that those individuals should have because I think that is what will be the defining feature of these provisions in the end.

Whatever you call them, I think it is clear that when you have appropriate levels of qualification, skill and experience, it will not be somebody—there are all sorts of examples that have been given—who is clearly unqualified who is going to be in these roles. It will be somebody with a requisite level of experience and a requisite level of skill. I do not really see the need for changing it to 'practitioner'.

I acknowledge that 'practitioner' is one of those terms that is used both in the health setting and in the legal setting. It really is of no consequence to me or to us in SA-Best. I think the focus really needs to be on the qualifications and experience in this instance, so I am satisfied with the clause as it is proposed by the government, particularly if that is going to do away with any other confusion that we have with the NDIS scheme.

I think the whole point of this is to try to minimise as much as we can the inconsistencies between the two schemes and also the language that is used in those. I do not think we have any major concerns around the use of the term 'senior authorising officer'—well, we do not, actually.

The Hon. C.M. SCRIVEN: I thank the honourable member for her comments. I can see her point. I think the issue comes down to the fact that the title influences the perception of the role. Skills and qualifications are far more important, and we have further amendments in regard to that, but in terms of perception the term 'officer' is often used for administrative positions, frankly, in huge numbers of organisations. My understanding is the feedback was that the perception of what the role has the authority to do is also of relevance to those who gave that feedback. Can I just ask on that, did the government consider using the term 'senior authorising practitioner' instead of 'officer'?

The Hon. J.M.A. LENSINK: I thank the honourable member for the question. I think I have outlined, when she was asking me about the sorts of matters that have been raised, that in the consultation phase this is one of the matters that was raised. We considered it, and for the reasons I have outlined we decided to stay with this particular title, which we think actually reflects what the person does.

The Hon. C. BONAROS: Just as an aside—and it does not relate to the change in use—I do have one question in relation to the power of delegation for senior authorising officers. There is a provision that allows for those functions to be delegated to a specified person or body. That requirement has to be made in writing and there are a number of other conditions that apply. Could you give us an example of what other body or person might be specified for those purposes?

The Hon. J.M.A. LENSINK: I am advised that the allocation through the budget is for three positions which will sit beneath, if you like, the senior authorising officer. So it is anticipated that those would be the other officers who would be delegated to.

Amendment negatived.

The CHAIR: I presume the Hon. Ms Scriven is not going to move amendment No. 4?

The Hon. C.M. SCRIVEN: Correct. I will not be moving amendments Nos 4, 5, 6, and 7.

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

Amendment No 1 [HumanServ–1]—

Page 6, line 11 [clause 5, inserted section 23B(1), definition of *Senior Authorising Officer*]—Delete 'authorised' and substitute:

appointed

My advice is that it is a technical amendment, because it refers to the employment, if you like, of the senior authorising officer. It is more appropriate that we 'appoint' that person, as in appoint to a particular role, rather than 'authorise' them.

The Hon. C. BONAROS: I think that is an entirely appropriate amendment.

Amendment carried.

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

Amendment No 2 [HumanServ–1]—

Page 9, lines 13 to 18 [clause 5, inserted section 23I(1)]—Delete 'to be the Senior Authorising Officer for the purposes of this Part (being a person who, in the opinion of the Chief Executive, has the appropriate clinical qualifications and experience to perform the functions and exercise the powers conferred on the Senior Authorising Officer by or under this Part)' and substitute:

who holds the qualifications, and has the experience, prescribed by the regulations to be the Senior Authorising Officer

This matter goes to the matter the Hon. Ms Bonaros raised in relation to the qualifications being appropriate. We seek to amend so that the senior authorising officer's qualifications and experience actually be prescribed in the regulations, which is something that we will be consulting on. This will also enable greater detail and consultation on the requirements for both the senior authorising officer and the authorised program officers.

The CHAIR: No other contributions?

The Hon. C.M. SCRIVEN: Yes, sir, there is. I think this amendment is in competition with my amendment No. 8 [Scriven-1].

The CHAIR: Yes, which you need to move.

The Hon. C.M. SCRIVEN: I move:

Amendment No 8 [Scriven–1]—

Page 9, line 14 [clause 5, inserted section 23I(1)]—Delete '(being a person who, in the opinion of the Chief Executive, has the appropriate clinical qualifications and experience to perform the functions and exercise the powers conferred on the Senior Authorising Officer by or under this Part)' and substitute:

(being a person who has the clinical qualifications and experience prescribed by the regulations for the purposes of this subsection)

In relation to this amendment, members might recall that the original bill simply says that the Chief Executive of DHS may form an opinion about a person's clinical skills and experience. This amendment strengthens that by requiring that the regulations outline the clinical skills.

The government has moved, as we have just heard, a competing amendment, but that does not refer to clinical skills, despite the original bill doing so; however, it does require the regulation to outline the required skills and experience. The opposition obviously prefers my amendment, but we do note that both amendments improve the original bill.

The Hon. C. BONAROS: I am just seeking some guidance here because I think in both amendments we are deleting those lines that refer to:

…a person who, in the opinion of the Chief Executive, has the appropriate clinical qualifications and experience to perform the functions and exercise the powers conferred on the Senior Authorising Officer…

In the Hon. Clare Scriven's amendment, we then have 'clinical qualifications' included. In the government's amendment, we have 'qualification and experience' but we do not have 'clinical qualifications', though it was part of the original proposal by the government. Does the government have any objection to 'clinical qualifications', given that it was already referred to in the original clause that is now being deleted?

The Hon. J.M.A. LENSINK: I thank the honourable member for her question. I think the person who will fulfil this role will need to be many things. The word 'clinical', again, is a bit of that health terminology—not that there is anything wrong with people with health qualifications (I declare my conflict of interest). We do appreciate that there may be other primary skill sets that need to be considered as part of this and that the primary qualification of that individual may actually be a legal one.

The feedback indicated that there was a range of qualities that people with disability particularly are interested in, which are a knowledge of a disability service, experience in the field, tertiary qualifications, working knowledge of law and human rights, being person centred and some level of management experience. It is quite broad—it is not broad, actually; it is quite a high level of experience for that particular role that we are looking for. We did not want it to be leaning too much necessarily to the health side of it, although it may well be somebody who has allied health as their primary qualification.

The Hon. C.M. SCRIVEN: Does the minister envisage that the person who holds this position could be someone who does not have a clinical qualification?

The Hon. J.M.A. LENSINK: Correct. We did not want to limit it too far. We do wish for them to have experience with disability but 'clinical' necessarily implies that it is someone with an allied

health background and who has worked in hospitals. That is what the word 'clinical' means to many of us and we did not want to be too narrow in that respect.

The Hon. C.M. SCRIVEN: Given that 'clinical' was in the original bill, was that changed in response to feedback and—to the extent that the minister is willing to share that information—if so, from whom?

The Hon. J.M.A. LENSINK: It broadly reflects the consultation that we had, which was that there was a broad range of skills and experience that people, through consultation, wanted to see in that role.

The CHAIR: I will just outline to the committee the way in which I am going to put the question. The question will be that the words 'to be the Senior Authorising Officer for the purposes of this part' on page 9 at lines 13 and 14 stand as printed. If members are supporting the Hon. Ms Scriven they would vote yes, and if they are supporting the minister they would vote no.

The Hon. C.M. SCRIVEN: Just as a point of clarification: if it stands as printed, does that not mean that both amendments are not being agreed to, both the minister's amendment and my own?

The CHAIR: There is a structure for this. What we need to do is firstly vote on this and then there is a way forward. I suppose the simplest way of saying it is that you are striking out words but different words. What I am about to do is to give the committee the opportunity to determine which is the form that members wish to go down to. So those who are supporting the position of the Hon. Ms Scriven will vote yes, and those supporting the position of the minister will vote no. Once we get that determination then I have a further way of outlining it to the committee. This will be the test. Is everybody clear about what the motion is?

The Hon. C. BONAROS: Yes, but I think just for the record and for the sake of the Deputy Leader of the Opposition it might be clear if I confirm that, whilst I do not disagree with what the opposition is trying to achieve here, I am very mindful of what the government is trying to achieve by not necessarily having someone who potentially does not have the clinical qualification. I think the end result will be that we will have someone with a clinical qualification, but there is a concern that we might be limiting the field by having that in there. On that basis, I will support the government's position.

The Hon. J.A. DARLEY: I will be supporting the government on this one.

The Hon. T.A. FRANKS: The Greens are supporting the government, so just to clarify that for the deputy leader.

The CHAIR: I am going to put the question. I remind honourable members that those who are supporting the Hon. Ms Scriven should vote aye, and those supporting the minister should vote no.

Question resolved in the negative.

The CHAIR: Now the question is that the remaining words proposed to be struck out by the minister stand as printed. To support the minister you would vote no. I am going to put the question that the remaining words proposed to be struck out by the minister stand as printed.

Question resolved in the negative.

The CHAIR: The further question is that the words proposed to be inserted by the Minister for Human Services be so inserted.

Question agreed to.

The CHAIR: The Hon. Ms Scriven, is the next one you will be moving amendment No. 12?

The Hon. C.M. SCRIVEN: That is correct. I will not be proceeding with amendments Nos 9, 10 or 11.

The CHAIR: So you will move amendment No. 12.

The Hon. C.M. SCRIVEN: I move:

Amendment No 12 [Scriven–1]—

Page 9, after line 25 [clause 5, inserted section 23I]—Insert:

(5) In this section—

Chief Executive means the Chief Executive of the Attorney-General's Department.

This amendment seeks to avoid any real or perceived conflict of interest where, as it currently stands, the Chief Executive of DHS would have the power to direct both NDIS service providers and the person who makes decisions about restrictive practices for both government and non-government service providers—remembering, of course, that DHS is itself a service provider.

The Legislative Council previously recognised the issue of conflict of interest within the disability area when it rejected the proposal to merge the Public Advocate and the Public Trustee, so there is certainly precedence in terms of the change that we are proposing.

I note that in her contribution on clause 1 the minister seemed to think that we were seeking to move this particular responsibility to, I think, guardianship. I am not sure if she has misunderstood that; we are actually seeking for it to come under the auspices of the Attorney-General's Department to avoid conflict of interest and be consistent with some previous practices of ensuring that there is no real or perceived conflict of interest. It is important that there is no perceived conflict of interest, given that DHS is a service provider as well.

The Hon. J.M.A. LENSINK: At risk of being repetitive, the amendment seeks to provide the Chief Executive of the Attorney-General's Department the authority to appoint the senior authorising officer. The government does not support this amendment. The senior authorising officer, apart from the authorising role, will have an ongoing role in leading the education and training of NDIS providers, relating to the authorisation of restrictive practices. There is strong alignment between the senior authorising officer's functions and the broader work of the Department of Human Services, which has a broad role in the NDIS transition and a range of NDIS issues going forward, as well as its role in inclusion.

DHS has led the state in national negotiations on disability policy and has been very intimately involved in the development of a restrictive practices policy going forward. I note that the Hon. Ms Scriven, in her second reading contribution, did suggest that the senior authorising officer role should be under the direction of the Public Advocate, so that is where some of these comments are reflected. That would be inconsistent with the national principles that outline that authorisation regimes must be established separate from guardianship arrangements. Situating the senior authorising officer role in the Office of the Public Advocate would pose a conflict of interest for the Public Advocate in their role under the Guardianship and Administration Act.

The Public Advocate has a specific legislatively defined role to speak on behalf of people with disability under their guardianship. As an appointed guardian, like any other appointed guardian, the Public Advocate has a role in the development of the behaviour support plan, which is outlined in the NDIS rules. Placing the senior authorising officer role within the Office of the Public Advocate removes an important safeguard for people with disability who are under guardianship. It also creates a potential conflict of interest if the Public Advocate has contributed to a behaviour support plan that includes a restrictive practice.

The functions and duties of the senior authorising officer can be effectively managed within a larger government agency, such as DHS, that has existing delineations between its service delivery, policy and advisory responsibilities. The conflict of interest for the senior authorising officer and the Public Advocate may not be effectively managed within a much smaller statutory office, where their legislative functions may be in direct conflict. The amendment would also result in an incongruence between this section and the existing provisions of the Disability Inclusion Act, where 'chief executive' refers to the Chief Executive of the Department of Human Services.

The Hon. C.M. SCRIVEN: Thank you. I point out again that we are not proposing that this role must be under the Public Advocate but simply that it must be under the Attorney-General's Department, and therefore those conflicts that the minister is referring to are not applicable. We will state again that this is about not just avoiding conflict of interest but also perceived conflict of interest,

which is vitally important for people living with a disability, their carers and everyone involved in the sector to have confidence in the process.

The Hon. J.A. DARLEY: I indicate that I will not be supporting this amendment.

The committee divided on the amendment:

Ayes.....7
Noes 12
Majority 5

AYES

Bourke, E.S.	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Scriven, C.M. (teller)		

NOES

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

PAIRS

Wortley, R.P.	Ridgway, D.W.

Amendment thus negatived.

Progress reported; committee to sit again.

Sitting suspended from 13:03 to 14:15.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:16): I bring up the 33rd report of the committee.

Report received and read.

The Hon. N.J. CENTOFANTI: I bring up the 34th report of the committee.

Report received and read.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer—

Reports, 2019-20—
- Adelaide Hills Wine Industry Fund
- Apiary Industry Fund
- Barossa Wine Industry Fund
- Cattle Industry Fund
- Citrus Growers Fund
- Clare Valley Wine Industry Fund
- Eyre Peninsula Grain Growers Rail Fund
- Grain Industry Fund
- Grain Industry Research and Development Fund

Langhorne Creek Wine Industry Fund
McLaren Vale Wine Industry Fund
Pig Industry Fund
Riverland Wine Industry Fund
SA Grape Growers Industry Fund
Sheep Industry Fund

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

Report by the Guardian for Children and Young People on the South Australian child protection expenditure from the Productivity Commission's Report on Government Services 2021

Ministerial Statement

NATIONAL REDRESS SCHEME

The Hon. R.I. LUCAS (Treasurer) (14:21): I lay on the table a copy of a ministerial statement made yesterday in another place by the Deputy Premier on the subject of the National Redress Scheme two years in.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): My question is to the Minister for Health and Wellbeing regarding ambulance ramping. Minister, with so many involved in the ambulance services tuning into question time today in both chambers, and the release of the report into ramping that chronicles systemic failures leading to individual tragedies, will you now apologise for the ramping crisis?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I thank the honourable member for his question. This government is determined to eliminate ambulance ramping. It is a blight that this government inherited from the previous government and the—

Members interjecting:

The PRESIDENT: Order! The leader should listen to the answer to the question he asked.

The Hon. S.G. WADE: The honourable member was directly referring to a report commissioned by the Chief Psychiatrist into ramping. I would just point out to—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I would point out to the honourable member—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —that all of the cases cited in that report occurred in 2018. Some of them may well have happened before this government even came to office. They reflect the legacy of ramping—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —that we were left by the former Labor government.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter is out of order. Has the minister concluded his answer? The Hon. Ms Scriven.

NATIONBUILDER

The Hon. C.M. SCRIVEN (14:23): My question is to the Minister for Human Services regarding data. As the minister did yesterday, will she again provide a categorical assurance that no diversions to any external Liberal Party websites have appeared on official government documents that the minister has issued?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:24): I think I received a series or had some questions about this on Tuesday in which I gave the same response that every other minister has given, and I stand by that.

NATIONBUILDER

The Hon. C.M. SCRIVEN (14:24): Supplementary.

The PRESIDENT: It is a bit difficult to get a supplementary out of that, but I will listen.

The Hon. C.M. SCRIVEN: Why did all the suspect hyperlinks mysteriously disappear last night from those sites if nothing dodgy was happening?

The PRESIDENT: I am going to rule that out of order because it did not arise from the answer in any sense.

Members interjecting:

The PRESIDENT: Order! The next question is from the Hon. Ms Bourke.

NATIONBUILDER

The Hon. E.S. BOURKE (14:25): My question is to the Minister for Human Services regarding appropriate behaviour:

1. After the Premier's office was advised of the growing data scandal last week, what advice has the minister sought about breaches of the Public Sector Act, breaches of the Public Sector Code of Ethics, potential breaches of the commonwealth information and telecommunication laws, and the potential security risk to state government IT systems from embedded third-party links?

2. In particular, what advice has the minister sought with regard to breaches of section 251 of the Criminal Law Consolidation Act 1935?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): Goodness me, sounds like it is another episode of Labor book club.

The Hon. K.J. Maher: This is serious. The Ombudsman will be very interested in how lightly you take this.

The PRESIDENT: Order! The Hon. Ms Bourke would like to hear the answer, and her colleagues should remain silent.

The Hon. J.M.A. LENSINK: My understanding of the matters that have been raised is that there have been media releases, which are the source of people's concerns. I asked the chief executives of both my agencies to check that all of their systems were not in breach of anything, and I assume they have done that.

NATIONBUILDER

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary arising from the answer: is the minister aware if any of the links, media releases or parts of websites have been taken down?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): Again, I am not someone who spends a lot of time browsing my own websites because, frankly, I have lots of policy and funding decisions to make, so I don't sit there clicking or googling myself or double-checking this, that and everything else. I asked both my agencies to make sure that everything was operating as it ought to, and I assume they have done that, as they always do when I ask them to do things.

NATIONBUILDER

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Final supplementary: to be very clear, minister, are you aware if any links on any of your departmental sites or media releases have been removed this week as a result of problems with possible data breaches?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): The honourable member alleges that links existed, so that would presuppose that they did. It is always prudent, when it comes to anything the Labor Party raises, to run everything through the fact checker. That would be my first piece of advice to anyone who takes anything: never take anything at face value from the Labor Party. We know about this, they have done this at repeated times. I can only repeat what I have said: that I asked them to check that everything was as it ought to be, and I assume they have done that.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter and the leader. The Government Whip has the call.

Members interjecting:

The PRESIDENT: Order! The opposition is very capably running its own clock down at the moment. I call the Government Whip.

WOMEN'S WORLD CUP

The Hon. D.G.E. HOOD (14:28): My question is to the Treasurer. Will the Treasurer indicate whether the government's decision to upgrade Hindmarsh Stadium was a factor in the FIFA announcement today that Adelaide would be one of the host venues for the Women's World Cup?

The Hon. R.I. LUCAS (Treasurer) (14:28): It is a very exciting day for those of us in South Australia who are interested in sport and interested in women's sport in particular. The world game, or the beautiful game, as some would describe it—

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! You are wasting your own time here. The Treasurer will continue.

The Hon. R.I. LUCAS: As I said, it is indeed a very exciting time, because it was this government—

The Hon. J.E. Hanson interjecting:

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

The Hon. R.I. LUCAS: —that committed the funding—

The Hon. K.J. Maher interjecting:

The PRESIDENT: And the leader.

The Hon. R.I. LUCAS: —to a significant upgrade of Hindmarsh Stadium—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and it was only the commitment by this government to a significant upgrade in the state sport infrastructure plan—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —together with the other commitments that this government has given—

Members interjecting:

The PRESIDENT: Order! Sit down, please, Treasurer. If the opposition don't cease interjecting, they will lose their next question. The Treasurer will continue, and continue in silence.

The Hon. R.I. LUCAS: This government, in the state sport infrastructure plan, committed $45 million to a significant upgrade of Hindmarsh—

The Hon. J.M.A. Lensink: How much?

The Hon. R.I. LUCAS: $45 million—a massive amount of money—and added to that an additional $8 million from the—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke, you can't help yourself.

The Hon. R.I. LUCAS: —Adelaide Venue Management Corporation, which significantly upgrades the facilities at Hindmarsh Stadium. There are a lot of naysayers over the last two years who have talked down the capacity of Hindmarsh Stadium (Coopers Stadium)—

The Hon. I.K. Hunter: One of them was you.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. E.S. Bourke: You are the naysayers.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —to be a suitable venue for the Women's World Cup. An article written last year by Val Migliaccio was headed 'Hindmarsh Stadium a danger to winning women's World Cup matches for SA'. An article by my very good friend, Michael McGuire, in the Adelaide *Advertiser* in July of last year, stated, 'Hindmarsh Stadium is not good enough to host World Cup.' Again, he doubled down, 'Liberals' proposed Adelaide arena is too small, needs to include soccer.' In that article he said:

> Spending $45 million on Hindmarsh won't fix its fundamental flaws. Its size, its location, the majority of its facilities. It will still leave two stands uncovered. It's a Band-Aid on a heart attack.
>
> It is also possible the inadequacy of Hindmarsh will still cost South Australia games at the 2023 Women's World Cup.

There are other naysayers, both in the Labor Party and in the sporting community and the media, who said that Hindmarsh Stadium, with this significant investment from the South Australian taxpayers, would not be suitable for the Women's World Cup.

Well, the announcement by FIFA today that Adelaide will be one of the host venues for the Women's World Cup is testimony to the approach the South Australian government has adopted. We did have the option of the whizzbang $1.3 billion stadium in the city with a soccer pitch on the top that could be lowered and taken to the roof as required, which wouldn't have been built in time anyway, even if you had the money or could afford it, for the Women's World Cup in 2023, or strategic investment of $45 million as part of the $200 million state sport infrastructure plan, which was providing additional corporate facilities, toilet facilities, food and beverage facilities, media facilities, a new pitch for the Hindmarsh Stadium (Coopers Stadium), lighting, advertising, and a whole variety of additional improvements to that particular venue—a magnificent venue, I might say.

I am a huge supporter, unlike some, of the suitability of Hindmarsh (Coopers Stadium) as a venue for soccer. It is appropriately located. It is on a tram route, which makes it accessible to the large majority of South Australians. There are many, many people who have visited many more soccer stadia all over the world through Europe and England who say that night-time Hindmarsh (Coopers Stadium) reminds them of their suburban ovals, or the ovals in their cities, across Europe, and across the UK in particular.

I think it's a fabulous venue for soccer, and certainly for the taxpayers of South Australia an investment of $45 million, which assists us in helping to get the Women's World Cup games, as opposed to the pipedream of a $1.3 billion stadium with a soccer pitch on the roof that could be lowered or raised as required, is suitable when we are trying to fund a Women's and Children's Hospital and a variety of other options in terms of much-needed social infrastructure in our state.

WOMEN'S WORLD CUP

The Hon. J.E. HANSON (14:34): Supplementary: the minister referred to a number of naysayers. Was one of them his own the Hon. Mr Ridgway, who referred to the World Cup bid and the removal of it as a comprehensive and costly exercise that after a comprehensive analysis didn't need to be done and that it would displace hundreds of thousands of AFL fans for at least six weeks?

The PRESIDENT: You are drawing a pretty long bow to say that that arises out of the answer, but I will ask the minister to respond if he wishes.

The Hon. R.I. LUCAS (Treasurer) (14:34): A very simple answer: no.

WOMEN'S WORLD CUP

The Hon. F. PANGALLO (14:35): Is the Treasurer aware or does he agree that an additional number of other soccer grounds in Adelaide will now need to be upgraded with male and female change rooms in the lead-up to the 2023 FIFA Women's World Cup because Hindmarsh Stadium will be in lockdown for up to eight weeks and those teams will require training facilities?

The Hon. R.I. LUCAS (Treasurer) (14:35): I am hoping the Hon. Mr Pangallo is a supporter of the Women's World Cup being here in South Australia. The answer to the honourable member's question is yes, we are aware of that, and that is why the government, in its sporting infrastructure plan, has already been upgrading facilities.

I will let the Hon. Mr Pangallo in on a little secret, just between the honourable member and myself and no-one else: one of the key features of the government's bid—the bid, as I am advised, was just below the minimum requirement of 20,000 spectators; I think we have pitched it at just over 18,000 with a little bit of temporary accommodation, because I think currently the permanent seating is around about 16,000, approximately. One of the features, I am advised, that distinguished our bid was that FIFA were not just looking at the suitability of the stadium, they were actually looking at what legacy the bid and the investment from government would leave for the world game here in South Australia.

Part of that was indeed the issue the honourable member has talked about. So the massive investment we are making out at State Sports Park in the north in terms of soccer facilities and pitches was an important part of that particular bid. I am struggling to remember the dollars. I think it is somewhere between $20 million and $30 million combined going into that particular facility out there, with a massive upgrade of soccer facilities in that particular area and then right across the suburban area.

To be fair, the former government started some of the upgrades of some of the pitches and facilities around metropolitan Adelaide. This government, of course, is delivering further in relation to those particular areas. So the honourable member's point is well made. I hope it was made in the spirit of constructive support for the wonderful success that this government has achieved in relation to being nominated as one of the host cities for the Women's World Cup in 2023.

WOMEN'S WORLD CUP

The Hon. F. PANGALLO (14:37): Yes, I fully endorse the work that has been done at Hindmarsh Stadium, which is the spirit—

The PRESIDENT: Supplementary question.

The Hon. F. PANGALLO: Yes, it is; I'm just getting there. The Treasurer wanted to know, and I am answering. I am supporting it.

The PRESIDENT: Question.

The Hon. F. PANGALLO: Mr President, a question to the Treasurer: is the Treasurer aware, of course, the facilities he mentioned at Gepps Cross mostly consist of artificial pitches? Under FIFA guidelines, when there are international tournaments, teams that—

The PRESIDENT: Question.

The Hon. F. PANGALLO: I am. I just need to explain it—

The PRESIDENT: There's no explanation.

The Hon. F. PANGALLO: —because clearly the Treasurer's—

Members interjecting:

The Hon. F. PANGALLO: Is the Treasurer aware that international teams are not permitted to train on artificial pitches?

The Hon. R.I. LUCAS (Treasurer) (14:38): More importantly: are the people who are involved in putting together the bid for South Australia aware of all of the requirements of FIFA? And the answer, more importantly, is yes. Whatever they are aware of, I will either be aware of or I soon will be aware of in relation to those particular requirements.

The PRESIDENT: Final supplementary question, the Hon. Mr Pangallo, and just a question.

WOMEN'S WORLD CUP

The Hon. F. PANGALLO (14:39): Will the Treasurer be able to find $3 million to enable the West Adelaide Hellas Soccer Club to complete its stadium at Kilburn in time for the Women's World Cup?

The Hon. R.I. LUCAS (Treasurer) (14:39): I don't want to destroy the wonderful feeling that we have at the moment in talking about the world game to talk about one of the disasters of the former government and the role of the former Treasurer, the member for West Torrens, in that particular grant, the amount of money that was involved in that particular grant and the disaster of that particular project.

I would love to spend some time at a later stage—maybe when we come back in May—if the honourable member wants to ask me a Dorothy Dixer. I will be prepared to unload on the former Treasurer, the member for West Torrens, in much greater detail. I am in such a good mood at the moment that I just don't want to destroy it by thinking about the former Treasurer, the member for West Torrens. When I am in a grumpy mood in the first week of May, ask me the question again and I will unload on him unequivocally.

CORONAVIRUS CONTACT TRACING

The Hon. M.C. PARNELL (14:40): For the very last time, I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing, either in his own capacity if he knows the answer, otherwise on behalf of the Minister for Police, Emergency Services and Correctional Services, about destruction of COVID contact tracing data.

Leave granted.

The Hon. M.C. PARNELL: Members might recall that I sent an email to all members some weeks ago, advising that I would be bringing my Emergency Management (Information Security) Amendment Bill to a vote yesterday. After sending that note, I was contacted by officers of the Minister for Police, Emergency Services and Correctional Services inviting me to meet with representatives of SAPOL, who were concerned that locking in certain details into legislation could make things more difficult and that the same objectives sought to be achieved by my bill could instead be achieved by amendment of the relevant direction under the act.

I met with representatives of SAPOL on 22 March. At that meeting, I was assured that existing data misuse provisions in the act apply to public officials as well as private officials; however, it was conceded that there was no requirement for the data collected under the COVID-SAfe check-in app or paper records to be deleted after 28 days. The government has assured us that this is happening but it isn't mandatory.

Having accepted what SAPOL told me about the need for flexibility in relation to the legal obligations around COVID, I agreed not to progress my bill on the assurance of the police that the binding direction that relates to the COVID check-in regime will be amended to ensure that both electronic and hard copy data must be destroyed after 28 days.

Accordingly, I emailed all members on 23 March advising that I would not be proceeding with my bill; however, on 29 March, four days ago, the latest Emergency Management (Public Activities No 21) (COVID-19) Direction was issued and, as far as I can see, there has been no inclusion of data destruction requirements. My questions of the minister are:

1. Is this an oversight? Have I missed some new requirement elsewhere in the directions or has SAPOL changed its mind about mandating the destruction of this contact tracing data?

2. Should I suggest to my Greens colleagues that they reactivate my bill in order to assure the community that this data, which is being held electronically or in paper form by both government and private businesses, will be destroyed after 28 days?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): I thank the honourable member for his question and I certainly will refer to the honourable minister in the other place if he has information he wants to add. My understanding of the communication, which I understand was primarily between yourself and the Attorney-General in the other place in the context of the COVID QR code destruction, was that it wasn't just the issue of destruction but it was also intended that we would refresh the protections.

The honourable member referred to, and I think he misstated, that there were provisions already in relation to misuse of data in the act. My understanding is that they are in the directions—the direction that the honourable member is referring to, the public activities direction, or another one. There is a series of them—

The Hon. M.C. Parnell: They are in both.

The Hon. S.G. WADE: They are in both, are they, good. My understanding is the police are working on finessing those provisions to enhance the responsibilities of at least businesses and possibly even customers. One of the concerns I have had is that not only is it possible for a businessperson to misuse that data and breach the privacy of individuals, but customers can, perhaps through photographic or written contact, also breach the privacy of a person.

My understanding is that that work will take time to be done, but certainly I am not aware of any agency of government stepping back from the commitments given to the Hon. Mark Parnell. I can assure the Hon. Mark Parnell that even beyond the time that he serves in this place this government will seek to follow through on its commitments to him. In that regard, I highlight the discussions that the honourable member had with me in relation to advance care directives. That work will continue.

I do want to stress that the commitment in relation to the QR code data being destroyed was a commitment at the highest level of government. The Premier and I have reiterated it and, to my latest update of 30 March 2021, we have honoured that commitment 88 million times. So far we have deleted 88 million contact records.

In the spirit of my leader, could I take the opportunity to commend the honourable member for his wisdom as a legislator, if you like, in stepping back from an opportunity to move an amendment for the sake of it, but acknowledging that the outcome that he wanted could be achieved another way, a less risky way. What I mean by risky is that I do believe that the honourable member's well-intentioned proposal may well have had unintended consequences.

One of the reasons for that is because this pandemic continues to have unexpected developments. At the very time the honourable member was having discussions with the Attorney-General, our public health team was confronted with wastewater data, wastewater results that were challenging. In trying to think about what we could do to respond there was concern that some of the possible ways that we could get in contact with people would not have been consistent with what was going to be written in the legislation under his proposal.

I make the simple point that we are very determined to honour the spirit of our commitment. We are very happy to put that in the directions and if in the future that direction does not allow us to respond to a public health event, then it will be transparent to the world that we have changed it and people can ask why: why are you doing that and for what purpose?

As I said, we have currently deleted 88 million records and we will continue to delete them in accordance with our commitment. As I said, the commitments that were given by the government, I presume by the Attorney-General and/or by the police, will be honoured.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (14:48): I seek leave to make a brief explanation before asking a question of the Assistant Minister to the Premier regarding the South Australian Multicultural and Ethnic Affairs Commission.

Leave granted.

The Hon. R.P. WORTLEY: On Tuesday 30 March, the assistant minister was asked a question about links to a Liberal Party website being embedded in a media release issued in her official capacity as the Assistant Minister to the Premier. The assistant minister wasn't sure which of her media releases or which hyperlinks the opposition was referring to. This is unusual, given the assistant minister has only ever had her name attached to three media releases in three years.

Only one media release related to the South Australian Multicultural and Ethnic Affairs Commission and it's the most recent one issued with the assistant minister listed on it. The assistant minister said in the media release:

> I encourage all South Australians to participate in this significant review to ensure that their voices are heard.

The media release went on to say:

> To register for a forum, join the online discussion and download a copy of the discussion and research papers, visit www.yoursay.sa.gov.au/multicultural review.

Instead of taking people directly to the state government's YourSAy website to share their views, the link provided by the assistant minister went via the external Liberal Party website, stevenmarshall.com.au. My question to the assistant minister is exactly the same as on Tuesday, so I trust there will be no trouble in providing an answer.

Given that people have come here from overseas hoping for a better life, sometimes from countries where governments spy on their citizens, why would the assistant minister call on all South Australians to contribute to a review of the South Australian Multicultural and Ethnic Affairs Commission Act in April 2019 and then provide a link that diverted them via a Liberal Party website that is used for data harvesting?

The Hon. J.S. LEE (14:50): I thank the honourable member for his questions. To answer the first question about calling all South Australians to participate in the legislative review of SAMEAC, we should not be looking at our multicultural society in one framework, because everyone gets to come across and meet somebody from a different background. The whole of the South Australian community should participate in a review that impacts on the day-to-day interactions of our multicultural communities. So I think that is valid.

To answer the second question about whether the particular press release or link about the SAMEAC review actually goes to a Liberal Party website, I believe many members, including the leader of our government and the minister representing the portfolio of the public sector, have already provided an adequate answer. There is no data collected in terms of harvesting, and that has been

adequately dealt with in the last two days in the answers provided by the minister for the public sector.

The PRESIDENT: Supplementary, the Hon. Mr Wortley.

NATIONBUILDER

The Hon. R.P. WORTLEY (14:51): Can the assistant minister categorically assure this chamber that no person who clicked on the website she referred to was diverted to the Steven Marshall Liberal website?

The Hon. J.S. LEE (14:51): I think that we provided adequate answers via the minister for the public sector and other ministers. There is no data harvesting. I have confirmed that in my answers.

NATIONBUILDER

The Hon. R.P. WORTLEY (14:52): Can the assistant minister herself categorically assure this chamber that anyone who clicked on that website was not diverted to a Steven Marshall Liberal website—herself?

The Hon. J.S. LEE (14:52): I already provided the answer. Can I remind the honourable members that I am actually not a minister of the Crown. The minister responsible for the public sector is in this house. Whatever answers he provided is what we stand for.

SOCIAL HOUSING

The Hon. J.S. LEE (14:53): My question is to the Minister for Human Services regarding social housing, a very important topic. Can the minister please update the council on social housing stock numbers in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): I thank the honourable member for her question. We did quite recently have the Report on Government Services for 2021 issued, which as many honourable members would be aware provides some statistical comparisons between jurisdictions. It includes all states and territories in relation to a range of measures.

In relation to social housing and specialist services—that's what this particular report was done on—it provided data with a national comparison between jurisdictions, which showed that in South Australia there are some 46,383 dwellings. Compared to all residential dwellings in South Australia, that is about 5.9 per cent of dwellings in South Australia. The national average is 4.1 per cent. Indeed, I note that South Australia, of all the states, has the highest proportion of social housing dwellings in Australia.

There have been calls for increases in social housing from many sectors, and some people have referred to the Victorian government's decision to build an additional 5,000 dwellings in that jurisdiction. According to the Report on Government Services, Victoria currently has 80,500 social housing dwellings, which comes in at about 3 per cent, so that proportion, I note, is already behind South Australia.

The policy position of the Australian Labor Party in all of this is, I must say, a bit of a confusing mess. I note that the former Treasurer, who I have quoted, has advocated for reducing the number of social housing dwellings in South Australia down to 30,000, which would take us to the national average. We have a fairly ambiguous position at times from the shadow minister, who at times talks about increasing it but then I think gets muzzled by others in her team who understand what the financial implications of that are.

In terms of our role with managing social and public housing since we have come to government, we have attempted to stem the bleeding of our public housing assets from the shocking statistics that the Labor Party had in terms of 7½ thousand properties that they sold at some $1.5 billion. Also, I tabled a response to a question this week which clearly demonstrated that our ever benevolent Treasurer, Mr Lucas, had reversed a grant to the South Australian Housing Trust of some $70 million a year, which has assisted us to manage the reductions in stock. So we have been working assiduously.

The numbers of the viability has come down significantly. It is at a quarter of what Labor has been selling stock as. Our goal remains that we don't wish to be selling more, but we are in such a position managing this huge set of assets of some $10 million that we are really trying to stabilise the organisation. I think it is clear to anybody who is objective and who looks at the data that is available that if they have an interest in social housing they need to put the Labor Party last at the next election.

SECURITY OFFICER LICENCES

The Hon. J.A. DARLEY (14:57): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General, a question regarding security officer licences.

Leave granted.

The Hon. J.A. DARLEY: I have been advised by constituents that there are significant delays in the processing of security officer licences. I have received advice that this process takes approximately eight to 12 weeks and that a majority of the delay relates to the time taken by SAPOL to conduct thorough background and probity checks. This issue was raised with the Attorney-General one year ago; however, I have been advised by constituents that there has been no improvement with the processing time frame since. My question to the Attorney-General, through the Treasurer, is: what is the average time frame to process security officer licences and what action will be taken to ensure that these licenses are processed in an expedient manner?

The Hon. R.I. LUCAS (Treasurer) (14:58): I will refer the honourable member's question to the Attorney and bring back a reply.

DISABILITY SERVICES WORKERS

The Hon. T.T. NGO (14:58): My question is to the Minister for Human Services regarding frontline disability workers. What is the government's plan to privatise the work of state government disability services workers?

The Hon. J.M.A. Lensink: Sorry, to do what?

The Hon. T.T. NGO: What is the government's plan to privatise the work—

Members interjecting:

The PRESIDENT: I can't hear the Hon. Mr Ngo. I will be assisted if the government backbenchers are quiet. The Hon. Mr Ngo, start again, please.

The Hon. T.T. NGO: What is the government's plan to privatise the work of state government disability services workers?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): I think what the honourable member is referring to is the supported accommodation services that are run by the state government. We did have a policy in terms of our supported accommodation services that, as with all of the government services through the NDIS process, we were going to transition all of them to the non-government sector and/or provide a timetable.

The position that we have in terms of people residing in accommodation services is we did a lot of consultation, which I may well have referred to in this place before. In 2019, we did significant consultation with the workforce, with the residents and also with the families of people living in our accommodation services. I think at that stage South Australia had just achieved full transition; that is, anybody who had previously been under the old Disability SA system had transitioned to the NDIS. Therefore, they had their package, but there has been a whole lot of change associated with the transition to the NDIS.

While some of that is settling, it is still quite a challenging space for a lot of people, particularly for people who were in supported accommodation. They can often be quite high-needs clients, so they are generally receiving a lot of services. Some of them are non-verbal, some of them need support in terms of their communications and the like, so it is a fairly sensitive area for us to ensure that we are doing our best to support people in our accommodation services.

There has been a lot of work to improve those services in that time, which includes a zero tolerance framework that has been adopted, which has assisted with quality and safeguarding. There has been a rearranging of a lot of the supervision. My understanding is that a lot of the staff, when we came to office, did not even have emails and were quite disconnected from the rest of the system. There has been a range of audits to ensure that we can meet the standards when the in-kind arrangements end: additional training and development; a reporting system which enables people to provide anonymous complaints for staff, clients and families; reviews of restrictive practices; and a customer charter.

I have also talked about the People's Advocacy Group, a client reference group within advocacy services that enables them to provide feedback on the services. That has been a huge success, and we are continuing to expand that, from what I understand. A lot of work has gone into the quality, and so we have kept the current arrangements in place through the understanding that there are a lot of people who did not wish to change providers. If people do wish to change providers, they are enabled to do that, because of course the NDIS is about choice and control, so people should be able to choose their own providers, but we continue to provide that support on an ongoing basis.

HEALTH SERVICES, NORTHERN ADELAIDE

The Hon. T.J. STEPHENS (15:03): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health services in Adelaide's north.

Leave granted.

The Hon. T.J. STEPHENS: Adelaide's north is not only one of the fastest growing regions in the state, its residents also present at health services with a range of comorbidities or complicating factors. Will the minister update the council on health services in the north of Adelaide?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): I would like to thank the honourable member for his question. The Marshall Liberal government was elected with a commitment to supporting the provision of better health services closer to home, following Labor's disastrous Transforming Health experiment, which led to the downgrading of hospitals right across Adelaide. One of those hospitals was the Modbury Hospital where the former government closed the high dependency unit—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —and downgraded the hospital generally. The honourable—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson doesn't need to ask the minister for directions. The minister will continue.

Members interjecting:

The PRESIDENT: Order! I continue my suggestion that the opposition might lose a question. The minister has the call.

The Hon. S.G. WADE: Thank you, Mr President. Also, I just bring to your attention that every time they stop me it's depriving me of the opportunity to give an answer. You are asking ministers to stay within the time frame. It's difficult to do that if I—

The Hon. K.J. MAHER: Point of order, sir: that's got nothing to do with the answer and the minister is deliberately wasting the crossbenchers' time.

The PRESIDENT: There is no point of order and you will resume your seat. The minister will continue to provide an answer to the question that was asked.

The Hon. S.G. WADE: The Marshall Liberal government has been working hard to undo the damage caused by Transforming Health, particularly in the north where Modbury is located.

Members interjecting:

The Hon. S.G. WADE: Just quietly, you established local health networks—

Members interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. S.G. WADE: —and you put Modbury in the Northern Adelaide Local Health Network.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson is out of order. The minister will continue. The question was about hospital services in the northern part of Adelaide as I understand it.

The Hon. S.G. WADE: Indeed.

The PRESIDENT: Continue.

The Hon. S.G. WADE: Last Friday, I was able to visit Modbury Hospital with the Premier to announce the delivery of an important commitment from this government: the opening of the new four-bed, high dependency unit. In this regard, I would like to acknowledge the advocacy of the member for Newland, the member for King and member for Florey who, even as a member of the Labor Party, was campaigning against the former government's decision to close the high dependency unit.

The high dependency unit will make a difference beyond the four beds it makes available for the hospital. In the first place, it will ease pressure on the busy Modbury emergency department but also, considering the downgrading of the hospital under the former Labor government, has increased transfers to the Lyell McEwin Hospital. It will have a benefit for both of the hospitals in the Northern Adelaide Local Health Network.

The HDU will mean clinicians at Modbury Hospital will be able to offer care to patients whose clinical condition requires a higher level of monitoring and management, and increase the hospital's ability to manage patients both medically and post-surgically. Finally, following the opening of the new theatres, which are currently going through an important upgrade, the HDU will also support the increase of low to medium complexity surgery and the delivery of multiday surgery up to 72 hours.

This means that the cohort of patients that the honourable member was referring to—patients with comorbidity—are more likely to be able to receive their care at the Modbury Hospital. This means that, instead of having to travel further for their health care, further away from family and loved ones, they will be able to get their care closer to home. This government is committed to supporting better health services in Adelaide's north. Our $96 million upgrade of the Modbury Hospital, including opening the HDU, is delivering on that commitment.

The PRESIDENT: A supplementary, the honourable Leader of the Opposition.

MODBURY HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (15:08): What does the minister have to say to senior doctors who are raising significant concerns about the HDU's staffing levels, warning that patient safety could be put at risk?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): I would like to stress that the model of care for the HDU was developed by an expert working group led by an independent clinician. Part of the consultation in relation to that model of care led to the provision of an anaesthesia registrar. This will strengthen the critical care capacity throughout the hospital, specifically in relation to MET call attendances, assistance with category 1 patients presenting to the emergency department and advanced airway support.

Also, there will be a HDU resident medical officer available onsite at all times. Medical officers will be specifically upskilled to manage deteriorating patients through a training program developed in partnership with the University of Adelaide that will utilise the latest, state-of-the-art, medical-based simulation, and state-of-the-art, mobile telemedicine units will enable real-time, high definition, clinical support from the Lyell McEwin Hospital, including the ICU. I am also advised that a significant proportion of the nurses who will be working in the HDU have intensive care experience.

MENTAL HEALTH SERVICES

The Hon. F. PANGALLO (15:10): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about mental health services in the south.

Leave granted.

The Hon. F. PANGALLO: At today's huge rally by ambulance officers and firefighters on the steps of Parliament House, it was revealed that shortages of paramedics and ambulances are causing havoc and distress in our community. SA Ambulance union's Phil Palmer said that eight deaths could be linked to a failure by ambulances to attend on time because they had been held up by ramping and staff shortages. Also, call-back numbers have jumped to unmanageable levels, causing stressed staff to become worried about patient outcomes.

It was also revealed that there have been instances where ambulances have not been able to attend callouts involving mental health patients in Adelaide's south. Furthermore, the MFS chief officer, Michael Morgan, also demanded that firefighters who attended not wear MFS-issued clothing and helmets. Not surprisingly, they took no notice, so none appeared naked. My questions to the minister are:

1. Can he confirm that SA Police have had to be called to deal with mental health patients and take them to hospitals for treatment because of the ambulance ramping crisis and shortage of ambulances?

2. Is it appropriate to have police taken away from their core duty of fighting crime to attend health matters, and what does he intend to do to fix the huge backlog of call-backs?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I thank the honourable member for his question. It is longstanding practice that police, as part of their emergency response, may from time to time need to engage with mental health services. It is really important that we make sure that that is done in an efficient and effective way, not only in terms of the provision of police resources but also in responding to the mental health needs of the clients.

A very recent example of that engagement is the Urgent Mental Health Care Centre that has been established in the eastern part of Adelaide. In fact, there are only three ways that you can get to the Urgent Mental Health Care Centre: either a referral through the mental health triage service; secondly, taken there by an ambulance; or, thirdly, taken there by police. The feedback I am getting is that the service is meeting a strong need.

All parties in the emergency services sector (I include ambulances as part of that in that statement) are acutely aware of the importance of getting the balance right. In that context, a revision is currently underway of the memorandum of understanding between emergency services related to mental health. The work is being done collaboratively by mental health, SAAS, SAPOL, the emergency departments in our hospitals and the Royal Flying Doctor Service.

We will continue to work with police to make sure that we do partner with them in an appropriate response. In terms of the point the honourable member is making that ambulance ramping inhibits the capacity of the Ambulance Service to respond to community calls, I completely agree with that, that is why this government is determined to eliminate ambulance ramping.

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

MENTAL HEALTH SERVICES

The Hon. F. PANGALLO (15:14): Just in relation to the police callouts: would police, when they are called out, be required to be accompanied by, or would they expect to find, an ambulance or paramedics at a location, rather than police arriving alone and there is no backup from paramedics?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I think that really does depend on the nature of the callout. Also, I think it's really important to appreciate the challenging environment within which police work, ambulance officers and our emergency departments, because it is often very difficult to tell: is this a mental health presentation? Is this a substance abuse incident? And with all due respect, people with disability from time to time are mistaken for a person who has

a mental health challenge. To have a blanket rule that there shall be no police response to a mental health case would not work.

The PRESIDENT: Final supplementary, the Hon. Mr Pangallo.

MENTAL HEALTH SERVICES

The Hon. F. PANGALLO (15:15): Just from my original question: in relation to call-backs, is the minister aware of the significant level of call-backs that have arisen and that they have become unmanageable and are causing stress among staff?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): I will certainly make inquiries about whether the call-backs are becoming unmanageable.

MENTAL HEALTH SERVICES

The Hon. T.A. FRANKS (15:15): I seek leave to make a brief explanation before addressing a question on the topic of mental health and ramping to the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.A. FRANKS: Today, we have learnt that an external review into ramping at Adelaide hospitals, commissioned by the Chief Psychiatrist, found that one in three mental health patients brought to hospital by ambulance were forced to ramp. This includes more than 10 per cent of children brought to hospitals under these conditions. That report is actually dated from November 2019, but has only just been publicly released now. That report found that in 2018 a total of 10,994 mental health patients were brought by ambulance to South Australian emergency departments and that more than 34 per cent of those experienced ramping.

Those rates are well above the stated target set for ramping in the 2019-2021 service level agreement, with the actual target being that ramping should occur in less than 10 per cent of ambulance arrivals. Indeed, the Lyell McEwin had the highest rate of ramping, at nearly 60 per cent of the cases, followed by the Royal Adelaide (46 per cent), Flinders Medical Centre (35.5 per cent) and The Queen Elizabeth Hospital (32.2 per cent).

Of these ramped patients, the majority were transferred within an hour, but one in every 16 waited for more than an hour, and one in every 77 waited for more than two hours. Twenty-three patients waited more than three hours, with the longest wait being four hours and 48 minutes. That patient was a middle-aged woman with an intellectual disability and cancer, brought to the Royal Adelaide.

This report highlights a range of causes of ramping for mental health patients, including access block in emergency departments, a lack of non-ED alternatives for patients and a lack of resources right across the mental health system.

I note that, as reported in InDaily, the report detailed those 168 cases of ramping in that year a week after South Australian Health categorically denied ramping was occurring at the hospital. Can the minister explain why South Australian Health's public statements are so contradictory to the release of this report and the findings of the Chief Psychiatrist's commissioned report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:18): Before I go to the report more generally, I might respond, if the member permits me, to her statement about the Women's and Children's Hospital comment. I will quote it word for word:

> The Women's and Children's Hospital does not ramp and there is no evidence of any occurrence of ramping in recent weeks. While the paediatric emergency department has been busy in recent weeks, all patients presenting by ambulance have been transferred in a timely manner.

There is the reference to ambulance there, and it relates to the fact that the Women's and Children's Hospital was talking about ambulance transfers. The difference with the report that the honourable member referred to is that they have used the word 'ramping' in a broader sense. They talk about external and internal; in other words, transfer of care delays within the emergency departments of hospitals are not simply transfer of care delays from an ambulance into the emergency department.

In relation to the report, there were sets of data I could see in the report that related to 2017-18. I am advised that the case studies in the report relate to cases in 2018. I would remind honourable members that this government was only elected in March 2018. In terms of the response to the report, the report itself made 24 recommendations. The local health networks and SAAS received the report in late 2019, so in other words they were aware of the recommendations.

Since then, there has been a lot of work done. There has been further work done in terms of getting feedback and providing a response to the recommendations, which has also been published on the Chief Psychiatrist's web page. I think it is important to appreciate that a number of actions consistent with the recommendations of the report have already been undertaken. For example, there has been an expansion of the Mental Health Co-responder program, and I know the honourable member, before this government even established that program, was advocating that as a sensible reform in terms of mental health.

I think it also relates to the point the Hon. Frank Pangallo was making, that often a multiagency response can be helpful. So to have a mental health clinician alongside an ambulance paramedic can provide a much more appropriate response than a paramedic alone—I should say paramedics alone—without a mental health clinician in the team.

Another action consistent with the recommendations of the report is the establishment of Hospital at Home within the Central Adelaide Local Health Network. Also, as I have had cause to mention a number of times this week, the Urgent Mental Health Care Centre is consistent with the recommendations of the report. All three of those initiatives, I think, are highlighting the value, and if you like the report highlights the value, of providing services that deliver to patients with mental health needs care outside of hospital.

Often, hospital is not the best place for a person with mental health issues to receive the care they need, but this government is also investing in hospitals. Earlier this week—I think it was last Thursday—it was my pleasure to open the Boylan Ward at the Women's and Children's Hospital, which whilst it is a hospital environment is much less clinical than the previous facility was.

We will continue to enhance mental health services in the community, and we will also continue to enhance mental health services within hospitals. There is certainly a challenge in terms of patient flow with people needing mental health care, and the Chief Psychiatrist is working actively with the mental health units, particularly in the metropolitan area, to improve that care.

Bills

STATUTES AMENDMENT (RECOMMENDATIONS OF INDEPENDENT INQUIRY INTO CHILD PROTECTION) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:23): I move:

That this bill be now read a second time.

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

Leave granted.

On 16 February 2021, the Attorney-General tabled the Report of the Independent Inquiry into Child Protection undertaken by Paul Rice QC.

The government has accepted the six recommendations in the Report.

The Statutes Amendment (Recommendations of Independent Inquiry into Child Protection) Bill 2021 implements the two recommendations in the Report that require legislative amendment, being recommendations 5 and 6. The Bill:

- increases the penalty for failing to comply with directions made by the Chief Executive of the Department for Child Protection under section 86 of the *Children and Young People (Safety) Act 2017* to 3 years for a first offence and 4 years for any subsequent offences, and

- designates a person arrested for breach of written directions made under section 86 of the *Children and Young People (Safety) Act 2017* as a 'prescribed applicant' for the purposes of section 10A of the *Bail Act 1985*, so that the presumption in favour of bail does not apply.

Mr Rice QC examined the circumstances around sexual offending in relation to two young people who were under the guardianship of the Chief Executive of the Department for Child Protection.

One of the matters considered by Mr Rice QC involved a 20 year old man who engaged in unlawful sexual offending with a young person who was 13 to 14 years old at the time of the offending. On 1 November 2019, the Chief Executive issued written directions to the offender under section 86 of the *Children and Young People (Safety) Act 2017*. The offender breached those directions and was arrested for doing so. The offender was subsequently released on bail. On 2 January 2020, the offender was again served with written directions. He breached the written directions and was arrested again in March 2020.

In response to the pattern of breaching written directions, being arrested, being granted bail, and then breaching further written directions, Mr Rice QC has recommended that the penalties for a breach of written directions should be increased. The current maximum penalty is imprisonment for 12 months. Mr Rice QC said:

> 'Bearing in mind … that the Department was endeavouring to prevent the continued sexual abuse of a child under guardianship (which carries a maximum of life imprisonment), a threat of a maximum sentence of 12 months' imprisonment is substantially inadequate.'

Mr Rice QC said that a 'maximum penalty of 3 years imprisonment for breach of a written direction would appear reasonable when taking into consideration the nature of the offending, general deterrence and the safety of the child involved.' He recommended this approach in recommendation 5 of his report. The recommendation is given effect to by clause 5 of the Bill.

Mr Rice QC also made a recommendation in relation to the granting of bail where a person has breached written directions. He noted that the offender in the matter described above 'was given bail on the breach and promptly continued to offend against the child … One way of endeavouring to stop these on-going breaches is to make bail more difficult upon arrest for a breach'.

Mr Rice QC recommended that consideration be given to making a person arrested for breach of written directions a 'prescribed applicant' for the purposes of section 10A of the Bail Act. This means that the person would not be granted bail unless they can establish the existence of 'special circumstances' justifying release on bail. The presumption in favour of bail in section 10 of the Bail Act does not apply.

This recommendation is given effect to by clause 4 of the Bill.

Written directions issued by the Chief Executive of the Department for Child Protection are an important mechanism for keeping young people safe. They are only able to be issued if the Chief Executive believes it reasonably necessary either to prevent harm to a child or young person or to prevent the child or young person from engaging in, or being exposed to, conduct of a criminal nature.

The Bill introduces measures to increase compliance with written directions, which will in turn improve the safety and wellbeing of children and young people under the guardianship of the Chief Executive of the Department for Child Protection. The consequences of not complying with written directions will be made far more serious by this Bill.

We are acting swiftly to address the issues in Mr Rice's report. We committed to introducing this legislation within 30 days, and we have achieved that. We also took additional steps to address the issues in the report.

Mr President, I commend the Bill to Members and I seek leave to have the *Explanation of Clauses* inserted in Hansard without my reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 10A—Presumption against bail in certain cases

This clause amends section 10A of the principal Act to extend the presumption against bail to include an applicant taken into custody in relation to an offence against section 86(4) of the *Children and Young People (Safety) Act 2017*.

Part 3—Amendment of Children and Young People (Safety) Act 2017

5—Amendment of section 86—Direction not to communicate with, harbour or conceal child or young person

This clause amends section 86 of the principal Act to increase the maximum penalty for an offence against the section to 3 years' imprisonment for a first offence, and 4 years for a second or subsequent offence.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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

That the council at its rising adjourn until Tuesday 4 May 2021.

Members interjecting:

The PRESIDENT: You are speaking to that, Treasurer?

The Hon. R.I. LUCAS: We are going to say nice words about the Hon. Mr Parnell. The honourable leader, by way of interjection, talked about another piece of legislation, a bill. I have given a commitment to the staff and to the members that because we are sitting unusually on Holy Thursday, when they normally get away from Parliament House at around 3 o'clock, that we hope to adjourn our house by about 4 o'clock so they can commence their Easter break early and do what they need to do.

This adjournment motion is the appropriate occasion to speak for the rest of us who wish to acknowledge the service the Hon. Mr Parnell has made to our Legislative Council over 15 years. Not everyone will necessarily speak, but I know for those on my side the comments I make will represent the views of all my colleagues. Some may also choose to add commentary, but I know I speak on behalf of government members.

I also speak on behalf of government members past. One or two of them have spoken to me over the last week or so and have asked to be associated with the comments. I will not list them individually, but I am sure they will make their own individual contact with the Hon. Mr Parnell. Some of them have served with the Hon. Mr Parnell during his long career.

Fifteen years is way too long for anyone to be in the Legislative Council—says he nearing 40 years. I do want to say that when I became aware that the Hon. Mr Parnell had very carefully selected this particular day, April Fools' Day, for his supposed farewell, I was unsure whether this was an April Fools' ruse and whether he, having told Mr Simms and everybody that he was going to retire, was going to say, 'Ha! April Fools' Day! More fool you!' Evidently, he is not. He has given me assurance that it is not an April Fools' Day joke and that this is deadly serious. This is it, our last opportunity to bid him farewell.

I have enjoyed working with the Hon. Mr Parnell over his 15-year career. I have spoken about this occasionally. I think many of us come to this chamber with lots of different skills. We all are different, as should be the case, because we all have different backgrounds and we bring to the table different skill sets, etc. In my own personal judgement, there is a small set of people over my long career for whom I would say that one of the skill sets they brought to the table to the benefit of the chamber, to the benefit of the parliament and to the benefit of the community is that they, in the truer sense of the word, were legislators.

I know in describing the Hon. Mr Parnell as that, some of the Greens supporters might think, 'Well, that is a terrible thing to call him. He is a politician. He is a Green,' or whatever it is. To me, it is actually a huge compliment. To me, a legislator is someone who spends considerable time and hours looking at the detail of legislation. A lot of the time it is in areas of great interest to them but by and large it is right across the board. When he was the shadow minister for everything, he had to do that, and now he is only the shadow minister for half the things, it is to that half of the portfolios that he devotes his time.

Over my long career, I remember people fondly on all sides of politics. I have seen the Hon. Chris Sumner as someone who certainly fitted that description of a legislator. Certainly, the Hon. Trevor Griffin from our side was the outstanding example of somebody who provided considerable input and detail in terms of looking at legislation across the board. Even going back,

the Hon. Renfrey Curgenven DeGaris was someone who people do pillory because of his particular views on certain issues, but he was an outstanding legislator.

Unlike Sumner, Griffin and Parnell, who all have the advantage of being lawyers, DeGaris was a bush lawyer but applied himself in a legislative sense in terms of looking at the detail of legislation and engaging in the detail of debate. In describing the Hon. Mr Parnell as an outstanding legislator it is, from my viewpoint, a compliment, and it is certainly not meant to be demeaning in any way at all.

The Hon. Mr Parnell's career, as he outlined and as the Hon. Ms Franks outlined, has certainly been concentrated in a number of areas that have been many and varied. I will miss his further endeavours to break his own world record of disallowing the one regulation. I think he has got it up to seven occasions. I think the previous world record was in relation to a fishing regulation, going back many years. He will now miss the opportunity of further adding to that personal best, or world record, in terms of disallowing one particular set of regulations.

I have to say I will not miss his capacity to filibuster. He did acknowledge it in terms of what is perhaps a blot on his parliamentary record. He claims eight hours but a hardworking member of my staff has added it up to the minute and says that Wikipedia is wrong, it was actually seven hours and 21 minutes, not eight hours, and it was actually broken up by three breaks.

For those who had to endure the pain of listening to the Hon. Mr Parnell's speech on that occasion—generally they are quite erudite and add to the particular debate but on that particular occasion there was seven hours and 21 minutes of the Hon. Mr Parnell leading through to about 10 or 11 at night, and then the Hon. Ann Bressington proclaimed that she was going to beat the Hon. Mr Parnell, to which I as the leader at the time said, 'Well, good luck to you. We're not going to have a break. There will be no bathroom break at all.' She went for five hours and by then she had to retire hurt, so the Hon. Mr Parnell's record will stand unchallenged by a long way. The Hon. Legh Davis was very distraught because his previous record of about three hours was smashed—that was on the Port Adelaide Flower Farm and the need for an inquiry.

The PRESIDENT: You were the only one who was here for that.

The Hon. R.I. LUCAS: Yes, exactly, Mr President. The Hon. Mr Parnell not only beat the Hon. Mr Davis's record, he smashed it comprehensively. I do not think anybody, even in the next 40 years, will get anywhere near the seven hours and 21 minutes of the Hon. Mr Parnell on that particular occasion.

Not unsurprisingly, given that the Hon. Mr Parnell represents the Greens and I am a member of the Liberal Party, we have disagreed on many issues over the years. My views, for example, as I indicated last night in another debate, are in the truest sense of the word very liberal on issues like gambling issues, and Mr Parnell's views are what I would portray as much more big 'c' Conservative in terms of opposing some of the liberalisations of gambling over the years.

Similarly, I think his big 'c' Conservative views on trading hours were on preserving the status quo, whereas I have much more, in the truer sense of the word, liberal views on trading hours. There were many other areas where our views differed. In the social area of course his views would seem to be much more liberal in that sense of the word and mine very much more conservative. We have disagreed over the years on many areas, but I just want to highlight two of them as quite significant in terms of what was achieved.

The honourable member referred to one of them yesterday, and that was our coming together on the important issue of defeating the Labor government's proposal for a toxic nuclear waste dump in South Australia. The government, where the Hon. Mr Hunter and the Hon. Mr Maher were led by the Hon. Mr Weatherill, wanted a toxic nuclear waste dump in South Australia. The Hon. Mr Parnell and I entered the debate from two completely different directions. He was implacably opposed to anything that had the N word in front of it (nuclear) and this was a perfect example of that. There was never any doubting how the Hon. Mr Parnell entered that particular debate.

I must admit that I entered into the debate interested in the views of the Hon. Mr Hunter, the Hon. Mr Maher and the Hon. Mr Weatherill, that there was a goldmine to be mined for the future of South Australia. It was thousands and thousands of jobs and $100 billion that was going to be made

for the state of South Australia; it was a sort of economic nirvana. I am always interested in that sort of thing, with the Treasurer's hat on or the shadow treasurer's hat on, so I entered the debate from a completely different direction. I was prepared to listen to the debate, but critically, in terms of having a look at what it was.

We came at it from completely different directions. I can indicate publicly—and it has not been revealed too publicly—that I entered the debate with an open mind, but in the end I was convinced that it was not going to be the economic nirvana that had been claimed for it. In the end, I did not believe that it was doable. In the end, I think I used the phrase that it was fool's gold that was being sold to the people of South Australia. Within my party, given that I was on the joint select committee with the Hon. Mr Parnell and others, we led the debate to say we needed to oppose, and the blue-green alliance, on that particular occasion, defeated the proposal of the Labor government for a toxic nuclear waste dump in the north of South Australia.

So, coming from completely different directions and from completely different reasons initially, but ultimately coming to the same conclusion, we worked together and arrived at the same conclusion in terms of that issue. The honourable member referred to it yesterday. I enjoyed the time that I worked on that particular committee.

What happens on tour stays on tour, and the Hon. Mr Parnell and I travelled overseas. The fact that he was eating Bambi in one particular country will never become public knowledge—or if it was not Bambi, it was at least one of Bambi's nearest relatives. I have to say, I resisted the temptation of tweeting when we visited Las Vegas and the casinos. He was not gambling, but there would have been some great photos to distribute of the Hon. Mr Parnell in the gamblers' paradise of Las Vegas.

I hasten to say that we were there to take evidence in relation to a nuclear waste dump not too far from Las Vegas. Of course, being a mischievous person, I could have done something without actually mentioning it, but as I said, what happens on tour stays on tour, and we have pledged never to reveal some of the more intimate details of those particular travels that we entered into.

The second issue that I want to highlight and that the honourable member did not mention yesterday is, again, a momentous reform, the comprehensive land tax reform debate in South Australia. Without going through the boring details—a top rate of 3.7 per cent down to 2.4 per cent—it was the implementation of a much fairer and more competitive system in relation to aggregation policy. It was a huge debate and a huge issue nearly two years ago now, believe it or not, in 2019, again working with the Hon. Mr Parnell but also the Hon. Ms Franks because both, on this particular occasion, were actively engaged with that particular issue.

Ultimately, it was a competitive package that implemented fairness and equity in terms of the land tax system that was implemented in South Australia. That particular reform has been implemented and is still being implemented. The benefits of that, in terms of economic growth and the state's growth in the future, we are seeing already, in terms of commercial investors coming to South Australia and preparing to invest here because the top rate of land tax is now 2.4 per cent as opposed to the 3.7 per cent land tax.

There are many other areas that we have worked on together whilst respecting our differences, as I said—and there have been many, in many areas. I do want to acknowledge the fact that, in some important areas where momentous decisions have been made in relation to what South Australia might have looked like with the toxic nuclear waste dump, or what South Australia is going to look like with a competitive land tax system, the Hon. Mr Parnell has been an active participant in a number of significant reforms, and I place on the public record his participation in those particular debates.

In concluding, I repeat what I said at the outset, that I am going to miss having the Hon. Mr Parnell around, believe it or not, and his regular Tuesday moving of notices of motion for something, on Wednesday it was the disallowance of regulations, active engagement, or whatever it might be. We are going to miss his contribution in the chamber.

I finally say that my dealings with the Hon. Mr Parnell have always been such that, whilst we have had significant differences, he has never once dudded me in relation to a confidence that we have both entered into. That is, over many years we have had to discuss a whole range of issues, whether they be legislative or otherwise, and if we have given each other an assurance that it was

an issue to be discussed between the two of us, he has respected that confidence or, if he has entered into a deal, he has respected the fact that he has entered that particular deal. I think that is a tremendous credit to him.

If you knew he was using weasel words, and sometimes perhaps I was using weasel words, he was not prepared to enter a deal and he did not give a commitment. At least you knew where you stood, and that if you did not know where you stood he was still thinking about the issue. All I can say is that in my dealings with the Hon. Mr Parnell—and I value that—if he entered into a commitment or if he gave you commitment or if there was a confidence that had to be respected, then he was prepared to do so. I think for all new members who might come to replace you, all other members, if they can leave their career with others saying the same thing as about you that is an enormous testimony, and it is a credit to you as an individual and to your parliamentary career.

Again, on behalf of government members, thank you for your contribution. We wish you the very best of health. No more quadruple bypasses or whatever else it might happen to be. We wish you the very best of health so that you and Penny and your family can do whatever it is that you choose to do, and not just advocacy in conservation groups. I hope there is some personal joy and benefit, whether it be travel, other hobbies and pursuits that you might undertake. We wish you the very best of health and the very best wishes for a fabulous future.

Honourable members: Hear, hear!

The Hon. K.J. MAHER (Leader of the Opposition) (15:42): I rise to echo many but not all of the sentiments the Leader of the Government has expressed. The one that I most wish to attach myself to is the one about Mark's reliability and decency. It is probably the most valuable currency any of us in here have, that when we talk to each other, when we make an agreement, we keep those confidences and we stick with that.

There are people who I do not agree with in this chamber, but those hallmarks with quite a number of people in here have been the hallmarks of my relationships with people. That is certainly absolutely the case with Mark. There are many things we have talked about. We might not always agree but mostly we do. When there is a clear expectation that what we say to each other goes no further, it has never gone any further, and I have very much appreciated that with Mark.

I have learnt a fair bit from Mark in this chamber. There have been times that I have sat down with him, very eager after a can of energy drink, and have ideas about doing something. Mark would say, 'Calm down a bit. I don't think this will work,' because of various reasons, and I have really appreciated that bit of guidance over the time as well. As I said, he has a real sense of decency and humility that we do not find all that often in members of parliament—certainly not in the other chamber, but much more in this chamber. It is a trait that I think people warmed to with former federal Greens leader Bob Brown that Mark brings in here: a trustworthiness and decency that I have come to value and enjoy.

Mark is a political pragmatist. He does not stand on getting absolutes. I have never known Mark to let his view of the perfect get in the way of something he believes is achievable, and I think that is a tribute to Mark as well. The Hon. Mark Parnell mentioned in his contribution the removal of the unfairness clause from the South Australian Constitution Act just before the last election. There are a number of things that I have dealt with Mark on, and I look forward to his book to see just how much he talks about how those things played out.

I have appreciated that Labor and the Greens do not always agree, but we do agree on much. There is much in the DNA of our political parties that pursues common, progressive, collective goals. I think Mark has exhibited an SA sensibility about the relationship between Labor and the Greens. We see in other states of Australia the two main progressive parties, Labor and the Greens, fighting each other for what there is progressively in the electorate. I think what has been the hallmark of South Australia, and Mark has certainly helped develop this, is we do not fight each other; we fight for what we believe in against those things that we think need to change.

I thank Mark very much. I certainly will miss him in this chamber. I suspect I will occasionally call on him to get his views about stuff, and he can tell me to calm down a bit and to get on the right

track, as he occasionally does. I know in this chamber there has been a flurry of limerick writing and editing that has been going on over the last couple of days, so I will leave with my own poor limerick:

A young bloke called Mark tried his luck,

Leaving Melbourne, in Adelaide he got stuck,

And that's okay,

Because he's made our day,

With his particular progressive pluck.

The Hon. I.K. HUNTER (15:46): I first entered parliament with Mark in the class of 2006, I think, and now Mark is the first of us to take his leave of this place. There is much that I could say about Mark—most of it very nice—but I shall not do that today. Instead, I might try—and this will be my last chance, I suppose, with parliamentary privilege—to get some of my own back, to pay back the Hon. Mark Parnell for all of those hideous dad jokes, all those limericks that he shared with me in the members' bar, which he did with the best of intentions. So I have been penning several dozen limericks today, and I now wish to read the best of them onto the record as my tribute to Mark. So, Mark, with love:

So Mark Parnell is almost gone,

His work here is almost all done,

With the disallowances he's left us,

On government regulations so suss,

We'll follow the light he has shone.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:47): I rise to support the motion, to thank Mark Parnell for his service and to wish him well for his future beyond this place. The honourable member's contribution to South Australian politics and this parliament is significant. He was not only a co-founder of the Greens party in South Australia but their first representative in this place.

I cannot claim to be such a pioneer, but the Hon. Mark Parnell and I have a number of things in common. We are of a similar vintage; he is about six months older than me. We both became members of this council in 2006, and we both studied economics and law. Drawing on that background, the Hon. Mark Parnell has brought to this place a genuine respect for the law and for the vocation of legislator.

It was particularly during my period as the shadow attorney-general that I had a lot of interactions with the honourable member—conversations which were invariably respectful. At the end of the day, as the honourable member said yesterday, this parliament exists to make good laws for the people of South Australia, and that is what the Hon. Mark Parnell focused on. He has been a diligent, skilful, outcome-focused and, where necessary, pragmatic legislator.

I found the member personable, and he brought a civility to this chamber, which demonstrated that firm advocacy is no excuse for rudeness. I thank the honourable member for his service to the people of South Australia over many years. I cannot write limericks but my staff can:

There once was a bloke with a beard from the Hills,

Riding his bike and catching the train was his drill,

When he saw red dust and big mines,

He said, 'That's not fine,'

So he joined the Greens and fought for the climate to chill.

The Hon. C.M. SCRIVEN (15:49): I, too, rise to support this motion. Although I have been here for a short time—only three years—working with the Hon. Mr Parnell, it has been a pleasure to deal with him because of his demeanour, because of his intellect and, of course, his love of limericks.

In tribute to that I want to sum up and indeed echo what a number of members have said in a very concise form, which is becoming a bit of a pattern here:

We are losing our greenie called Mark,

Who cares about planning and parks,

Law, conservation,

Workers compensation,

And the loss to our council is stark.

While our differences may fill a list,

He respects that they can co-exist,

Decent, reflective,

Polite with perspective,

Mark, by us all you'll be missed.

The Hon. D.G.E. HOOD (15:50): I support the motion of course. I do not have a limerick.

An honourable member: Shame!

The Hon. D.G.E. HOOD: It is a shame. It is an absolute shame.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD: Thank you, sir. They are rowdy right to the end, aren't they? I am from the class of 2006 as well. Mark and I were elected on the same day, 18 March 2006—some time ago now of course—as were the Hon. Mr Hunter and the Hon. Mr Wortley. I might just correct the Hon. Mr Hunter if I may. I think he has a limerick for me. In fact, the Hon. Mark Parnell is not the first of the class of 2006 to leave. The Hon. Ann Bressington, you might remember, was actually elected on that same day, shrinking violet that she was.

I actually remember my first meeting with the Hon. Mr Parnell. He may not; in fact, it was quite unremarkable in many ways. If members recall, back then I was in a little party called Family First and Mark of course was with the Greens, which are about as diametrically opposed as you can get, except for One Nation perhaps, but certainly at opposite ends of the scale. I would imagine, if you were in the Greens, the talk amongst the rank and file members would have been that everything that Family First did was evil. Equally, in Family First, you could be assured that everything the Greens did was evil. I have since learnt, of course, that that is not true.

I remember going to a meeting in the first week of March 2006. I cannot give you the date but it was a couple weeks before the election. It was one of those very hot days, 40˚ plus. I had been racing around going to every opening of an envelope I could get to in my desperate attempt to be elected in a couple of weeks' time. I am sure I looked like I was really needing a glass of water or something.

I walked in. I had never met Mark. I sat down and he immediately stuck out his hand and said, 'I am Mark Parnell. You must be Dennis Hood.' I did not know who he was or what he looked like but I knew the name of course. He said, 'Can I get you a drink of water? You look like you are hot.' From that moment my defences, if you like, dropped and I have developed a pretty warm relationship over the years, which I have genuinely appreciated.

I would echo all the things that other members have said about the Hon. Mr Parnell. He has been a man of principle. He has fought for the things he believes in. Obviously, we are from different sides of the fence and most of those things I just do not share, but it is admirable to see someone stand on principle and fight for their values.

One thing I will mention that I think is interesting and gave me a slightly different insight into Mark is from when we went on the trip overseas for the nuclear fuel cycle committee. It is okay, Mark;

do not panic. What goes on on tour stays on tour, my friend. I remember that Mark was heavily into Facebook and Instagram and other social media sites at that time, which I was sort of just dabbling with at that stage and was not terribly involved with. I said to him, 'Mate, I am not sure I want to tell everyone I am here in Las Vegas. I don't want people in Australia to know I am in Las Vegas.' He said, 'Neither do I. I tell them it is Nevada.' It gave me a slightly different insight into the Hon. Mr Parnell.

I think I have enough experience to say that, having been on the crossbench myself for 12 years, it is a tough gig at times. You are the jack-of-all-trades, if you like, so I respect anyone who can last 15 years or longer in that capacity. I think you have done it well, Mark. I would echo all the words that my colleagues have said.

When I think of famous things Mark has done, there is of course that infamous speech on 8 May 2008 that went for seven hours and 20-odd minutes, or whatever it was. He managed to make it only mildly boring in parts, and the rest of it was quite reasonable. People forget, though, that the next speaker was the Hon. Ann Bressington. She was the one who took us right through to about five in the morning.

I remember that quite well because, after Ann had finally finished that speech, we did something else that had to be done that night—I cannot remember what it was, but it only lasted about 15 minutes or so. It was about quarter to six in the morning by the time I was driving home and the sun was coming up. I remember getting a call from a journalist on the way home in my car about a story for the next day, having not been to bed that night, not having any concept of what was happening the day before. We cannot blame Mark for keeping us up that late, because after he spoke the Hon. Ann Bressington spoke for many hours, and then another motion took about 20 minutes after that. I want to set the record straight there, Mark: it is not all your fault.

The good news is that you get to keep the title 'honourable'. You have been here more than 10 years. I am not sure that you will ever use it, but it is there if you should need it. It looks nice on a letter, I guess, so well done on that. I think my final thought, Mark, would be this: when people start leaving you hope that when you leave people will think well of you, and you wonder what they would say about you and what you would like them to say about you.

I would like them to say that I was civil, that I was honest, that I kept my word, that I was effective and that I was genuine. I would apply all of those to the Hon. Mark Parnell. I wish you well with Penny, mate. I hope it is a great, rich, fruitful life that you live from now on. All the best.

The Hon. F. PANGALLO (15:55): I rise to warmly endorse the motion. It is not really a good time to be a politician at this moment. We are on a hiding to nothing from many cynics, sometimes for good reason. I would like to think that many good people enter politics and parliament for altruistic reasons: to make our lives better, to right society's wrongs, to make sure governments of the day do not lose sight of their responsibilities, and to correct imbalances in society. The Hon. Mark Parnell ticks every one of those boxes, and he is a top bloke to boot, a true champion of social justice and a passionate advocate for the environment.

Mark has brought a dignified and respectful style to parliament. It really needs that right now, no matter whether you are a member of state parliament or federal parliament. I know very few politicians who are held in such high regard by colleagues and the community as the Hon. Mark Parnell. In fact, yesterday, a former high ranking public servant sent me a message. He said to me, 'If you're going to speak about Mark Parnell, can you just say that he is one of the best parliamentarians seen in the Legislative Council for many a year.' I do agree with that.

While working at Channel 7 in the current affairs area I did not know much about Mark until his rather unexpected elevation to parliament as the first Greens MP in state parliament. He is a rather unassuming character, but I do remember driving to work and seeing those green and gold corflutes bearing his bearded face, almost looking like a musketeer. I was wondering, 'Who is this guy? What does he stand for? Is he one of these radical, ideological, disruptive greenies like we see standing in front of bulldozers in logging forests or leading protestors at uranium mines in outback South Australia?'

Those issues, among many others that stir our conscience, of course were very close to Mark's heart and he campaigned strongly for them in his typical, measured, articulate and balanced

style. We got to know Mark and his adviser Craig Wilkins well at *Today Tonight*. He was a welcome addition to stories we did on the environment—bar one, which I will not mention here, but I was not responsible for that one. His stance on solar and wind energy was simply bringing a semblance of balance and common sense to issues in the community.

I think for one story we got him to camp out under a wind turbine. Did you do that? The story was about the noise coming from wind turbines, and there was one particular town where people were saying that it was disrupting their lives and making the chooks lay yolkless eggs. Mark agreed to head up there and camp out overnight to see whether there was a lot of truth to these stories about wind turbines.

Members interjecting:

The Hon. F. PANGALLO: No, he did not lay any eggs, yolk or no yolk. We also had some fun here, I remember, a few years ago, testing spy software on mobile phones, when I could secretly listen in to his discussions in his office while I was about 20 kilometres away. Since my time in this place, I have seen another side to Mark that the public perhaps do not get to see much of, unless they are so bored at home that they have to tune into parliamentary debates to kill some time.

If they did, they would see how good an orator and debater Mark Parnell really is. What he brings to debates is quite exemplary. When he rises to speak, you know that he knows his stuff and that he can express even the most complicated piece of legislation in simplistic terms so that even a novice like me can understand what it means.

I also greatly appreciated Mark's counsel on procedures and practices in this place. His filibuster record, of course—everyone has spoken about that—is going to take some beating. I tried last year and gave up after about 5½ hours. However, Mark's feat was more than just an exercise in running down the clock on a seemingly lost cause. It was a demonstration of what he does best in this place: fight to the end for his constituents for a cause he strongly believes in. The ruthless changes to WorkCover were a blight on the rights of workers, and he recognised that.

However, he has won many little battles, as we heard from the Hon. Tammy Franks yesterday, from those generous solar feed-in tariffs that no doubt led to the huge uptake of solar panels and paved the way for the state to lead the country and the world on green energy—he has to take some credit for that—as well as the ban on single-use plastics. Environment minister David Speirs will probably go down in the record books for achieving that, but it really started long before that, and it was with the Hon. Mark Parnell.

He has proven, as many have said here, to be quite a perceptive legislator. He also devotes much of his time to serving his community and to humanitarian causes. I wish Mark the very best and also his equally admirable wife, Penny, the Guardian for Children and Young People and a former senator, and their family. I know he has threatened to stalk me on various issues that he is passionate about, and I look forward to that.

I would also like to thank and farewell his staff, particularly Cate Mussared. We have enjoyed working with Mark in his office in the three years that we have been here. We are also looking forward to Mark's replacement, Robert Simms, who has some mighty big boots to fill, but I am sure he is up to the task, going by his work at the Adelaide City Council. Farewell, Mark, and congratulations on your distinguished public service. This chamber will miss you, and we will probably miss your limericks.

The Hon. C. BONAROS (16:02): I rise to speak on the motion and to echo the sentiments of our colleagues today. Mark, there are so many words to describe you, I am not even sure where to start, but here are just a few. Mentor: an experienced and trusted adviser. Statesman: a skilled, experienced and respected political figure. Diplomat: a person who can deal with others in a sensitive and tactful way. Gentleman: a chivalrous, courteous and honourable man. Contagious: of an emotion, feeling or attitude likely to spread to and infect others. You have certainly been infectious. The influence you have had on many of us and our thinking cannot be understated, and that is evident in this place today.

Despite the political divide, you are up there with the best. If I may be so bold, you sit at number one of my top three. I do not want to overinflate anybody's ego, so I am not going to say who

the other two are just yet. You are genuinely a man of true integrity and a man of your word. You have managed to do something that can be quite rare in this place. You have managed to influence my thinking on an array of matters.

When I think of you in that regard, I also think of Nick, my former boss. The one thing that always comes to mind is: first, they ignore you. Then they laugh at you. Then they fight you. And then you win. And both of you did that on so many fronts in this place, and your stance on our stance on issues—all issues regarding the environment in particular—have undoubtedly shifted ours because of all your hard work, so thank you.

You have treated everyone here, no matter who they are or what position they hold, with the utmost respect. With your level-headed articulation, you have always tackled things calmly and convincingly. Ironically, when I want some impartial advice in this place, free of political flourish, the Hon. Mark Parnell is my number one go-to person. That is not to say that you will not also offer advice on what I should do as a good citizen, which is slightly more tainted with hues of green, but I know that I could always rely on you for that advice.

When amendments are filed in here, especially at the eleventh hour, I know everybody knows I cross the floor, and I go over and have a chat to Mark, because despite our political differences, above all else I know that your assessment will always be impartial and balanced, first and foremost. You are a balanced MP, Mr Parnell, something I think we could all aspire to be a little bit more of. That is except, of course, when it comes to wind farms, but only—only—insofar as it relates to their proximity to residential premises and townships.

You have always managed to do all these things and make them look effortless, and so I have always aspired to be a little more like you, a little more like Mark, in the work that I do. Your dedication to the environment, to a sustainable world for future generations, spans 15 years of *Hansard*, but as we all know it spans many more years before that, and I am sure it will continue into the future. You have been a champion for a great many causes, and for that I think we are all very grateful.

Gratitude: I for one am very grateful and all the better for having worked with you. It is hard, Mr President, to sum up a person and their achievements in just a few words and do them justice. Principled, humble, decent, grounded, pragmatic: all these things come to mind when I think of Mark. Friend: a person who you know well and who you like a lot. Above all, I consider you my friend. As Eleanor Roosevelt famously once said, 'Many people will walk in and out of your life, but only true friends will leave footprints in your heart.'

Above all else, you are a good man, Mr Parnell, and we are all, I think, the better for having known and worked alongside you in this place. With those words, I wish you well in whatever you choose to do next. Be confident that you have made a real difference in this place. I am sad to see you go, but I am really happy that you are finally taking time out for yourself and for your family, and I wish you all the very best in your next endeavours.

It would be remiss of me not to also take this opportunity to wish the very best to my friend Cate. I think Cate and I are two of the veterans when it comes to staff in this place—and Emily: the Hon. Emily Bourke. I started working here shortly after Cate way back in 2004 or 2005, I think it was, and I know the Hon. Mark Parnell is not the only one who appreciates her years of experience, her years of hard work, and her professionalism in everything she does.

We all know that behind every MP there is usually a very nervous but also great Chief of Staff, and that has certainly been the case with Cate. I would like to acknowledge also the hard work of Emily and Craig, who were also in your office. I am not going to lie, I was hoping that Cate would join us here on the crossbench, but that was not to be this time. But I am truly humbled to have offered my support to her in her bid for a seat in this place during the Greens processes, and I meant every word when I said that many of the Greens achievements during Cate's tenure with the party are in no small part due to her passion and her hard work on the causes the party has embraced, GM crops being no exception.

In closing, I thank you both and wish you all the very best. In your own words, or as you would say, Mark, 'So long, and thanks for all the fish.' And here is my terrible attempt at a limerick. It is really, really bad, but 'Roses are red, violets are blue' is a family favourite, so here we go:

Roses are red

Violets are blue

Mark and Cate are leaving us

Boohoo and ooroo!

The Hon. J.A. DARLEY (16:07): I rise to support this motion and in doing so I recall the first day that I met Mark on 21 November 2007. Mark and I had dinner that night. It was a bit of a baptism of fire because parliament worked until 11 o'clock at night, which was new to me. I can say that I sat through the debate of WorkCover and listened to Mark's seven hours, 21 minutes and I can say that he did not repeat himself once, unlike my colleague who went over and over the same thing all the time. I would like to wish both Mark and Penny a long and happy retirement. I think you will find that when you do retire you will be busier than you were in here.

The PRESIDENT (16:10): Before putting the question, I would like to make a few remarks myself. Most members of this chamber would be aware that yesterday we had a first for the Hon. Mark Parnell. He came and presided over the chamber in the matters of interest. He said to me at the end of the day, 'I wonder why I waited 15 years,' because in that half an hour or so he got to acknowledge two former senators in the gallery.

I first met Mark in my first four years in this place, when I was on the Environment, Resources and Development Committee. Mark frequently came to give evidence in his work at the Environmental Defenders Office. His beard was much longer then. It was an interesting group. That committee was chaired by Ivan Venning and it also had Karlene Maywald, Mike Elliott, Steph Key and of course the late Terry Roberts, and the Leader of the Opposition would well know that he was known as Roberts South-East to distinguish him from Ron Roberts, who was Roberts Port Pirie. It was interesting that later on in your career, and in mine, we sort of got together again on the ERD Committee, and I will mention that again in a moment.

I had a lot to do with Mark as Opposition Whip, particularly when he became the first unofficial whip of the crossbench. He was the first person who managed that area, and I think the Hon. Mr Hood would agree with this, that, despite perhaps the differences between some of the groups that were here and Independents, Mark was able to work out some batting orders and things like that which were helpful to the whips of the major parties, and to the leaders, I might add.

As I said, in recent times, since the election, I spent a couple of years on the ERD Committee. Mark has been on that committee for the whole time he has been here. In very recent times, there has been a constant turnstile on that committee. Not only was I there for a while and left, but there have been numerous chairs and there have been a number of changes in personnel. I know the Labor Party's representation has included the Hon. Mr Ngo and I think briefly the Hon. Ms Scriven. The only constant for all that time has been the Hon. Mr Parnell, and now he is leaving.

We also spent time on the GM crops committee under the chairmanship of the Hon. John Darley. While we were at completely different ends on that—I think the Hon. Emily Bourke would agree—the four of us worked together pretty well, knowing that we were never going to satisfy everybody. But I think where we landed was fairly close to where the situation is today.

Mark and I have been White Ribbon Ambassadors together and I give him credit for the way that he wore his badge almost every day, I think, for a long time. He is a great supporter of my work in suicide prevention and I am very grateful for that, and also of my work in surrogacy. The interesting thing there is that the first bill I ever brought in on surrogacy was just after the Hon. Mr Parnell arrived, and it was only in the latter part of last year that all the regulations were finalised and I could finally close my file on surrogacy, so that saga has taken up almost all of his time here.

Mark is a man of great integrity and a man of his word, someone who is a great demonstration of what I say to people when they come to this place, that if you think you are never going to make a friend across the aisle or with any other party, then you are a fool and you are going to miss out on a great deal. I think the friendships we make in this place, particularly, as the honourable Treasurer said yesterday, when working together with people we would not otherwise work with on some of these conscience issues, is a great part of the work we do in this place.

In closing, I wish you well, initially with this civics project that we all look forward to hearing more about, and I know Cate is going to help you with that, but beyond that for you and Penny and your family in whatever you choose to do, we know you will do it well and we wish you all the very best for the future.

Honourable members: Hear, hear!

Motion carried.

At 16:16 the council adjourned until Tuesday 4 May 2021 at 14:15.

Answers to Questions

LAND TAX

In reply to **the Hon. J.A. DARLEY** (17 February 2021).

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

As at 4 March 2021, approximately 33,500 land tax assessments have been issued and approximately 18,000 land tax assessments are yet to be sent.

NYRSTAR

In reply to **the Hon. T.A. FRANKS** (2 March 2021).

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

SafeWork SA has either investigated or is currently investigating each of the incidents referred to by the honourable member and compliance action has been undertaken. Improvement and prohibition notices have been issued under the Work Health and Safety Act 2012 (WHS Act) and Work Health and Safety Regulations 2012 (WHS Regulations).

With regard to support for workers who have ongoing injuries, ReturnToWorkSA has advised that Nyrstar Port Pirie Pty Ltd is a self-insured employer under the Return to Work Act 2014 (the act) and has direct responsibility and management of all existing and new work injury claims in their workplace.

ReturnToWorkSA as the regulatory body for all self-insurers has in place a regulatory framework that supports a structured risk-based approach to evaluating a self-insurer's compliance with the act, the code of conduct for self-insured employers (required by the act), the service standards under the act and the prescribed terms and conditions set out in schedule 3 of the Return to Work Regulations 2015.

In relation to the mental health of workers at the lead smelter, an employer's work health safety responsibilities extend to the mental health of workers, and employers must manage, identify and communicate psychosocial hazards that could result in a psychological injury.

I am advised that Nyrstar has in place a free employee assistance program with an independent provider that offers a confidential service, which supports and assists employees and their immediate family members with any personal, family, or work issues that may be affecting them.

Nyrstar can also access a ReturnToWorkSA mentally healthy workplace consultant, who can actively engage and work collaboratively with a business to positively address mental health in the workplace. This is a service that is available to self-insured and registered employers.

SafeWork SA continues to work closely with Nyrstar to mitigate the risks of WHS incidents in their workplace. By its very nature, a smelter is a high risk environment. Over the last two years SafeWork SA has continued to assess Nyrstar's compliance with WHS laws and will monitor their actions through targeted compliance audits of the Port Pirie site.

LAND TAX

In reply to **the Hon. E.S. BOURKE** (16 March 2021).

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

As at 29 March 2021, approximately 34,700 land tax assessments have been issued and approximately 18,000 land tax assessments are yet to be sent.

NYRSTAR

In reply to **the Hon. T.A. FRANKS** (17 March 2021).

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

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