LEGISLATIVE COUNCIL

Thursday, 27 May 2021

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

The Registrar's Statement, Register of New Member's Interests, May 2021
[Ordered to be published]

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

South Australian—Victorian Border Groundwaters Agreement Review Committee—
Snapshot of South Australian Aboriginal Children and Young People in Care and/or Detention from the Report on Government Services 2021—Report by the Guardian for Children and Young People and Training Centre Visitor
Direction to the South Australian Water Corporation

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

Reports, 2020—
Department for Education
SACE Board of South Australia
Gayle's Law Review—Review of the Health Practitioner Regulations National Law (South Australia) (Remote Area Attendance) Amendment Act 2017 and the Health Practitioner Regulation National Law (South Australia) (Remote Area Attendance) (no 2) Variation Regulations 2019
SA Health's Response to the Deputy Coroner's Findings of 22 September 2020 into the death of Kenneth Ngakatji Ken—Prepared March 2021
SA Health's Response to the Deputy Coroner's Findings of 15 December 2020 into the death of Stephen John Barton—Prepared March 2021

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. N.J. CENTOFANTI (14:18): I bring up the report of the committee on its inquiry into urban green spaces.

Report received.

Ministerial Statement

PORT BONYTHON EXPORT PRECINCT

The Hon. R.I. LUCAS (Treasurer) (14:20): I seek leave to make a ministerial statement on the subject of the Port Bonython export precinct EOI.

Leave granted.

The Hon. R.I. LUCAS: I rise to give a statement about the Port Bonython export precinct EOI (expression of interest) process being undertaken by the Department of Treasury and Finance. Port Bonython, due to its location and infrastructure, is recognised for its high strategic value and potential to support development of a range of industries and uses. These include, but are not limited to, hydrogen and renewable energy projects, additional or expanded oil and gas projects, mineral export and desalination plant.

Port Bonython is also amongst a few select locations nationally which has the potential to be transformed into a hub for either green hydrogen or blue hydrogen production and export. To enable the development of industry in Port Bonython, the state is considering the grant of long-term tenure over land parcels in the locale owned in freehold by the Minister for Infrastructure and Transport.

The state recently completed a market sounding exercise and the expression of interest process is the next step. The land the subject of the EOI comprises approximately 2,020 hectares. The state is seeking proposals from interested parties to deliver projects and developments which commence on site within a period of five years and complement and strategically align with existing and new land uses in the precinct and do not restrict future development activities that may reasonably be required to support the logical expansion of existing uses.

It is anticipated that a number of parties will respond to the EOI with proposals for portions of the 2,020 hectare area. The EOI opened on 18 May for a period of six weeks, following which submissions will be evaluated by the state and next steps determined. If the state is satisfied with one or more submissions, it may undertake further competitive processes or negotiations.

It is important to note that in February 2018, just prior to the last state election, the former minister for minerals, resources and energy approved a $4.7 million grant and $7.5 million loan to the Hydrogen Utility (H2U), towards a proposed green hydrogen ammonia supply chain demonstrator project at Port Lincoln. I am advised that H2U have had a range of discussions with ministers and officers of both the former government and current government on issues relating to hydrogen proposals. For the record, I note that I have not met with H2U or their representatives.

H2U wrote to the Department for Energy and Mining on 27 March, seeking to establish an option for specific parcels of land in the Port Bonython precinct as H2U proposes to develop the export precinct for the Eyre Peninsula Gateway Project. H2U advised a number of time-critical elements for its project development that are outside its control, in particular development of consortium bids under commonwealth government programs, including the hydrogen export hub and the Modern Manufacturing Initiative, and funding programs and initiatives established by relevant government agencies in Japan, Korea, Singapore and the European Community.

After consideration by the infrastructure cabinet committee and based on Treasury and Finance advice, I wrote to H2U on 4 May, and I will, subsequent to this statement, table a copy of that letter. The government was not prepared to guarantee options for the specific parcels of land in the precinct requested by H2U. However, I advised H2U that the government was prepared to set aside a portion of land in the precinct, the location of which is to be at the state's discretion, to be made available to H2U at market value for the purpose of undertaking its proposed development, subject to certain government requirements being satisfied, as set out in the annexure to the letter.

The land to be set aside is an area of 115 hectares, comprising a portion for H2U's exclusive use and a portion intended to remain available for shared use. Key elements of the requirements set out in the annexure to the letter include that:

- H2U shall participate fully in the EOI process, providing all information and satisfying all other requirements associated with that process.
- H2U shall participate fully in any site planning processes to the extent required by the government.
- The government shall identify the area of land to be made available to H2U at the conclusion of the EOI and subsequent site planning process.

- The location of the area is to be at the government's discretion and that land parcels be located with proximity to the existing jetty infrastructure or with connectivity via new service corridors, as determined through the government's site planning process.
- H2U shall pay market value for the interests and rights in land granted, such amount to be agreed between H2U and the government.
- H2U acknowledging that nothing in the letter commits the government to providing any financial or any other support for H2U's development in the future, or indicates that any such support will be provided or even considered.
- H2U acknowledging that the government does not guarantee to H2U any access to the marine infrastructure at Port Bonython, including the Port Bonython jetty and access corridor, the granting of any such access being subject to a separate process.

I also advised H2U that the government's preparedness to set aside a portion of land for H2U at the conclusion of the EOI and site planning process will be disclosed to EOI participants. This has been disclosed in an information memorandum, which is available to parties who contact the government's appointed agent, JLL. I seek leave to table a copy of that letter.

Leave granted.

REPATRIATION OF GILLEN PHOTOGRAPHS

The Hon. R.I. LUCAS (Treasurer) (14:27): I table a copy of a ministerial statement made in another place today by the Deputy Premier on the subject of repatriation of the Gillen photographs.

PORT BONYTHON

The Hon. R.I. LUCAS (Treasurer) (14:28): I table a copy of a ministerial statement made in another place today by the Minister for Mineral Resources and Energy on the subject of Port Bonython.

CENTRAL ADELAIDE LOCAL HEALTH NETWORK

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.G. WADE: The Marshall Liberal government inherited a Central Adelaide Local Health Network that was operationally broken. The organisation had a large and out of control deficit and lacked leadership stability, having had 10 CEOs in 10 years.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: The extent of the problem was so significant that it required an intensive four-year recovery program.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: Order, the Hon. Mr Wortley!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! That sort of commentary across the chamber is not helpful. I think, going on previous experiences in this chamber, I will ask the member to withdraw.

The Hon. D.W. RIDGWAY: I withdraw, Mr President.

The PRESIDENT: Thank you. The minister will be heard in silence.

The Hon. S.G. WADE: The total cost of the contracts related to the recovery plan was almost $35 million, which was $10 million less than the original cost estimate. The Central Adelaide Local Health Network continues to drive positive change through the recovery program, including reducing the budget deficit from in excess of $300 million to a projected variance of below

$120 million. The average length of stay across CALHN has reduced to 5.99 days—financial year to date, April 2021—compared to 6.47 days for the same period last year.

CALHN has introduced a new clinical program structure, moving from four cumbersome divisions with budgets of approximately $500 million each to an organisational structure with 13 programs, delivering world-class clinical outcomes within manageable budgets.

In April 2021, CALHN engaged KordaMentha to provide consultancy services for a period of 12 weeks at a cost of $90,000, excluding GST, with both on the ground and remote support. This engagement focuses on maximising executive operational capacity, capability and structure. It is a human resource focused effort to support the effectiveness of the executive team. This engagement is separate to previous contracts with KordaMentha. This engagement does not relate to potential savings in CALHN.

The internal working document referred to in this place earlier this week was prepared and completed under the former contract. Under the leadership of CEO Leslie Dwyer and board chair Raymond Spencer the government looks forward to CALHN continuing to deliver quality outcomes in a sustainable way.

Question Time

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): My question is to the Hon. Terry Stephens, as Chair of the Aboriginal Lands Parliamentary Standing Committee, regarding the standing committee.

1. Can the Presiding Member of the Aboriginal Lands Parliamentary Standing Committee assure the council that all members of the committee are being provided full access to all committee evidence?

2. Can the Presiding Member of the committee assure the council that no meetings of the committee or deliberations of the committee are being undertaken that exclude members of that committee?

The Hon. T.J. STEPHENS (14:33): As unusual as this is, I will try to give an answer whilst respecting the sanctity of the committee, I guess. The honourable member is a member of that particular committee, and I can say that there are no meetings held that anyone is actually excluded from. The honourable member may remember—this is where I am reluctant to stray into the discussions that are had within the committee, and I suspect that the Clerk may well pull me up if I am going too far—it has been resolved in that particular committee that if individuals wish to make submissions to the committee that they are uncomfortable giving to the full committee they could perhaps speak to an individual member of parliament as an individual member of parliament, and that member of parliament may well want to bring some or all of that content to the committee.

I have participated in a constituent meeting with another two members of parliament, but certainly not as a formal committee hearing. As I said, I would refuse to participate in any meeting that excludes any member of the committee.

The PRESIDENT: I thank the member. He referred to the Clerk bringing him up. I think he needs to be careful, as he has been, in not exploring the deliberations of the committee. The Leader of the Opposition has a supplementary, I gather.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): A second question, sir. My question is again to the Hon. Terry Stephens, as Chair of the Aboriginal Lands Parliamentary Standing Committee. If there was a meeting that was not a committee meeting of this committee on Tuesday of this week, which individual member of parliament made the booking for the room—if it's not a meeting of the committee—that that meeting was held in?

The Hon. T.J. STEPHENS (14:35): I'm not aware that actually a member of parliament made a booking for a room; I suspect it may well have been done by staff.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (14:36): A supplementary: when the honourable member refers to 'staff', does he mean staff of a member or staff of the Aboriginal Lands Parliamentary Standing Committee?

The Hon. T.J. STEPHENS (14:36): No, I believe it was a staff member of the Aboriginal Lands Parliamentary Standing Committee on behalf of an individual member, but I'm not sure which individual member.

The PRESIDENT: A third question, the Hon. Mr Maher.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (14:36): My question is to the Hon. Terry Stephens, as Chair of the Aboriginal Lands Parliamentary Standing Committee. Did the Hon. Terry Stephens request that a room be booked for a meeting held on Tuesday morning with members of the Aboriginal Lands Parliamentary Standing Committee?

The Hon. T.J. STEPHENS (14:36): No, I did not but I was aware that individual members or member was going to speak to a constituent on the basis of confidentiality.

BUSINESS INVESTMENT

The Hon. D.W. RIDGWAY (14:37): My question is to the Treasurer. Can the Treasurer please outline the recent figures on business investment in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:37): As I have raised on a number of previous occasions, confidence in the business sector in South Australia is critical in terms of post-COVID economic recovery. Therefore, it was imperative that businesspeople had confidence in the future firstly to invest and secondly to start creating jobs by employing more South Australians. So I was very pleased to see the release—I think it was today, this morning—of the new figures on new business investment: private new capital expenditure for the March quarter of 2021 released by the Australian Bureau of Statistics.

I am sure all members will be jumping up and down with joy at the fact that South Australia's business investment figures for the March quarter compared with 12 months ago, so year on year, led the nation comprehensively with a 21 per cent increase in real private new capital expenditure in the business sector here in South Australia. The Australian figure was 0.8 per cent—so a 21 per cent increase in business investment here in South Australia this quarter compared with the same quarter last year. The national figure was 0.8 per cent. The Queensland Labor government investment went backwards by 13.2 per cent.

The Hon. D.W. Ridgway: How much?

The Hon. R.I. LUCAS: By 13.2 per cent. The Victorian Labor government went backwards by 8.4 per cent—so a very significant lift in real private new capital expenditure in South Australia. I am sure all members, whatever their political flavour in this chamber, would be jumping up and down—

The Hon. R.P. Wortley interjecting:

The Hon. R.I. LUCAS: —and I am pleased to hear the Hon. Mr Wortley agreeing with that—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and that he is delighted with these particular results. The most recent quarter, March quarter on December quarter, again shows South Australia's figure led the nation—that is, an 11 per cent increase for the March quarter compared to the December quarter. The big lift, in terms of capital expenditure, was on buildings and structures—up 25 per cent—but also in the critical area of equipment, plant and machinery—up 16 per cent.

In concluding, I must also say that I know from discussions with business people that the commonwealth government policies in recent times—extended in the most recent federal budget to allow instant tax write-offs for new investment—had been an important part of encouraging, nationally

(it doesn't explain the regional differences), in terms of private capital expenditure or business investment. We would hope, as a result of the federal budget, that in the June quarter we may well see, nationally, significant increases as well.

COVID-19 VACCINATION ROLLOUT

The Hon. R.A. SIMMS (14:40): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Health and Wellbeing on the topic of the COVID-19 vaccination rollout for those experiencing homelessness.

Leave granted.

The Hon. R.A. SIMMS: In this chamber on Tuesday, I asked the Minister for Health and Wellbeing what plans were being put in place to deal with vaccinations for people who are experiencing homelessness here in South Australia. We know that there are about 6,000 South Australians who are currently experiencing homelessness. In his reply, the minister indicated that the department was going to be liaising with food vans to get the vaccine out to people who are homeless. So my question to the minister is: which food vans will be operating this service? Have any of the organisations that will be operating the service been impacted by the government's cuts to homelessness service providers? Will the organisations responsible for rolling out the vaccine be given additional resources?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): I thank the honourable member for his question; it gives me the opportunity to educate him in terms of how the health portfolio works. The question that was asked on Tuesday and the comments that the honourable member has made publicly suggest that there is going to be one big monolith called SA Health that's going to direct how every dose of the COVID vaccine is going to be delivered. Well, the Greens might be a centralised big government party, but our party believes—

Members interjecting:

The Hon. S.G. WADE: I will look forward to Tammy Franks telling me about the four pillars again, but let me just get back to my answer, though. The Liberal Party fundamentally believes in working with local expertise to deliver local solutions to local problems, and that's why we massively increased the number of local health networks from five to 10, so that local people can be making local decisions about local services. As I was saying on Tuesday to the honourable member, CALHN and SALHN, in particular, have very strong relationships with homelessness service providers. Why would you have a city centre based health bureaucracy telling CALHN and SALHN how to deal with their clients better than they know?

The Hon. E.S. Bourke: It's working really well.

The PRESIDENT: The Hon. Ms Bourke!

The Hon. S.G. WADE: The honourable member's question today also misconstrues what I said on Tuesday. What I was indicating is that I had had a conversation earlier that day with the senior management of the Southern Adelaide Local Health Network, and, as I understand it, they were intending to link their homelessness outreach to food services. That is not to say that it would be administered in a food van, as some might misconstrue.

SA Health and its networks continue to deal with local partners in terms of delivering local services. In particular, SA Health is working closely with the homelessness sector alliance in terms of the COVID-19 response to all homeless people. Vaccination teams may be placed at sites where food vans are located, but, as I indicated, the delivery of the vaccinations will be in line with the highest clinical standards. The partnership of homelessness alliances is critical to supporting people who are homeless to access vaccinations.

The PRESIDENT: The Hon. Mr Simms has a supplementary question.

COVID-19 VACCINATION ROLLOUT

The Hon. R.A. SIMMS (14:44): Noting the minister's response, will he clarify whether or not the organisations with whom his department will be partnering will be given additional resources so that they can roll out the vaccine?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): I am not aware of my department partnering with any organisation in terms of the on-the-ground service delivery that the honourable member is referring to. Those services are done by local health networks.

COVID-19 HOTEL QUARANTINE

The Hon. C.M. SCRIVEN (14:45): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding health.

Leave granted.

The Hon. C.M. SCRIVEN: The three-page report released yesterday into the medi-hotel breach states, 'No high-risk infection prevention and control breaches were identified,' but it does not specify whether any medium or low-risk breaches occurred. It also stated, 'A HVAC (heating, ventilation, air-conditioning) review did not reveal any contribution of ventilation,' but the review document referred to is yet to be published. Finally, the report states:

> Expert advice was sought from epidemiologists, engineering and infection prevention and control professionals.

My questions to the minister are:

1. Is the three-page report into the medi-hotel breach, released yesterday, the only investigation report or is there an internal more extensive investigation report?

2. Were any low or medium-risk infection prevention and control breaches identified as part of the Playford review?

3. Will the government release any hotel ventilation reports associated with the three-page medi-hotel report and also release the associated expert epidemiologist, engineering and infection prevention and control advice associated with this review?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I thank the honourable member for her question and I am happy to pass on those questions to Professor Nicola Spurrier, the Chief Public Health Officer, and seek a response on behalf of the honourable member.

COVID-19 HOTEL QUARANTINE

The Hon. C.M. SCRIVEN (14:46): Supplementary.

The PRESIDENT: I will listen to it.

The Hon. C.M. SCRIVEN: From the original answer. Why doesn't the minister know the answers to these questions and why can't he say whether he will release this information?

The PRESIDENT: That's a very long bow but I will ask if the minister wants to respond.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): Because I am not the Chief Public Health Officer.

ABORIGINAL HOUSING STRATEGY

The Hon. N.J. CENTOFANTI (14:47): My question is to the Minister for Human Services regarding housing. Can the minister outline to the council what the Marshall Liberal government will achieve through the Aboriginal Housing Strategy launched today?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:47): I thank the honourable member for her question and for her interest in this vitally important area. The Premier took the opportunity this morning at the Reconciliation SA breakfast, in front of some 1,870 people I think it was, to talk about the Aboriginal Housing Strategy, which is the culmination of a huge amount of work undertaken by those tasked within the Housing Authority and various advisory groups, as well as a large number of Aboriginal organisations, individuals and leaders.

It fulfils a commitment made in the lead-up to the election in 2018 and has been driven by members of the board of the South Australian Housing Authority, particularly Ms Shona Reid and her Aboriginal Advisory Committee members and, in more recent times, from the head of Aboriginal

Housing, Ms Erin Woolford, who commenced in her role on 18 January this year. Ms Woolford has the lead in terms of the implementation of the strategy.

We believe that the strategy is the first standalone housing strategy to be launched in this state and will support more Aboriginal South Australians into home ownership and provide job opportunities in housing. One of the key commitments is providing a greater voice for Aboriginal people in determining their housing futures.

What we all know, what is well understood, is that Aboriginal people, in terms of all the metrics, are much worse off than non-Aboriginal people. They have high aspirations, particularly in the area of home ownership, and obviously have similar goals and aspirations as non-Aboriginal people. So it is about how we improve conditions so that Aboriginal people can have the right to determine their own futures.

There are several pillars in the strategy, the first being putting Aboriginal voices at the centre. That is consistent with Closing the Gap and a range of moves across a range of governments to ensure that Aboriginal people are front and centre in decision-making. It will be very much community-based, place-based decision-making.

There is service reform, which is about changing the way governments respond to things, particularly in consideration of our own public housing and community housing providers. To that end, the South Australian Housing Authority has been employing more Aboriginal people, including at senior levels, to ensure that we are redirecting our services to become more culturally appropriate and safe.

The third pillar involves economic participation. What we heard from communities was that people wanted to see the money being used in the development of housing go to local employment. Pillar four is to make more safe places to stay when and where people need them. Again, that involves services being better culturally informed. Number five is housing supply, to provide better access to housing, and pillar six is home ownership.

The development of this strategy has taken some time. It has been a great journey that has really brought a lot of people to a place where they appreciate that the government is fair dinkum in terms of making sure we are genuinely listening to Aboriginal voices. There were some 70 Aboriginal councils, corporations and community leaders that participated in the consultation, so it has been a very deep dive into what people need.

We look forward to improving housing for Aboriginal people going forward, particularly given it is such a significant part of everybody's lives.

ABORIGINAL HOUSING STRATEGY

The Hon. K.J. MAHER (Leader of the Opposition) (14:52): Supplementary: one very simple question. Under this plan, how many new houses—not refurbished houses—will be built in remote Aboriginal committees?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:52): We have been up-front about the issue of the amount of funding we have. We have been able to identify what funding already exists within the system. There will be further initiatives going forward into the future where we will be looking towards additional funding opportunities. We are very keen to make sure that we are consulting with those communities on what their priorities are prior to making any decisions.

ABORIGINAL HOUSING STRATEGY

The Hon. K.J. MAHER (Leader of the Opposition) (14:53): Further supplementary: can the minister confirm if, under this plan, one single new house will be built in any remote Aboriginal community?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53): We have just released the strategy. It is a start. It specifically hasn't identified particular locations because—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: No; you asked your supplementary. Listen to the answer.

The Hon. J.M.A. LENSINK: The Leader of the Opposition probably needs to have a read of the strategy and understand what it's about. We are actually—

Members interjecting:

The PRESIDENT: Order! The minister is on her feet.

The Hon. J.M.A. LENSINK: We are actually consulting with communities about what their particular priorities are, and those are things we will continue to consult people on.

ABORIGINAL HOUSING STRATEGY

The Hon. K.J. MAHER (Leader of the Opposition) (14:53): Further supplementary: as part of this strategy, exactly how many dollars have been set aside for new housing in remote Aboriginal communities?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): As I have said to the honourable member, we have identified all the existing funding that we have across—

Members interjecting:

The PRESIDENT: Order! Members of the opposition will listen to the answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The members opposite—

The Hon. K.J. Maher interjecting:

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

The Hon. R.P. Wortley: He's outraged.

The PRESIDENT: And so is the Hon. Mr Wortley. The minister has the call.

The Hon. J.M.A. LENSINK: The members opposite—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Let the minister get more than two words out before you interject, and you shouldn't interject in any sense. The minister has the call.

The Hon. J.M.A. LENSINK: It seems that the leader—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The Leader of the Opposition has been on the red cordial again over lunch, clearly. Can I just say that this strategy is for Aboriginal people, by Aboriginal people. We consulted very deeply with the people who—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —particularly those people who—

Members interjecting:

The PRESIDENT: Order! The leader will cease and so will other frontbenchers.

The Hon. J.M.A. LENSINK: —have been closely associated with it. I would be very careful if I was the Labor Party in trying to throw mud at this strategy, which has a deep dive into the housing aspirations—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —of South Australian Aboriginal people. Be very careful. Be very careful.

ABORIGINAL HOUSING STRATEGY

The Hon. K.J. MAHER (Leader of the Opposition) (14:55): Final supplementary, very quickly.

The PRESIDENT: Very much final, yes.

The Hon. K.J. MAHER: Does the minister dispute the figure that under 10 years of Labor in excess of 250 new houses were built in remote Aboriginal communities compared to zero proposed under the minister's strategy?

The PRESIDENT: I am not sure whether that was in the original answer, but I will let the minister respond.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:56): I am happy to remind the chamber that the money the Labor government was able to expend—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —was entirely from the commonwealth government. It was all commonwealth money.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The Leader of the Opposition will cease interjecting.

The Hon. J.M.A. LENSINK: For the first time under NPARIH in South Australia, under the Marshall Liberal government, the South Australian government has—

The Hon. K.J. Maher: Because they saw you coming. They saw you coming.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —co-funded for that agreement.

The PRESIDENT: The Hon. Ms Bonaros has the call.

Members interjecting:

The PRESIDENT: Order! No conversations across the chamber.

Members interjecting:

The PRESIDENT: Order, the leader! Conversations between the leader and the minister will cease. There is a member on her feet and she will be heard in silence.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (14:57): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the current Women's and Children's Hospital.

Leave granted.

The Hon. C. BONAROS: Last month, parents Annabelle and Dave Oates made the brave decision to go public with the horror story involving their seven-year-old daughter, Audrey, at the hospital in the hope it would prevent other families enduring similar experiences. Members will recall that Audrey's appendix burst at the hospital while she waited 8½ hours for surgery after not being examined by a doctor for some six hours.

The hospital has rightly apologised and rightly launched an immediate internal investigation, we are told, after the incident on 1 March and told Audrey's parents that it would take 35 days. Nearly

three months later, they are still waiting for answers from the investigation, with health authorities now telling the family they are embarking on a broader review, which is underway. In a letter to Annabelle and Dave, the hospital's nursing services director informed them that broader review, and I quote, 'aims to identify issues which may have contributed to Audrey's care and prevent reoccurrence'. My question to the minister is:

1. Why has the initial investigation been expanded in favour of a broader review?

2. Was the initial investigation extended due to other cases being uncovered in the hospital?

3. Do you think it's appropriate for communication from the hospital that the family only found out about the broader review when they themselves contacted the hospital for an update into the initial investigation?

4. Will the findings of that broader review be made public?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I thank the honourable member for her question and reiterate the apology of the Women's and Children's Hospital and the government for the experience of the Oates family. As the honourable member said, the Women's and Children's Health Network, following an initial review into the circumstances surrounding the care of the child, decided to undertake a more detailed investigation. I have not been advised of the reason for that; no information has been given to me that would suggest that it relates to other cases.

I am told that the detailed investigation will further examine the incident and provide recommendations on actions to prevent or minimise the reoccurrence of a similar incident. Certainly I am not aware that the Women's and Children's Health Network had not provided an update to the parents and that they were advised of this review when they contacted the network, according to the information in the honourable member's questions, but certainly that may have been a timing issue. I certainly believe in all my experience that the Women's and Children's Health Network is very sensitive to the communication and care for their families and children.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (15:00): Supplementary: sorry, I did not hear in that response whether the findings of that broader review will be made public so that we can all know what was included in this broader review.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): In terms of time frame, I have only been advised that it will take a number of weeks to complete, but I am advised that the recommended changes or improvements will be made public.

RURAL HEALTH WORKFORCE

The Hon. E.S. BOURKE (15:01): My question is to the Minister for Health and Wellbeing regarding health. Now that the minister has had 24 hours to be briefed, what exactly is being done to resolve the differences between SA Country Health and medical staff at the Maitland Hospital? Exactly how many country hospitals do not have a permanent doctor and rely entirely on a locum?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): I took this question on notice yesterday, and I do not have a response as yet.

RURAL HEALTH WORKFORCE

The Hon. E.S. BOURKE (15:01): Supplementary.

The PRESIDENT: I will listen to it, but I do not quite know how we get a supplementary out of that.

The Hon. E.S. BOURKE: The minister mentioned that he is seeking a briefing—

The PRESIDENT: No, a supplementary question.

The Hon. E.S. BOURKE: When the minister seeks a briefing, can he please provide those briefing findings to the chamber?

The PRESIDENT: That is not a supplementary question. There are other ways that you can approach that, but that was not a supplementary. The Hon. Mr Stephens has the call.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: Chuck him out, will you.

The PRESIDENT: Well, the Hon. Mr Ridgway is not helping me. The Hon. Mr Stephens is on his feet and should have the respect of the chamber.

PUBLIC HEALTH SYSTEM ENERGY SUSTAINABILITY

The Hon. T.J. STEPHENS (15:02): My question is to the Minister for Health and Wellbeing. In light of the commitment by this government to support renewable and sustainable energy sources here in South Australia, will the minister update the council on sustainability in the public health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02): I thank the honourable member for his question. Having already referred to the four green pillars, I do not want to add further to my green credentials, but I feel I must. The Liberal Party—again I want to preach on about Liberal Party values—believes in environmental responsibility because it not only makes environmental sense, it also makes financial sense. That is why, before the pandemic—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —even before the COVID-19 pandemic, this government announced the installation of solar panels—

The Hon. J.E. Hanson interjecting:

The PRESIDENT: Order, the Hon. Mr Hanson!

The Hon. S.G. WADE: —at the Flinders Medical Centre, the Lyell McEwin Hospital and The Queen Elizabeth Hospital. Collectively, the reductions in emissions from these panels will have the same effect as taking 500 cars off the road.

Highlighting the other dimension, the financial sustainability, that same initiative will also save taxpayers over $600,000 each year. But we are going further. As part of the planning for the world-class new Women's and Children's Hospital, the decision has been made that the hospital will be entirely electric—an Australian first. No fossil fuels will be used on site, with all energy being electrical and sourced from our state's electric grid, which sources much of its energy from renewable sources.

This commitment to sustainable infrastructure is further supported by initiatives supporting a greener hospital. The new Women's and Children's Hospital is being designed to be constructed with materials that are low emission and, where possible, locally manufactured. Recycled rainwater will be used outdoors on the site for landscaping and within the hospital for some building services, such as flushing toilets. Maximising the amount of natural light through architectural design will decrease the amount of energy required for artificial lighting during the day.

To put this in context, the decision to design and construct the hospital with these initiatives compares to taking around 700 cars off the road. This is another example of the Marshall Liberal government putting South Australia first in the nation, delivering better services and reducing the impact of those services on both our environment and also our taxpayers.

REVIEW OF HARASSMENT IN THE SOUTH AUSTRALIAN PARLIAMENT WORKPLACE

The Hon. T.A. FRANKS (15:05): Under standing order 107, I seek leave to make a brief explanation before addressing a question to the Hon. Rob Lucas regarding his public commentary on sexual harassment in the South Australian parliamentary workplace.

Leave granted.

The Hon. T.A. FRANKS: I refer to the words spoken in this place yesterday by the Hon. Rob Lucas in relation to the Review of Harassment in the South Australian Parliament Workplace report. In debate on a motion, the member noted the then acting EO commissioner's conclusions, specifically:

> It acknowledges that there is a problem within the parliamentary workplace, but it is quite clear in saying that it is at a rate similar to workplaces across Australia; that is, yes, there is a problem within the parliamentary workplace, but it is at a similar rate to workplaces in the nation, whether they be, I imagine, private or public sector workplaces, together with the parliament.
>
> I think too often in this particular debate, the parliamentary workplace is being made out to be much more toxic, much worse than what exists in many other workplaces, and that is not a view, certainly, that I subscribe to.

Said the Hon. Rob Lucas in this place. However, the words the Hon. Rob Lucas did not add were those of the acting commissioner's—most important words—that said there was a lack of complaint handling procedures in the parliamentary workplace, complaints management was not consistent with modern-day workplace standards and there was an 'absence of clear and consistent policy that speaks to behavioural standards required in the parliamentary workplace'.

So, yes, while the rates are similar to other workplaces, the stark, dare I say, toxic difference in this workplace is that we have inadequate or non-existent processes when problems do arise. I note that the member came into this place in 1982, some time indeed before even the passage of the 1984 Sex Discrimination Act, so may well have never worked in a workplace with appropriate policies and procedures to manage the types of sexual harassment complaints canvassed in the report.

So my question to the minister is: have you ever worked in a workplace where all in that workplace were afforded complaints management consistent with modern workplace standards for sexual harassment? If the member has not, is that perhaps why he cannot recognise just how toxic this parliamentary workplace has been?

The Hon. R.I. LUCAS (Treasurer) (15:07): I reject most of what the honourable member has just said. I made it quite clear yesterday in my contribution to the house that there were a number of issues and recommendations of the parliamentary committee, but also other parts of the broader government framework, not just the parliament—it will need to be Treasury, for example, the police commissioner and others who have responsibility for some of the staff who work in parliament house in terms of improving the reporting arrangements that have been rightly identified as lacking in substance.

QUARANTINE FACILITIES

The Hon. J.E. HANSON (15:08): My question is to the Minister Health and Wellbeing regarding health. What advice has the minister sought regarding options to construct a dedicated purpose-built quarantine facility?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): I have not sought any such advice because the Chief Public Health Officer has not advised that such a course be taken.

QUARANTINE FACILITIES

The Hon. J.E. HANSON (15:09): Supplementary.

The Hon. J.M.A. Lensink: That's how we have got through this pandemic.

The PRESIDENT: Order!

The Hon. E.S. Bourke: That's not what questions have been asked in committees.

The PRESIDENT: Order! The Hon. Ms Bourke, your colleague is on his feet behind you.

The Hon. J.E. HANSON: Has the minister asked for any options or advice on dedicated purpose-built quarantine facilities, or has he asked his health experts to provide that?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): The consistent health advice has been that it is important to have facilities close to hospitals that would be capable of dealing with COVID-infected patients.

The Hon. R.P. Wortley: They've shut down Victoria.

The PRESIDENT: Order, the Hon. Mr Wortley!

The Hon. S.G. WADE: I am almost on the verge of asking the Hon. Mr Wortley to withdraw that remark. To suggest that our public health teams should be blamed for an outbreak—the public health teams across this state work diligently, to the best of their ability. Of course there will be transmissions that occur from time to time, but as the report indicated, our teams work diligently and there has been no identified breach.

QUARANTINE FACILITIES

The Hon. J.E. HANSON (15:10): From the original answer, a final supplementary: can the minister rule out that his health experts have been prevented from providing advice on a purpose-built quarantine facility?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): The Chief Public Health Officer is under no doubt that she can give frank and fearless advice to this government and that we will respond. That is demonstrated by, shall we say, some of the breathtaking recommendations that we have received and implemented.

COVID-19 VACCINATION ROLLOUT

The Hon. D.G.E. HOOD (15:11): My question is to the Treasurer. What advice has the government given to public servants regarding COVID vaccinations?

The Hon. R.I. LUCAS (Treasurer) (15:11): On the 19th of this month, a whole-of-government email, authorised by the Commissioner for Public Sector Employment, Erma Ranieri, and the Chief Public Health Officer, Professor Nicola Spurrier, was circulated to all South Australian public sector staff in relation to this issue. That whole-of-government email strongly encouraged employees to get their COVID-19 vaccinations, and I am advised that individual agencies have also followed up that message of the 19th and have communicated about the vaccine rollout through their internal channels to members of their public sector workforce.

In that whole-of-government email, which did include a filmed message from the Chief Public Health Officer, Professor Nicola Spurrier, details were provided in terms of eligibility and also where vaccinations could be accessed at that particular time. It said:

> The COVID-19 vaccine is voluntary, but highly recommended, because we know that both vaccines available are highly effective at preventing serious illness and death.
>
> We all need to continue to play our part in stopping the spread and keep our State safe—we encourage you to roll up when it's your turn to get vaccinated.

In relation to the issue of COVID vaccinations during work time, the whole-of-government email said:

> Public sector employees are encouraged to receive the COVID-19 vaccine when it becomes available to them. Where a COVID-19 vaccination appointment is scheduled during an employee's normal or rostered working hours, they are entitled to attend in paid work time provided the appointment time is negotiated with their manager in advance and will not impact on frontline service delivery. More information can be found in the Commissioner's Determination 3.1.

I note in particular a number of agencies sought that particular clarification in terms of the advice of the public sector agencies. The obvious example is teachers teaching in a classroom, or staff working in a childcare centre, walking out in the middle of a class to get their COVID vaccination and leaving their students. I am sure it wouldn't be done, but that is just an obvious example where, in terms of frontline service delivery, negotiating beforehand with the appropriate manager of the work site in terms of accessing time to go and get your COVID vaccination makes good sense. Certainly, a number of agencies and stakeholders involved in frontline service delivery wanted that to be made clear in the whole-of-government email, which did go to all Public Service staff.

The advice from the Chief Public Health Officer, obviously, but also supported by the role of the Commissioner for Public Sector Employment, is one of very clear direction and strong encouragement to take up your COVID-19 vaccination.

EMERGENCY DEPARTMENTS

The Hon. J.A. DARLEY (15:14): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing questions on emergency departments.

Leave granted.

The Hon. J.A. DARLEY: The Treasurer, in speaking about the ambulance employees enterprise bargaining, referred to how we keep people who should not be in EDs out of EDs. The Treasurer mentioned mental health facilities in the city to provide crisis relief. These statements touch upon concerns I have with efficiencies relating to ED arrangements and use of ambulances. There is a need for out of hours facilities to address medical episodes requiring prompt treatment but not EDs. There is also a need to avoid using ambulances for people unable to sit for extended periods in EDs. My questions to the Minister for Health and Wellbeing are:

1. What plans are there to develop and provide facilities for the frail aged and others with limited capacity to sit awaiting admission at EDs without calling an ambulance to attend EDs?

2. What arrangements are being considered to ameliorate demand on EDs that would be less expensive and lead to more effective outcomes for patients, such as alternative adequate public facilities that are out of hours or can be accessed when the GP is unavailable on short notice?

3. If such alternatives are available, what has been their promotion and publicity in the community?

4. What is the availability of phone-in advisory services at public hospitals additional to commonwealth Healthdirect to assist carers and others to determine the necessity for hospital admissions?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I thank the honourable member for his insightful question. I agree with him that a key element of easing pressure on emergency departments is to make sure that South Australians can get the care they need in the most appropriate location. Often South Australians don't need an emergency department with the full gamut of services at a quaternary hospital like the Royal Adelaide, for example.

The honourable member asks what services are already in place that would support, for example, a frail aged person receiving care in the community. One such example is the priority care centres established by this government. There are four of them located across metropolitan Adelaide, and as I mentioned to the house before they are supported by GPs and an emergency care nurse. They often have related diagnostic and treatment facilities, such as imaging, nearby or on site.

In terms of less expensive options for after hours, that significantly does relate to the way the federal government supports GPs. I certainly have had concerns raised with me recently by constituents about the capacity to get a GP after hours. As I am advised, there are some after-hours GP services available, but the issue of whether or not more support needs to be given to GPs to deliver those services would be a matter for the commonwealth government.

The honourable member raises the point of the potential for phone-in services. The honourable member mentioned the Healthdirect service, which is a jointly funded operation between the states and territories and the commonwealth. Certainly, there are exciting opportunities that can be explored through telehealth, moving forward, particularly in linking country-based GPs with metropolitan-based clinicians or, for that matter, clinicians in other regions, particularly in terms of non-GP specialists providing support to GP specialists.

Whilst we as a state government greatly welcome the extension of the telehealth arrangements within the COVID-19 pandemic, we would be very keen for that to become an enduring element of the Australian healthcare network. I know that the Hon. Greg Hunt, the federal Minister for Health, is keen to explore those opportunities too.

COVID-19 ADELAIDE AIRPORT TESTING CLINIC

The Hon. R.P. WORTLEY (15:20): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding health.

Leave granted.

The Hon. R.P. WORTLEY: This morning, several talkback callers reported turning up at the Adelaide Airport testing clinic and finding the clinic closed well before its scheduled closing time. Caller Ali said, and I quote:

> it was my family who arrived from Melbourne on Sunday evening…we have to decide to go to the nearest one which was the Airport, and guess what? The Airport at 8:40pm…closed…no explanation.

Caller Andrew said, and I quote:

> …in the car we jump, we go down to the airport first of all…not a soul there…this had been shut lights out.

My question to the minister is: why exactly did the Adelaide Airport COVID testing clinic close early last night?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20): I am advised that the SA Pathology testing facility at the airport did not close early last night.

SWITCH FOR SOLAR

The Hon. J.S. LEE (15:21): My question is to the Minister for Human Services regarding solar concessions. Can the minister please provide an update to the council about how the Marshall Liberal government is providing cheaper, cleaner electricity for low income South Australians?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:21): I thank the member for her question and for her interest in this particular area. Some of the programs operated by the Department of Human Services in the space of the South Australian energy concession discount offer are well known, and that covers general energy costs which is separate to, in particular, green power. We have been very pleased that we have been able to initiate a particular program called Switch for Solar, which will be available on a pilot basis to existing Cost of Living Concession holders in some areas, including the north-eastern suburbs such as Modbury and Paradise, and some customers who are on the south coast.

Those people who are in receipt of the COLC, as it is known (Cost of Living Concession), receive a reduction in their electricity bills if they are living in those particular areas. The concession is at the moment $215.10 per year and an additional concession of $231.41 for the energy bill, which makes up $446.51. These concessions can be put towards a solar system, which means that customers, we estimate, could save up to $890 off their annual energy bill. The determination for the areas that were chosen was in conjunction with the Department for Energy and Mining based on some network technicalities.

We do have a large number of concession recipients and energy concession recipients in South Australia, and we think that this is a particularly good scheme where people will have a payback which will leave them in front. The full going concession for a period of 10 years will enable a 4.4 kilowatt solar system to be installed.

We also know, particularly with people who are on low incomes, that often the barrier is having that particular amount of funding available. That means, in terms of people who have been the earlier adopters, they have tended to be people who have had the capacity to invest in those systems, so we have been proactive in terms of making sure that we will contact those households in the system who we think may be eligible, and I look forward to reporting on the outcomes of the trial in due course.

VOLUNTARY ASSISTED DYING, CONSCIENTIOUS OBJECTION

The Hon. F. PANGALLO (15:24): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about his use of government resources.

Leave granted.

The Hon. F. PANGALLO: All members here and in the other place would have received my emails regarding the health minister's anonymous report, on official government letterhead, that he distributed to all MPs late last week. I seek leave to table my email and the minister's document, marked 'Official and sensitive'.

Leave granted.

The Hon. F. PANGALLO: Despite what it claimed, the Wellbeing white paper was a misleading, inaccurate, unbalanced and biased attempt to present an argument against conscientious objection by institutions, including one of the state's largest hospitals and providers of palliative care, Calvary. I note that the minister probably won't get a Dorothy Dixer to acknowledge Palliative Care Week to pay tribute to the wonderful caring work done by places like Mary Potter Hospice. In response to the minister's document, Calvary last night sent a letter to all MPs. I seek leave to table that document.

Leave granted.

The Hon. F. PANGALLO: In the letter, Calvary states its opposition to VAD, in that it is inconsistent with their fundamental ethic of care and that, even if the bill is passed, Calvary, including its hospitals and aged-care institutions, will not participate in VAD and is seeking the right for organisational non-participation to be legislated. My question to the minister is:

1. By sending the document on his departmental letterhead, has the minister now formalised that the Marshall government has a formal policy position supporting VAD, when this bill is a private members' bill and subject to conscience votes?

2. Who authorised and authored the document, and was it ever presented to the Liberal party room for endorsement of this new health policy?

3. Did he check the document for any factual errors and lack of balance?

4. Why did he allow it to misrepresent the positions of the AMA, the Australian Nursing and Midwifery Federation and the Pharmaceutical Society?

The PRESIDENT: Before calling the minister, I remind the Hon. Mr Pangallo that that explanation was laden with opinion and that he should keep opinion out of his explanations. The minister has the call.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:27): The Department for Health and Wellbeing and its attached units often provide information to the parliament to inform parliamentary considerations, particularly in relation to private members' bills and parliamentary committees, so I strongly reject the assertion that for SA Health to provide information to parliamentarians is a misuse of public money.

This year, the Department for Health and Wellbeing or its attached units have provided information for the parliamentary consideration of two private members' bills, the Termination of Pregnancy Bill and the Voluntary Assisted Dying Bill. I note that the Select Committee on Statutes Amendment (Repeal of Sex Work Offences) Bill 2021 has specifically asked for the Chief Public Health Officer to be a witness before its committee. I am not surprised. I would be disappointed if this parliament and its parliamentary committees didn't seek to be properly informed in the consideration of bills before it.

On some occasions, SA Health even takes a position on a bill. The department supported the Termination of Pregnancy Bill. Wellbeing SA does not have a position on the Voluntary Assisted Dying Bill, but it did provide background information to members and that information was provided on 16 March 2021. Up until that point—in other words, in spite of providing information for the consideration of two separate pieces of legislation—I had received no objection from an honourable member that that was a misuse of public resources.

Further information was provided by Wellbeing SA on 25 May 2021 to support members in their consideration of the issue of institutional conscientious objection, and no recommendations were made in the paper. To be frank, I find it baffling that the honourable member could interpret the paper the way he has.

He has also made comments about my position on institutional conscientious objection. He is making assumptions that he should not make. As a person of faith and as a person who does respect not only the individual right of citizens but the right of citizens to participate in faith communities, I will be attracted to a well-formed protection of institutional conscientious objection.

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

VOLUNTARY ASSISTED DYING, CONSCIENTIOUS OBJECTION

The Hon. F. PANGALLO (15:30): What action would he propose the government—now that it endorses VAD—takes against Calvary and others should the bill pass and they refuse to carry out VAD on their premises?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:30): I am sorry that the honourable member didn't listen to my previous answer. I intend to support institutional conscientious objection, and I look forward to the consideration by the house and this place as to what form that might appropriately take.

VOLUNTARY ASSISTED DYING, CONSCIENTIOUS OBJECTION

The Hon. F. PANGALLO (15:30): Why didn't the minister make that clear when there were amendments in the Legislative Council that that was going to happen?

The PRESIDENT: That didn't relate to the original answer.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:30): I honestly think it's not a good use of question time to have individual members engage on their stance on conscientious objection. I will certainly go back and read the *Hansard* in relation to the debate but I seem to remember that yet again I was persuaded by the logic of the Hon. Rob Lucas, which is that the issue of institutional conscientious objection was something that could be properly considered between the houses, and my understanding is that that's exactly what has happened.

COVID-19 TESTING CLINICS

The Hon. I. PNEVMATIKOS (15:31): My question is to the Minister for Health and Wellbeing regarding health. Why did the Victoria Park testing clinic turn people away last night and again this morning, and will the government reopen the two testing clinics at The QEH and RAH to accommodate increased demand arising from the escape of COVID-19 from a South Australian medi-hotel?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:31): It is a good question and I am particularly pleased to receive it because at the time when these decisions were being made I was at the clinic and talking to the high-quality and hardworking SA Pathology staff who might have had plans for last night, but to protect the people of this state they put themselves out. I heard about one person who, immediately they got the call, downed tools and came to do their service for the people of the state.

Let's be clear about the situation we faced. Last week, on average, we had slightly over 2,700 tests per day but yesterday SA Pathology was faced with the prospect of testing more than 5,000 people. The situation at mid-evening last night was that SA Pathology made the judgement, which I think was simply a matter of good customer service, that they were not going to be able to test everybody in the queue. As I was leaving the site, the queue went as far as—I might get this slightly wrong but my estimate is that the end of the queue was somewhere between the Britannia roundabout and Greenhill Road.

The decision was made by the hardworking SA Pathology staff, to protect the people of South Australia from a wasteful hour upon hour wait in the queue, to make an estimate as to what is likely to have been the point in the queue that would be achieved by the designated closing time of 12 midnight. In good faith they made an estimate. They suggested to people beyond that point in the queue that they should come back tomorrow. I believe that that was a responsible decision to make, not just in terms of respecting the time of our customers but also in terms of traffic management and safety.

The PRESIDENT: The time for questions has expired and I call on the business of the day.

The Hon. F. PANGALLO: Mr President, can I seek a point of order?

The PRESIDENT: Sorry, a point of order?

The Hon. F. PANGALLO: I just want to make a statement in relation to some statements made by the health minister in question time.

The PRESIDENT: You can seek leave to make a personal explanation.

Personal Explanation

VOLUNTARY ASSISTED DYING

The Hon. F. PANGALLO (15:34): I seek leave to make a personal explanation.

Leave granted.

The PRESIDENT: This does not include debate; it is a personal explanation.

The Hon. F. PANGALLO: No, it has nothing to do with that. I am just going to explain that in the minister's response he made reference to the fact that I was using it because I was an opponent of VAD.

The Hon. S.G. Wade: I did no such thing.

The PRESIDENT: We cannot debate—

The Hon. F. PANGALLO: I am not going to debate it. I am just saying I was misrepresented—

The PRESIDENT: You need to make your explanation.

The Hon. F. PANGALLO: I will make my explanation, that the minister has misrepresented the reasons for my making that question today. I just sought to get clarification on accuracy on a document that was sent out on government letterhead.

Bills

LAND TAX (DISCRETIONARY TRUSTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 May 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:35): The bill before us contains two amendments. First, to amend the Land Tax Act 1936 and, second, to amend the Valuation of Land Act to address issues caused by delays in taxpayers receiving their 2020-21 land tax assessments.

This bill is a continuation of the chaotic nature of the land tax changes under this Treasurer. We are now approaching the 2021-22 financial year and this bill has still not been sorted out, after being introduced late in 2019. It is not just the Labor Party; there are a number of people—crossbenchers, the Hon. Frank Pangallo and others—who have made contributions on land tax, who have asked questions on land tax in this chamber, and there are many property owners and taxpayers in this state who are confused about the chaotic nature of this government's introduction of these land tax reforms.

The land tax changes passed by parliament in 2019 made significant changes to collection of land tax in South Australia, particularly in relation to how land tax is aggregated for the purposes of calculating land tax and higher rates of tax on land held in certain trusts. The aggregation changes required major changes to how land tax is assessed and calculated by RevenueSA.

The land tax amendment act before us extends the deadline for nominating designated beneficiaries for pre-existing trust land to 30 June 2022—a further year from the current deadline that applies—and allows for the giving of notice for a designated beneficiary to take effect for the financial year prior to the one in which the notice is lodged. According to the government, land tax payers would like the notice of assessment before they nominate a beneficiary or choose to be hit with a trust surcharge.

The amendment to the valuation of land tax act seeks to extend the time in which an objection to the 2020-21 land site value can occur by allowing an objection to the 2020-21 land site value to

occur within 60 days after the service of the 2020-21 land tax assessment, even if that assessment is issued in the 2021-22 financial year and the site value that it relates to will no longer be in force.

The opposition has moved an amendment seeking to amend the government's bill to allow an extension, but only for three months rather than the 12 months the bill currently proposes. The rationale for this follows representations made to the opposition from both individual property owners and taxation professionals that the government's proposed extension for 12 months creates an inequitable situation between those taxpayers who have already been required to consider their ownership under the new legislation in preparation for the current 30 June 2021 deadline and those who would have an extra 12 months under the terms of the government's bill.

For example, those who have already made a nomination under the trust provisions in order to avoid the new half a per cent trust surcharge, or for those who have sold their properties, it has been put to the opposition that they will have divested themselves of those particular properties earlier under less favourable market conditions; for example, in the first six months of the operation of the new legislation while COVID was impacting on the economy and property markets. This is quite different to the advantage that property owners would now enjoy if they had the luxury of making the same decisions in the current market environment.

Conversely, it has been put to us that the proposed extension time of a whole 12 months can actually make things even more difficult for property owners yet to settle their arrangements, as outlined in the excerpt I will read from a prominent tax expert who has provided their view on this. The excerpt from the tax expert is as follows:

> In answer to questions of 1 April 2021, the Treasurer stated that as of 4 March 2021 approximately 33,500 assessments had been sent out and there were approximately 18,000 yet to be sent. In a response stated that day to another question, the Treasurer stated that as of 29 March 2021 34,700 assessments had been sent out. On that basis it appears that approximately 48 assessments per day were being issued in that month. At that rate it will take 375 days to complete the issuing of the assessments. That would suggest it would be early April 2022 before the last of the 2020-21 assessments were issued.
>
> On that basis it is also unclear when the 21-22 assessments will start. Assuming in respect of those taxpayers that they are at the tail end of the 20-21 assessments, the 21-22 assessments issue a few months later. Those taxpayers will then have two assessments in the space of several months. If the 20-22 assessments are issued on time then some taxpayers will receive three assessments in the course of 20-23 based on the foregoing numbers.
>
> Whilst the taxpayers involved will have had the benefit of the delayed issue of the assessments, it does create a series of problems for them, including cash flow problems, federal income tax issues in seeking to claim the land tax as an expense and when they are entitled to recover land tax from commercial tenants seeking to recover such amounts once the liability is known. It becomes even more complicated for owners where leases with large commercial tenants expire and then the tenants vacate the premises before all of the assessments are issued.
>
> These are some of the practical matters that are simply aggravated by delay. One may question whether significant further resources should not be applied to undertake the work required to significantly reduce the delay in issuing further assessments.

Further, the need for additional time arises because RevenueSA has not adequately resourced their operations to deal with the implementation of those changes to the taxation policy, despite them passing parliament in November 2019, some 18 months ago. This is unacceptable. It was not as if the government did not know that they had to do this. These were the consequences of their very own changes—changes that were, as all members would recall, the subject of very significant debate, a lot of public agitation and a lot of angst.

These are not things that the government, two weeks ago, woke up to one morning and said, 'We have made these changes. How did that happen?' These are their own changes. As the excerpt I read out from the prominent tax expert states, rather than have these delays creating an inequitable situation, we are not saying do not extend it at all, because we recognise that we are coming to the end of the financial year in five weeks, but extend it for a reasonable time—say, three months, as we propose—and then put the resources in to do the job properly. Do not simply extend it because you have created your own situation and have not resourced your department properly to do that. That creates the inequities that I have outlined.

As I have said, we have a number of amendments. For the benefit of the chamber before we get into the committee stage, after discussions with parliamentary counsel, we will not be moving the

third amendment. Amendments Nos 1 and 2 are sufficient to change that time frame from the 12 months to the three months.

Parliamentary counsel were redrafting them to leave out the third amendment, but rather than do that and have new amendments lob fresh on desks now, which in my experience tends to confuse people—it certainly confuses me when you debate and the amendments come—I will say, on the advice of parliamentary counsel on what gives effect to the change to reduce from 12 months to three months, we will not be moving amendment No. 3; that is adequately done with the first two amendments.

The Hon. F. PANGALLO (15:43): I rise to indicate our support for the government's Land Tax (Discretionary Trusts) Amendment Bill 2021. I do so perhaps begrudgingly because, as this chamber knows, SA-Best were stridently opposed to the original land tax bill. This bill is designed to ensure South Australians paying land tax are not additionally burdened because of RevenueSA's late issue of 2020-21 land tax notices.

To use one of the Treasurer's favourite phrases in this place, this whole thing has become a dog's breakfast and it is of their own making. They were not ready for it after the bill had passed and it is quite clear they are not ready now. I have to point out that I have been contacted by a number of people in the taxation industry—accountants and others—who have expressed their total frustration, their total confusion at the extra costs their clients have been burdened with because of these delays caused because the Treasurer's department just cannot get its act together.

These provisions allow for land tax payers, who are trustees of discretionary trusts, to receive their 2021 land tax assessment before having to decide whether or not to nominate a designated beneficiary. The bill also wants to give them an additional year in which to do this. Extending the cut-off date to 30 June 2022 is intended to relieve pressure on trustees to nominate a designated beneficiary. We will not be supporting this, but we are inclined to support Labor's amendment, and we will hear more of what the government says in the committee stage.

The bill also clarifies that property owners who pay land tax still have 60 days to object to their land valuation after they receive their land tax assessment. We will support this, but we will oppose the amendment by the Hon. John Darley, although I note the Hon. John Darley's intent in his amendment.

As land tax assessments are being issued late, there would have been an issue where the ability to object perhaps would have been prevented because the land valuation may no longer have been in force. Under this provision, the taxpayer still has 60 days from receipt of their land tax assessment, even if the land value is no longer in force.

I am generally not supportive of the amendment filed by the Hon. Mr Darley, which aims to remove the 60-day limit. I believe the time limit the government is intending to impose is reasonable. The fairness provisions in this bill accommodate delays caused by RevenueSA's late issuance of the land tax assessments.

I understand these delays are a consequence of RevenueSA implementing the major reforms to land tax, which were passed by this parliament last year, and it is doing all it can, it says, to expedite the issuance of these land tax amendments. As I have pointed out, it is causing a lot of pain to many businesses, individuals and organisations. It has a roll-on effect because people are currently left in a vacuum, and it also impacts on their preparing their federal income tax assessments.

Notwithstanding these fairness provisions, there are some that are potentially detrimental consequences of these delays upon taxpayers. I will ask the Treasurer to assure us that he is aware of and will administratively deal with these. It is possible and indeed likely that many land tax payers will receive two financial years' land tax assessments, perhaps even three, within a short period, thus increasing the financial burden on them.

I would like the Treasurer to confirm that he will allow taxpayers who are impacted by RevenueSA's delays to be exempt from all penalty fees and interest charges for the financial years 2019-20, 2020-21 and 2021-22, should they seek repayment terms. I also want him to advise the

Legislative Council that he will ensure that RevenueSA's time payment provisions are readily available and will be offered to all land tax payers for those financial years.

Another unintended consequence of the late issuance of these land tax notices is that taxpayers may be unable to complete tax returns and comply with company returns within statutory time limits. Relief from those unintended consequences are not provided by this bill, but I would appreciate the Treasurer's assurances that RevenueSA will issue notices as expediently as possible.

As I have indicated, SA-Best has considered amendments by the opposition seeking to amend the extension the government wants in declaring ownership to trusts from 12 months to three months. The reason for this, as has been explained by the Leader of the Opposition in this place, is to address an inequity that was created when, to avoid the trust's surcharge, property owners sold off their holdings during the first few months of the law applying, and at a time when COVID was impacting on the property markets. As we are now seeing a boom in prices, and of course the revenue from taxes is flowing into the government now from stamp duty and others, it gives an unfair advantage to those who may now want to sell and have a generous time to do so.

It has also been pointed out by taxation specialists that, at the current rate of issuing the assessments for 2020-21 and 2021-22, taxpayers will get two assessments within weeks of each other and by the time those who are still waiting to get them—and this is considering the fact that they have issued these assessments at such a rate—it is quite feasible that some will find themselves receiving three assessments in the course of 2023, unless the Treasurer and his department can assure us that will not happen.

This would create financial hardship for some as well as federal income tax issues when compiling returns seeking various deductions. With those observations and comments, I conclude my remarks and look forward to the committee stage of the debate.

The Hon. R.A. SIMMS (15:51): I rise on behalf of the Greens to speak in favour of this bill. As members will be aware, the Greens have been long-term supporters of land tax reform. I think it is very disappointing that, when it has come to this reform, the Labor Party chose to play politics rather than actually use this as an opportunity to reform our land tax system and bring in more revenue that could be invested in vital things like health, education and other public services. Instead, we saw the Labor Party siding with developers and those who own multiple properties in what I think was a very cynical and populist campaign, and that is very disappointing.

The Greens do support what the government is seeking to do here in terms of land tax reform and we support this bill. We are, however, supportive of the Labor Party amendments and the change that has been proposed from 12 months to three months makes sense for the Greens. It would ensure more certainty and it would also ensure that revenue is made available at a time when it is needed. We are supportive of that amendment, on that basis.

The Hon. Mr Pangallo referred to potential amendments from the Hon. John Darley. Like SA-Best, we are not supportive of those amendments. We have concerns about how they would work in practice and therefore are not in a position to support those.

The Hon. R.I. LUCAS (Treasurer) (15:53): I thank honourable members for their contribution to the debate. Could I at the outset, as I have to a number of individuals and organisations, apologise as the minister responsible for the dilemmas that are confronting some individual taxpayers as a result of failures within my department to get the bills out within the time frame that they and we would have wished.

I do not shy away from the responsibility as the minister. Ultimately, I have responsibility for that and I accept the criticisms that have been made during this debate but also, as I said, by individual stakeholders and organisations with whom I have had discussions now over a number of months in relation to the issue.

What I have had to say to some of those individuals is that we hear what you say and we will look to see—we were urged to introduce legislation along these lines from individual taxpayers and others who said, 'We are going to be potentially disadvantaged until we know exactly what our circumstances might be in relation to the impact of the new land tax arrangements,' on their individual tax arrangements.

This bill has been prompted by listening to those who are aggrieved and concerned about the fact that they have not received a bill. This is individuals; it is actually accountants and lawyers who represent individuals. I respect the fact that there may well be some accountants and lawyers who put differing views in relation to this, but the overwhelming number of people over recent months who have spoken to me—accountants, lawyers and individuals—have certainly been urging the government to actually do something along the lines that we are proposing.

So that is the reason for this. The government could have ignored the requests to provide greater flexibility for individuals and sat on its digs, but we have chosen to at least ask the parliament whether or not it is prepared to agree. I guess the first thing the Hon. Mr Pangallo has raised in a private briefing, I think, with the representatives of the commissioner's staff is how individual taxpayers will be treated in the circumstances that he has outlined.

As the responsible minister, I am happy to place on the record advice I have received from the Commissioner of Taxation, because ultimately it is her staff who will manage the tax arrangements. I place on the record as follows:

> A landowner who receives two land tax assessments within a short space of time and has difficulty making the payment due dates as set out in their assessments can contact RevenueSA and request an extended instalment arrangement. RevenueSA will work with individual taxpayers to put in place a payment plan that suits their individual financial circumstances. Providing taxpayers keep up with their payment plans, they will not incur penalty tax and interest. Taxpayers who are experiencing financial difficulty meeting a payment plan should contact RevenueSA as soon as possible to discuss their circumstances to avoid penalty and interest.

That is the statement that the commissioner and her staff have provided to me and as the minister I place that on the public record in relation to reasonable and genuine questions on behalf of taxpayers in relation to the possibility of penalty or interest payments.

Coming back now to the substantive issues, as I said, the government did have an option of sitting on its digs and doing nothing in relation to this but we, for the reasons that have been outlined, are mindful of the fact that we have created these difficult circumstances for a number of taxpayers and this is a genuine endeavour to try to provide some extra flexibility for some of those individuals.

I want to address the amendments that I only saw at lunchtime, or late this morning, from the Australian Labor Party. We think that those members who actually want to support taxpayers who are aggrieved should not be supporting the amendments that have been moved by the Australian Labor Party.

We understand the Australian Labor Party has opposed the structure of the new land tax arrangements, etc. What I am saying is that if as an individual we are trying to listen to taxpayers who have not had their bill and are aggrieved that they do not have their bill because they cannot organise their tax arrangements to pay the minimum amount of tax that they are lawfully required to pay, then they should not be supporting the amendments being moved by the Australian Labor Party.

As I said, I have only seen the amendments from the honourable member, the honourable Leader of the Opposition, at lunchtime today. I think he is indicating that he may well now be moving a different set of amendments in the committee stage, but when we get into the committee stage we can address whatever it is he ultimately moves.

In the amendments as currently circulated, there are two major problems. One is, for example—and we hope this is not the case—if for whatever reason RevenueSA is unable to get an individual landowners bill out until September of this year, under the Australian Labor Party's amendment that individual will either have no time or precious little time to make the judgement as to whether or not they want to designate a beneficiary for their trust.

Why is that important? Because under very limited circumstances—as members will know, this only relates to land that was held back in October 2019 and beneficiaries who were members of the trust at that particular time—for a family trust, for example, that has as a potential beneficiary for land tax purposes an 18-year-old son or daughter who owns no land in his or her name, there is potentially the capacity to designate them for land tax purposes as the beneficiary. If that occurs, they then do not pay the higher land tax trust rates that apply to land held by trusts.

Now, that is completely lawful. It is part of the scheme that the parliament ultimately adopted and voted for. This would actually allow that person, if it is to be the Labor Party's amendment, either just before September—or if the bill does not arrive until after September they lose the capacity to even do that; they would have to make the judgement even before they receive their particular bill.

All the government's amendment is doing is giving someone who is potentially aggrieved and wants to be able to lawfully pay the lowest amount of tax that they are required to pay the option to nominate a beneficiary once they receive their bill. The Labor Party amendment will mean that if they do not get their bill until October or very late September they potentially will be locked in to having to make a judgement to pay the higher land tax rate for trusts.

For anyone who is trying to support people to lower their land tax bill it makes no sense at all, in our view, to support the Labor Party's amendment. The 12 months gives the individual—and we hope they do not need it because the bills are delivered well before then—the maximum possible time to make their judgement in relation to their land tax arrangements.

There is the issue of whether people made judgements based on, for example, the scare campaign that was being mounted, saying 'Land prices are going to plummet,' which was the scare campaign during the land tax debate: 'People are going to be selling their properties off, land prices are going to be devalued and decline,' etc. We cautioned people against listening to that sort of argument, but some people listened to that argument from the Labor Party and others, and perhaps they made decisions on the basis of that advice.

As the land market has developed, clearly that would not have been a sound decision, but if they have made that decision they made that decision 12 months ago. In terms of this issue—of providing options for people in the future, for those who want to be able to structure their tax arrangements lawfully to take advantage of what is available—in our view it makes no sense to limit it to the potential set of circumstances that is outlined.

The other part of the Labor Party's amendment as circulated actually will rule out, in relation to the 2021 land tax bill year—if someone gets a bill after 30 June they will not even be able to avail themselves of the offer from the government. It may well be that the Labor Party has realised the problem with their amendment that has been circulated, and it might be that when we get to the committee that is what the honourable member is going to seek to correct. But as it is currently drafted it would actually stop anybody, if a bill arrives after 30 June, from being able to avail themselves of what the government is offering for their 2021 land tax bill.

As I understand the position of the Hon. Mr Pangallo and others that is certainly not what they have been supporting, and that is the structure of the Labor Party's amendment. It is just a huge cautionary note for anyone in this chamber who is seeking to support individuals and others who were talking about problems the government have created for them in the delay of the land tax bills. If you are trying to support them, supporting the Labor Party amendments, in our very respectful view, makes no sense at all. It is just reducing the options for certain people in certain circumstances. That is why I caution members.

Ultimately, as I said, the government could have resisted any flexibility in relation to these issues. From the government's viewpoint, it does not affect the level of income that we are going to collect. One way or another, people's tax arrangements are going to be broadly the same. It may well be that in the end, if we restrict the options, the government might end up with more land tax being paid because people pay at the trust rate, which is an additional 0.5 per cent in most of the circumstances. Again, that seems contrary to the position of the Australian Labor Party, who were criticising the government's overall structure of its tax changes.

We can ultimately see what particular form the Hon. Mr Maher is going to move his amendments in when we get into the committee stage. Certainly, from the government's viewpoint, we will be opposing the amendments because we think it defeats the purpose of why we have introduced the bill and why people urged us to introduce the bill.

In addressing that, I apologised earlier, as the responsible minister, for the problems that we have had in terms of getting the bills out on time—when we should have. It is not an excuse. The explanation is, as I have indicated on a number of occasions, the extraordinary complexity of some of the tax arrangements of some of the individual landowners. I have regaled the house, if I can use

my phrase, with the example of one particular individual who had over 420 landowning entities, holding more than 260 separate individual arrangements for properties. The challenge was—and I accept the criticism—that this fairer system that we have introduced is one that we, through RevenueSA in particular and Treasury and myself as Treasurer, because I accept responsibility, needed to be ready for.

The calculation someone has done, that is, that for the last two months we have done 35 a day, or whatever the number is, and therefore it will not be finished until April, misses the point of what is actually the problem at the moment. The problem at the moment is actually trying to resolve some system or IT issues as you plug in significant numbers, hundreds or thousands of particular examples, in terms of actually having the system churn out the right responses. Once the system or IT issue is resolved, it is not a question of doing 35 a day—you will literally do hundreds within a 48-hour period. It is a system and an IT problem with the in-house people and the people who have been brought in to provide advice in relation to it as they resolve one issue; and, because of the complexity of these trusts and tax arrangements, another problem pops up.

I am reminded of that arcade game where you whack something on the head and, as soon as you whack something on the head, the other head pops up and you have to whack it on the head again. Guacamole or something I think it is. That is the problem of RevenueSA and the IT people in particular. Hopefully sooner rather than later, once the IT and system problem is resolved, it is not a question of 35 a day but hundreds will be done in a very short space of time.

I can assure the Leader of the Opposition and others that it is not a question of just piling in additional bodies. We have done that. We have additional staff in other parts of Treasury. We have put in additional staff from other areas of the public sector in areas they can do, but they are limited until the system and the IT issue is actually fully resolved. So we will continue to devote whatever resource is required by RevenueSA in an endeavour to get these bills out. Frankly, whether it is three months or 12 months is not the major issue but, as we are getting closer to 30 June, clearly we do need to decide whether or not we want to provide this greater flexibility for staff or not.

I acknowledge the fact that a number of members have already indicated they are not going to be supporting the amendments moved by the Hon. Mr Darley. The Hon. Mr Darley and I have had a brief discussion about this and he is aware that the government, too, will not be supporting the particular changes. There are a number of reasons why, but one of the particular problems with the current drafting of the amendments is that when we get beyond 30 June of this year, when taxpayers get their bill for 2021—and let's say they get it in July this year, so after 1 July—that land tax bill is based on a valuation for 1 July 2020.

The taxpayer may well want to object to the valuation on that bill, which is for 1 July 2020, for obvious reasons. It might be the first time that he or she realises that the Valuer-General has valued their property at a half a million dollars more than they think it is really valued at, and it might be the first time they actually see the valuation from the Valuer-General. In the way the amendments are currently drafted, the legal advice provided to me is that, because there will be a new valuation for that particular property—that is, for 1 July 2021—the individual taxpayer will not be able to lodge an objection to the 1 July 2020 valuation.

I certainly do not think that is what was intended by the Hon. Mr Darley, in the discussions that I have had with him. The legal advice I have had is that, in the way the amendments are currently drafted, it would restrict the capacity for an individual to object to the valuation of 1 July 2020 for their late 2021 land tax bill. As I said, I do not believe that is the intention of the Hon. Mr Darley, based on the discussions I have had. The advice I have is that is the implication of the particular amendment.

The fact that a number of members and the government are not supporting it means that I do not know that we need to spend an inordinate amount of time on whether that is correct or not. The reality is that it is now unlikely to pass the Legislative Council. I will not go into the other details. I have had discussions with the Hon. Mr Darley as to why we do not support the amendments, but I think that is a key one that needs to be placed on the record at this stage. With that, we thank the honourable members for their consideration of the second reading and we look forward to the committee stage of the debate.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. J.A. DARLEY: I want to ask a question of the Treasurer in relation to his second reading speech. I had two briefings on this bill and, on the last time, the Commissioner of State Taxation assured me that all land tax bills would be issued before 30 June. If that is the case, the Labor opposition amendment of three months would sound reasonable.

The Hon. R.I. LUCAS: The whole reason for this particular bill is that, as the Treasurer, we have given no such assurance. I have said publicly that the reason we have introduced this bill is that it may well be that some of the assessments will be issued after 30 June. That is the reality, and that is the reason we have introduced the legislation. We are only 4½ weeks—or five weeks, perhaps—away from 30 June. The reality is that I have said publicly and privately to a number of people that there will be some deals that will go out after 30 June. The Leader of the Opposition did a complicated calculation and said that in some circumstances it might not be until April 2022 or something.

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: Merely relaying the tax—

The Hon. K.J. Maher interjecting:

The CHAIR: Order!

The Hon. R.I. LUCAS: If it is the tax period I am thinking of he is very good at interpreting the law; he is not necessarily the expert in terms of calculating the extent of delivery of tax assessments.

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: No, he is very good in relation to interpreting tax law but not in terms of deciding how many assessments are going to be issued each day between now and April. Can I be quite clear to the Hon. Mr Darley, and certainly in the discussions I have had with him I have never given him any indication that all these bills are going to be issued by 30 June. If they were then we probably would not have proceeded with the legislation, but we have proceeded with the legislation on the understanding that, at this stage, we cannot give a guarantee that all the bills will go out.

We will certainly try to get them out as soon as we can and, as I said, if the system or the IT problem can be solved this morning or tonight or whenever it is, then very large numbers can be done in a short space of time. However, at this particular stage I cannot give that assurance and that is the reason why we are proposing to give greater flexibility to individuals.

As I said, when we get to the particular amendment in clause 3 from the Labor Party, those people in this chamber who are seeking to support people to lawfully minimise the amount of tax that they have to pay, in our very respectful view, would not be supporting the amendment from the Labor Party.

All we are doing is seeking to give people the option under the law to pay the appropriate amount of tax; that is, under the law if they are entitled to nominate a beneficiary of their family trust then they should be allowed to do so, and they should not be disadvantaged by the fact that we are in error because we have delayed sending them their land tax assessment.

As I said, I accept responsibility as the responsible minister that we have not got these bills out on time when we intended them to. But we do not believe that an individual taxpayer should be disadvantaged and end up potentially paying more than they are required to because we have been delayed in sending them a tax bill. That is why we caution against supporting the amendment from the Australian Labor Party.

The CHAIR: Before going any further, there were a couple of things in the last little while that I want to alert members to. One is that, once again, if a member brings a mobile device into this chamber they should make sure that it is on a silent setting. Secondly, we have had two instances

just then when the Treasurer was addressing a member's question and we had two conversations going across the chamber in front of the member who was receiving the advice. I do not think that helps either the Treasurer or the member trying to listen to it.

Members interjecting:

The CHAIR: There was more than one member involved. Are there any other matters on that clause?

The Hon. D.W. RIDGWAY: Point of order, Mr Chair: I do not believe I was involved in any conversations and yet interjections are coming constantly from the other side.

The CHAIR: There were two conversations across the chamber in front of the Hon. Mr Darley. I am not going to go into who was participating in that, I would just ask members to not continue to do it.

The Hon. F. PANGALLO: Just to be clear, the Treasurer has given an assurance that there will be zero interest and no penalties imposed on those seeking payment plans. Is that correct—zero interest?

The Hon. R.I. LUCAS: I repeat the assurance I have given on behalf of the commissioner: the caveat is, providing that taxpayers keep up with their payment plans. If there is an agreed payment plan with the taxpayer and all of a sudden they refuse to pay, then there will be the option for a penalty or interest payments. As long as you keep up with an agreed payment plan—and I think members who have represented constituents before will know that you enter into an arrangement with RevenueSA in relation to an agreed payment plan—that will be the circumstance.

We are hoping that will not eventuate. As I have said, a number of constituents have said to me, 'We accept the fact we've had the cash flow benefit for the last nine months. We should have got this bill in October. We know we have to pay a certain amount of money, but we haven't had to pay the money until June or July.' They have actually kept within their business the amount of money they are going to have to pay anyway, so they have received that cash flow benefit in relation to those circumstances.

We are seeking to get these bills out as quickly as we can and then have a reasonable gap between that and the next round of bills, which generally does not start until October or November. They do not go out on 1 July, or whatever it is, the next round of bills, in terms of the delay in relation to that. If there is a particular set of circumstances where someone is in difficulty, then there is an assurance from the commissioner that she and they will enter into an arrangement in terms of time payment or term payment, and as long as they meet the agreed terms of the term payment there will be no interest or penalty payments in relation to that.

The Hon. F. PANGALLO: I appreciate what the Treasurer is saying. Of course, if people do not meet those payment plans they would be liable to a penalty. What I am saying is if a person went to RevenueSA and said, 'Look, you've hit me with a bill for $50,000. I'm unable to pay this now. Can we enter into terms to repay that amount of money?' and they come back and say, 'Yes, we can do something over the next 12 or 18 months where you can repay it,' will those repayments have interest attached to them or will they be interest free?

The Hon. R.I. LUCAS: If there is an agreed repayment plan with the commissioner, the commissioner's statement that I read onto the public record says that there will not be interest or penalty payments. That is an arrangement that will be entered into between an individual taxpayer and the others. As I said, these will be negotiated.

This is a judgement call for the Commissioner of Taxation. The assurance I have read onto the record is an assurance in exactly the terms provided to me by the commissioner, that I give on behalf of the commissioner in the house as to how this will be approached. I can only repeat that if there is an agreed payment plan and that payment plan is met then there will not be any interest or penalty payments in relation to that.

The Hon. F. PANGALLO: I do not think you get what I am saying, Treasurer. If the bill is $50,000 and I go to the commissioner and say, 'Look, commissioner, I'm sorry but I can't pay this in one hit. Can we enter into terms to repay this amount of money?' and the commissioner says, 'Yes,

Mr Pangallo, we'll be generous and give you 18 months to pay off this bill,' and then I say to the commissioner, 'Thank you,' will those amounts be at zero interest or will there be an interest payment added to those repayments?'

The Hon. R.I. LUCAS: I cannot be any clearer than saying that the answer to the question is no. There is no interest, there is no penalty, in the circumstances. I have read onto the record what the commissioner has said, and the answer is no. The only area where there might be interest or penalty is if you agree to a plan and then you do not pay. Logically, you leave yourself open to interest and penalty payments in those circumstances. However, to answer your question, consistent with what I have just said on behalf of the commissioner, the answer is no.

The Hon. F. PANGALLO: Thank you. That is actually what I wanted from the Treasurer: an absolute clarification that those repayments over that period of time will be done without any interest being charged on that amount. Of course, if there is a default naturally I would imagine that the commissioner would want to have a penalty attached to it. I thank the Treasurer. He has made it quite clear that if people enter into an arrangement for repayment for a significant amount of money over a period of time it will not be subject to interest on top of what is owed. I thank the Treasurer for that.

Clause passed.

Clause 2 passed.

Clause 3.

The CHAIR: I should point out to the committee that this clause, being a money clause, is in erased type. Standing order 298 provides that no question should be put in committee under any such clause. The message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Maher–1]—

Page 3, line 11 [clause 3(1)]—Delete '2021' and insert '30 June 2021'

As I indicated to—sorry, I am distracted by the Hon. David Ridgway, slightly.

The Hon. D.W. Ridgway interjecting:

The CHAIR: Order! The leader will continue.

The Hon. K.J. MAHER: As I indicated to the chamber before—I was slightly and possibly deliberately being misrepresented by the Treasurer, which is a tactic he occasionally employs in here to make his points. I indicated reasonably clearly at the outset that I would not be moving amendment No. 3 [Maher-1] but I would be moving amendment No. 1 [Maher-1] and amendment No. 2 [Maher-1]. So I have moved the first amendment. If that is not successful, I indicate I will not move the second amendment; it does not make sense without both of those amendments.

What those amendments do, quite simply, is in relation to the main part of this bill that seeks to extend the date by which a trustee of a discretionary trust to which land is subject to tax may lodge with the commissioner a notice specifying the beneficiary. The government proposes to extend that from 30 June this year. They have said they are not able to meet that deadline and we agree. With five weeks to go, if they are not able to, it would be unreasonable to try to say now, 'Employ a thousand extra people to make it happen within five weeks.'

We concede that would be unreasonable, but we do not concede that it is reasonable to extend it for an extra 12 months when there have been taxpayers who have effectively done the right thing and made that election before this date. We think three months is a reasonable amount of time for the government to apply their minds and the resources to do what is necessary, rather than a full 12 months, given the inequity, as I outlined in the second reading speech.

So I have moved amendment No. 1 [Maher-1] and indicate that, if that is successful, I will be moving amendment No. 2 [Maher-1] but I will not be moving it if this is unsuccessful. I will not be moving amendment No. 3 [Maher-1].

The Hon. R.I. LUCAS: I will not prolong the debate. I think members are aware of the fact that the government is going to oppose all the amendments. We are pleased to hear that amendment No. 3—for the reasons I outlined in the second reading, it does not make any sense—is not going to be proceeded with. We oppose amendments Nos 1 and 2. We accept the fact that they are contingent on each other, so if one succeeds or fails the other should succeed or fail.

I will conclude by saying that, for those members in this chamber who want to give the maximum flexibility for people to avail themselves of their legal entitlements under the legislation, it is a complex package which was much discussed and debated—it was very controversial 18 months or so ago—but is, nevertheless, we believe, the most comprehensive land tax reform in this state's history. A fairer and more competitive system was arrived at by the parliament and this, in our view, gives the greatest option to all people to legally pay whatever it is that they should legally pay under this fair and competitive package.

If the Labor Party amendment gets up, then there will be certain individuals who will be aggrieved if we are unable to get our bills out before or very late in the period where this new cut-off would be, which is 30 September. So the same people who are complaining now with four or five weeks to go that they are being disadvantaged will also be complaining in September, if this particular amendment is supported.

We make it clear that, if people want to support people being able to pay legally and lawfully what they are required to under this legislation, and have the choice of either the provisions of a designated beneficiary in their family trust or not, which the parliament voted for, our amendment gives them the greatest flexibility. If the Labor amendment is supported by members, it may leave some individuals, come September or October, very aggrieved with those people who supported the Labor amendment.

The Hon. F. PANGALLO: Would the government consider an extension to 31 December 2021?

The Hon. R.I. LUCAS: The government's position is to support the 12-month extension, but the longer the extension the better. We are hopeful, for example, that an amendment would be possible in three months. If the honourable member is prepared to support a six-month extension, that certainly makes more sense than the three-month extension, but I note that, if the member was going to move that particular way, we need to get this bill passed this afternoon to get it through both houses of parliament by 30 June.

We are open to that if the honourable member is prepared to support it. I am not sure where the numbers lie in the chamber. Clearly, we need to hear from the Hon. Mr Darley and the Greens in relation to their position on these amendments. We are opposed to the Labor amendment as it stands at the moment.

The CHAIR: I point out that I did say earlier that it was clause 3, page 3, but it is actually clause 3, page 2. There was a typographical error.

The Hon. R.A. SIMMS: I rise on behalf of the Greens in support of the Labor amendment. I have heard what the minister has had to say. Our view is that we should be looking to recover these funds as quickly as possible in light of the importance of land tax reform, which is something the Greens have always supported. Our philosophical view is that land tax is one of the fairest forms of taxation, because the more property you own the more tax you should pay. It is a fairly simple principle and, as I stated earlier, it is disappointing that the Labor Party squibbed that opportunity for reform and instead chose to play politics with the issue.

Land tax reform means more money for health, more money for education, more money for housing, more money for transport, more money for vulnerable people who need support. It is on that basis that we think: let's start trying to recover the money now, rather than having a prolonged extension period of 12 months. That is where we sit on this amendment.

Progress reported; committee to sit again.

CHILDREN AND YOUNG PEOPLE (SAFETY) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 May 2021.)

The Hon. T.A. FRANKS (16:37): I rise to speak briefly on this bill, although possibly less briefly than I was going to. I note that the Greens recognise that this amendment bill is a bit of a stopgap measure as there will be a full review of this particular act in 2022. What we do welcome, however, in this particular piece of legislation is the reinsertion of principles and provisions that existed in the previous legislation that were not included when we first implemented the Children and Young People (Safety) Act.

In particular, we welcome the reinsertion of the 'best interests principle' as a key consideration in the administration of the act. While the safety of children and young people is absolutely an important consideration in decision-making, we also should be making sure that their best interests are taken into account as well. It is good to see this reinsertion. A good way forward has been found from what seemed like an intractable debate in previous incarnations of this legislation.

The reintroduction of short-term investigation and assessment orders will ensure that children and young people are not left in limbo for unnecessarily long periods of time, and it certainly is a welcome change. The Greens note that under this proposed legislation the courts will be able to make short-term custody orders of up to six weeks to allow an investigation of the circumstances of that child or young person to be carried out and that urgent applications will be dealt with much more expeditiously. I am sure this will be a welcome relief to many.

In a very welcome move, there is also clear articulation and expansion of the Aboriginal and Torres Strait Islander child placement principle. This is something we fully and wholeheartedly welcome and look forward to supporting. We note that there were amendments made in the lower house to this piece of legislation, including some really important clarifications around a child's consent to adoption, and in particular around the requirements for ministerial consultation with carers. We believe that these are both positive steps.

We do however hold some reservations at this stage about those provisions regarding adoption and those provisions around carers, and we are currently in contact with stakeholders and community groups. I want to thank the government for the briefing they have provided, and I understand that the opposition has amendments forthcoming to this bill as well. We will therefore be reserving our right to our position throughout the committee stage, and I flag that in clause 1 we will have quite a few questions at that point.

This piece of legislation, as we know, was somewhat vexed under the auspices of the Weatherill government. I do commend the minister for finding that pathway through that 'best interests of the child' previous debate and we look forward to continuing discussions. I note that there has been a lot of community interest in this piece of legislation, but I also note that there is another review coming. If we cannot find a way of supporting all the measures in this particular incarnation of the legislation, we will certainly be looking forward to full and appropriate consultation for that 2020 review and forthcoming legislation.

Debate adjourned on motion of Hon. N.J. Centofanti.

STATUTES AMENDMENT (IDENTITY THEFT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 May 2021.)

The Hon. C. BONAROS (16:42): I rise to speak on behalf of SA-Best on the Statutes Amendment (Identity Theft) Bill 2021. The bill, as we know, seeks to expand on the existing but

narrow identity theft provisions introduced into various acts in 2003. It is extremely timely, because as we know the world has changed since 2003. To give you an idea of how much, 2003 was the year Apple iTunes first launched, along with the doomed Blu-ray disc. Search engine Google was in its infancy and was about to go public on the stock exchange. Facebook was not even live yet.

Our laws require ongoing updating, given the ever-changing face of identity theft and the many various risks associated with it. Until now, and I am hoping beyond now, I have not been the victim of the sort of identity theft that we have been talking about in this bill. I can only imagine the horror, and thereafter the administrative nightmare, of being such a victim. I have certainly spoken to people who are victims of this sort of identity theft, and the ramifications are daunting but also very wideranging, to say the least.

We know it is on the increase. We saw a prime example of identity theft just yesterday when four accused people appeared in the Adelaide Magistrates Court after police allegedly found them in possession of a large number of fake IDs they suspect were stolen or fraudulently obtained. The bill seeks to increase the penalty for producing or possessing prohibited material from three to five years, with deterrence as a driving factor. That is a very welcome measure. There is a big market and big money in assuming someone else's identity. A driver's licence is often referred to as the 'golden ticket', enabling offenders to take out credit cards, telephone accounts and leases, and incur a range of debts in someone else's name.

The Australian Institute of Criminology has estimated the direct and indirect costs of identity theft in Australia in 2018-19 alone were some $3.1 billion; that is a 17 per cent increase in three years. Unfortunately, it can be a very difficult crime to prove and it can also be a very difficult mess for individuals to get out of.

So by deleting the word 'serious' from section 144C of the Criminal Law Consolidation Act, it is intended that it will lower the bar and hopefully boost conviction rates. Currently, it must be proven that the defendant intended to commit a serious criminal offence, being an indictable offence, or an offence prescribed by regulation, with the information. The Attorney has described the current threshold as unreasonably high, and I, for one, agree with that description.

The bill also creates a new offence for possessing or using another person's ID information without reasonable excuse, with a maximum penalty of two years. It reverses the onus on the defendant to show reasonable cause for possessing that information. There are defences available, such as information a person can hold in the ordinary course of a lawful occupation or activity or if the defendant is a close relative of the victim, holds a power of attorney for the victim or is the guardian or administrator. In those circumstances the prosecution will then need to prove its case beyond reasonable doubt.

As if the consequences of identity theft are not devastating enough, it can also prove very difficult for a victim, as I said, to clear their name in the aftermath. Currently, the offender must be convicted for a crime to apply to the court for an identity theft certificate, and accessing a certificate is not easy given the low conviction rates. So it is a ripple effect, if indeed charges are proceeded with at all. The process can be drawn out over months or years, if it is indeed proceeded with, and in the meantime the impact of that identify theft on a person's credit rating can be crippling due to absolutely no fault of their own.

I think we have all heard in the media the sorts of stories we are referring to in relation to this bill. The amendment to the Criminal Procedure Act means a victim can now apply to the Magistrates Court for a certificate with no charges or convictions required and get to clear their name in a much more streamlined process. They must prove they are a victim on the balance of probabilities, which is a fair test considering offenders are often located overseas or in unidentified locations. A victim, if a minor, will similarly be able to apply to the Youth Court for a certificate.

Finally, I was triggered when I saw the word 'gambling' in this bill. While minors will continue to be exempt in cases where they use another's identity for the purchase of alcohol, the bill narrows the scope of exemptions to preclude minors who access online gambling products or R18+ publications, films or computer games.

Online gambling or accessing R18+ publications are considered a lot more serious. If this was a spectrum that we were considering, they are at the more serious end of the offending than, say, using a brother's, a cousin's or a mate's fake ID to buy alcohol or to get into a venue. Having said that, I do not by any means intend to diminish the seriousness of those acts as well.

Overall, I think these are very sensible reforms. They are very much needed reforms and improvements to identity theft laws. I understand the Law Society is supportive of the amendments, though a suggestion was made to expand the provisions to include what has become commonly known as deepfakes, and I know a thing or two about them given my own experience with Japanese anime and hentai.

I apparently feature in a few videos that include my face moving for the prohibition of childlike sex dolls in South Australia and also hentai, which is basically child exploitation material. People who love that material do not really like us for moving those laws, and there are some colourful videos indeed that would fall within the deepfake category. So I am sympathetic to this issue. It is not nice having your face plastered on one of these sorts of productions.

All that said, the laws relating to deepfakes might be better placed elsewhere. I think they fall within the category of defamation rather than identity theft. Nobody has actually tried to steal my identity by plastering my face onto a hentai picture and do anything other than humiliate me with it. So even though there is a place for those laws, I do not think this is it. I agree with the Attorney that we should be considering those separately. With those words, I indicate the support of SA-Best for this bill.

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

LEGISLATION INTERPRETATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 May 2021.)

The Hon. T.A. FRANKS (16:51): I rise on behalf of the Greens to indicate broad support on the Legislation Interpretation Bill 2021; however, I do note some concerns with the absence of extrinsic materials, and the Greens will be moving an amendment on that matter.

Extrinsic materials, as used by the legislative and executive arms of government, are any materials that are external but are closely related to and provide relevance to the interpretation of legislation. When interpreting legislation, there are two techniques that are regularly employed: purposive and contextual. These are used to provide distinction between discovering the purpose of the act and what its intentions were, as well as establishing parliamentary intention in relation to certain provisions. These techniques help to resolve ambiguity in the words and language used.

In 1981 and 1983, the federal government of the time arranged a gathering of distinguished members of the legal professions, including High Court chief justices, to discuss the statutory interpretive approaches of the time and the use of parliamentary materials. With bipartisan support, the federal government was able to enact sections 15AA and 15AB of the Acts Interpretation Act 1901 (commonwealth), to provide authority for the use of extrinsic materials of statutory provisions. South Australia was the only state which did not follow suit by passing their own state amendments.

Extrinsic materials are now 'routinely examined' with regard to attributing meaning to legislation objectives. However, the Acts Interpretation Act 1901 (commonwealth) and the common law take different approaches to how and when extrinsic material should be used in these processes. The first is the South Australian common law approach. In order to meet the standards of the modern approach to statutory interpretation, South Australia has had to apply statutory precedents. This has been developed alongside the legislation amendments and to provide remedy to the existing precedent in the common law.

The modern approach to statutory interpretation was founded by the joint judgement of the majority in CIC Insurance Ltd v Bankstown Football Club (CIC Insurance), which provided that:

> If the apparently plain words of a provision are read in the light of the mischief which the statute was designed to overcome and of the objects of the legislation, they may wear a very different appearance.

The principal resulting from CIC Insurance works independent to section 15AB of that act and construes itself to include parliamentary materials, as well as the history of the relevant law, parliamentary history of the statute and historical context. However, this principle has its parameters in its consideration of two purposes. One is the consideration of the existing state of the law, its history—including amendments and repealed acts—the other is identifying the mischief of the relevant statutory provision or act. In this context, 'mischief' refers to the intention of legislation when enacting it, not just the literal interpretation. I note that the High Court itself on occasion has been more than accepting of this approach.

However, the case of Saeed v Minister for Immigration and Citizenship [2010] shows why this approach has flaws, and I note the significance that this decision should have on this particular bill. In that particular case, the case came before the High Court on appeal, where proceedings were brought under section 39B of the Judiciary Act, with the appellant claiming she was denied common law procedural fairness. It involved the consideration of section 51A of the Migration Act 1958 (commonwealth), where the appellant was an offshore application for a skilled independent visa. The legislation specified the consideration of an onshore applicant; however, the appellant argued there was room for open interpretation of any offshore applicant.

One of the eligibility criteria for a visa of this kind was retaining employment in a skilled occupation for at least 24 months in the 24-month period prior to lodging the application. The applicant provided information to the minister's delegate, demonstrating that she met the criteria by working as a cook in Pakistan. The immigration officers in Pakistan investigated her claims but found no evidence she had completed this work, as no employee records were kept at the restaurant. They were also given 'adverse information', which stated that no woman had ever worked in the kitchen.

On 16 July 2008, the minister's delegate refused her application on this basis. In this case, the High Court had to consider whether the amendment of section 51A of the Migration Act was that those 'exhaustively stated' principles of natural justice were limited to the 'matter to which this act applies'. The joint judgement provided that:

> It is only when the meaning of the text is doubtful…that consideration of extrinsic material [may] be of assistance.

However, the plurality then stated:

> …it is erroneous to look at extrinsic materials before exhausting the application of the ordinary rules of statutory construction.

This statement caused a disturbance amongst the legal profession, which had an interest in statutory interpretation. Members of the judiciary noted the majority statement and criticised it as a more restrictive approach.

Mr President, I note this judgement to you to help support the need for legislation that moves into the modern era and does not limit itself to the natural, ordinary meaning of words. The bill before us needs to open itself to materials that can adapt and change as the needs of our society change, otherwise we are left with statutes that are no different than they were over 100 years ago. South Australia, as I have said, is the only state that is this far behind in the approach to the interpretation of legislation. It is our role, as representatives of the community, to ensure that the laws that govern us are not limited by language that keeps us outdated.

In its submission to this bill, the Law Society of South Australia noted that the aim of this particular bill is to bring it 'into step with modern legislative practice'. The Law Society provided the importance of including extrinsic materials, stating that when material is not limited to relevant reports, explanatory memoranda and speeches it avoids the need for prolonging legal proceedings, as well as giving reliance for persons to look further than the ordinary meanings of the text. That is why I rise today to introduce and foreshadow this amendment to make this bill inclusive of extrinsic materials in the interpretation of a provision or a legislative instrument.

The Greens' amendment will address those concerns raised by the Law Society. In comparison to other states, our act does appear weak, and the inclusion of such an amendment

would support the submissions that were made in relation to the consultations on this bill, as well as assisting in the ambiguity of any act or legislative instrument. With that in mind, the Greens' amendment would also bring into legislation what is already recorded in common law and, more specifically, the precedent set in Owen v South Australia. This includes the use of parliamentary debates, as well as a minister's statement of purpose and any relevant reports of a royal commission or a law reform commission.

With the lack of a section replicating section 15AB of the commonwealth act, the common law approach I spoke about earlier will need to be continuously relied upon. In order for South Australia to match other Australian jurisdictions, the Law Society suggested the opportunity to amend the bill in this draft stage. To include extrinsic materials is fundamentally making South Australia catch up with modern statutory practices, and the Greens' amendment would bring that suggestion into action.

We did note and do thank the government for their briefing on this bill and we were told that agreement could not be reached on this particular matter of principle. However, it did not seem to us, in talking to the stakeholders who were consulted, that any follow up was done or a real effort made to try to find a landing space on this particular matter. So we put it before this parliament in the hopes that perhaps that conversation will continue rather than be stymied.

The government cannot ignore the facts and the suggestion of the courts themselves, as well as the submissions presented by those who will benefit from this bill the most. In this particular council I believe we must take the right steps to create laws that will help South Australians in the future. With that, I commend the bill.

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

Motions

ST KILDA MANGROVES

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Condemns the inaction of the Minister for Environment and Water and the Minister for Energy and Mining in dealing with Buckland Dry Creek Ltd, resulting in the mass die-off of mangroves in St Kilda;

2. Calls on the government to act to ensure that the hypersaline brine filling the ponds near the south of St Kilda Road is drained out as a matter of urgency;

3. Calls on the ministers to commit to closing and repairing the ponds as directed in the Crown land lease conditions; and

4. Calls on the ministers, and their departments, to work with the public to create an action plan for the closure of the ponds and restoration of the surrounding tidal wetlands.

(Continued from 3 February 2021.)

The Hon. J.E. HANSON (17:01): I hate to break the somewhat congenial atmosphere we have had today, but I am going to. I rise to indicate that Labor will be supporting the motion in the name of the Hon. Tammy Franks. The death of nearly 25 acres of mangroves and 86 acres of saltmarsh is nothing short of one of the biggest ecological disasters in Australia's modern history. The fact that this government either did not realise that this was happening or, worse, did not care, is a scandal. Just as concerning is that almost 300 days later we are no closer to actually understanding how this disaster occurred or what is being done to fix it.

In the middle of last year, visitors and locals to St Kilda, including my seven-year-old boy, started noticing that mangroves along the boardwalk tourist attraction were going yellow and appeared to be dying. Further investigation by Peri Coleman, a St Kilda local and environmental consultant, uncovered the mess that we now have before us.

In the absence of any investigational outcomes from government agencies, Ms Coleman and other respected experts conducted their own investigations. They concluded that the destruction is likely the result of renewed pumping of hypersaline water into nearby salt ponds which has caused

the leaking of acidic material into the surrounding environment. Further evidence of this disaster is apparent in St Kilda itself, with hardy gum trees and other terrestrial trees around the area, which have stood for decades, now having to be removed by locals at their own expense.

There has been virtual radio silence from both the Minister for Energy and Mining—whose agency is responsible for the licensing arrangements under which the company in control of the salt pans operates—and from the Minister for Environment and Water, who appears to fancy himself as the quasi tourism minister, by the way, and is more concerned about paving the way for development in national parks.

Adelaide's mangrove forests are an integral part of the ecology and economy of our region. They are the nursery upon which many species of the Barker Inlet and St Vincent Gulf rely to breed as a food source. Among those species are Adelaide's resident dolphin population, one of the only populations of marine mammals living within the boundaries of a large city anywhere in the world. In fact, one of the most concerning parts of this, frankly, debacle is that it has been allowed to occur within close proximity of the Adelaide Dolphin Sanctuary, the St Kilda-Chapman Creek Aquatic Reserve and the Adelaide International Bird Sanctuary National Park.

These important areas of wilderness protection should have had the highest level of caution applied to any vicinity anywhere near their borders, and yet here we are with a seemingly uninterested state government which has allowed them all to be put at risk through a lack of governance and a complete lack of oversight. The economic output of this area is also enormous, not only through the thousands of visitors to the area looking for an ecotourism adventure, like my young boy, within 20 minutes of the CBD, but also to the fisheries of Gulf St Vincent and beyond.

It is not too often we actually see environmentalists and commercial fishers come together and agree on any particular issue, but this government has managed at least that very small achievement, with Neil McDonald, the executive officer of the Gulf St Vincent Prawn Boat Owners Association, joining along with the Conservation Council and other non-government organisations in calling for action from the government to fix their mess. RecFish SA has also joined the Save St Kilda Mangroves Alliance, which is an acknowledgement of the importance of this natural fish nursery.

South Australians still do not have the answers they deserve from this government: basically, who knew what and who knew it when? When were the ministers alerted to this growing disaster? Was it back in the middle of 2020 when their agencies first became involved? If so, why did they not speak publicly? More importantly, why didn't they act? What is the outcome of their investigations into the causes? What action are they taking to ensure this never happens again?

I suspect some of these answers will probably come through freedom of information requests that are eventually finalised by the ministers and their agencies, but the unfortunate situation we face right now is that there are no guarantees about further die-offs. The Minister for Environment and Water himself said as much earlier this year.

The same scientists and experts who blew the whistle on this issue hold grave concerns that further damage will occur. Just last month we heard from Save St Kilda Mangroves Alliance spokesman and Conservation SA chief executive Craig Wilkins that:

> Nine months after reports emerged of mangrove deaths at St Kilda, the hypersaline brine that caused the damage still has not been completely removed, and damage is still occurring.

The local ecologist I mentioned earlier, Peri Coleman, is also quoted as saying:

> Potentially 19,000 tonnes of new salt may be entering the Dry Creek salt fields every week with no effective strategy for managing its impact.

No effective strategy. She continued:

> Already the system is not coping, with alarming yo-yo swings in salinity levels that may have killed populations of invertebrates such as snails, small crustaceans, marine worms, brine fly larvae and brine shrimp.

This is nothing short of an ecological disaster. This chamber should condemn the lack of action from these ministers, and demand immediate and urgent action to ensure future disasters are avoided. For those reasons, Labor supports this motion.

The Hon. R.A. SIMMS (17:07): I rise to speak briefly in support of this motion, but particularly in condemnation of the way the two ministers, the Minister for Energy and Mining and the Minister for Environment and Water, have handled this matter. I say 'handled the matter', but really they have bungled the matter. It is utterly reprehensible that it took so long for them to act, and the lack of transparency from both departments has been simply appalling.

It has now been a year since there were first signs that something was very wrong down at the mangroves, but it has been even longer since the ponds started to be filled by Buckland Dry Creek. I remind all members here that Buckland Dry Creek were not allowed to move water or brine where these ponds are under the holding pattern that has been in place. This was the care and maintenance plan put in place after the ponds were initially closed back in 2013 and drained, against advice, in 2014—although I note as well that there are separate issues with the holding pattern and whether or not that was even working.

Despite this, despite the holding pattern, there was early evidence of the ponds being filled on 6 December 2019. What follows is a damning time line in terms of the government's management of this issue. The first two ponds south of St Kilda, PA5 and PA7, had shallow brine right across them by 21 December 2019. The brine in those first two ponds continued to deepen until 15 January 2020. The gate to PA8 was opened and brine started to fill that pond, reducing the levels in PA6 and PA7, notably.

By 27 January 2019, which was the next available date for the satellite imagery, the gate to PA9 had been opened and that pond had started to fill, reducing the brine levels in the first three ponds. On 6 May 2020, the satellite imagery shows considerably deeper brine right across the ponds—a clear ramping up of the pumping, which must have occurred in the few days before. By 15 July 2020, the orange patter visible in the false colour in the normalised vegetation index was apparent, signifying a loss of chlorophyll, which is a hallmark of the areas where mangroves and samphires had begun to die. By 30 July 2020, the mangrove dieback area was quite clear on the satellite imagery.

Yet, despite this, despite this evidence very early on in the piece, the government did not get involved until September. In fact, it was not until late September that DEM, DEW, the EPA, the Coast Protection Board and Buckland Dry Creek visited the mangroves and noted that they were sick. At that point as well you could see and hear the brine trickling out of the banks, and you could even see where the acidified brine had reached the surface. This is a damning time line, so it is mind-boggling really to hear from both departments that they were not aware of this issue until September. What is going on here?

It is frankly bizarre that it took until earlier this year—and we do not know the exact date—for a formal investigation committee to be established to look into the impacts of the leaking brine. Worse still, we are told that we might not even have a report until next year. Talk about being asleep at the wheel! None of this has come out of nowhere. We have had clear and consistent warnings as far back as 2012 that this could happen, some of those from the government and the government's commissioned reports.

When the salt fields were first set to be closed, a report prepared for the Adelaide and Mount Lofty Ranges NRM Board outlined the risks of the pond closure, including the discharge of hypersaline brine and its impact on the environment. We have then actually seen a formal complaint—not just one complaint but several complaints—lodged under the Environment Protection and Biodiversity Conservation Act in 2015, once again raising concerns around the risk of acid sulphates and brine leaking into the mangroves.

These complaints also related to concerns that while there was a holding pattern in place, it was not a long-term solution and was originally intended to end in 2014. By then the owners of the site—Ridley, at that time—were supposed to have a closure plan in place. Instead, since then we have seen the holding pattern extending until 2018, and then again until SA Water ran out of water intended for dilution of the brine sometime in 2019.

Then, as if that was not enough, once again a study commissioned by the department in 2019 noted a major issue that hypersaline and sulphide-rich sediments had built up over large

areas of the ponds and the salt field, posing a potential environmental hazard and a barrier to the remediation of the site. All of these warnings, all of these concerns, have been ignored.

When we have seen action, the action taken has been inadequate. It has been done in half measures. We have been told that the departments and the EPA have pumped 50 million litres out of the leaking ponds, but what has actually happened is that water has been removed but salt remains. The brine was pumped from one side of the leaking ponds to the other, to a side that is slightly higher up, and that pumping was just to increase the evaporation of these ponds. So of course all the salt has been left behind, so when it rains all of that salt is just going to be washed back into the system.

What is more concerning is that apparently the DEM staff have admitted that they have no data yet to predict the impact of the rain. Instead, they just hope that, based on the annual moisture deficit, there will not be a significant mobilisation of the redissolved salt. This is terrible. What I think the department are hoping for is some sort of miracle, because while the year has been dry so far, the area where the salt fields are actually experiencing negative evaporation—otherwise known as significant rainfall—has been left lacking. So to pin your hopes on a year-long average, rather than on the real-time weather conditions, is simply ridiculous.

Beyond that, I am informed that the Department for Energy and Mining has fully acknowledged to the community that, despite the department's hopes of a second wave of the groundwater, this may move towards the marsh in winter. Let's be clear: they are once again fully cognisant of the possibilities of the risks, but they do not seem to be doing anything at all. This is certainly excessive risk-taking behaviour on behalf of the government. We are seeing far too little action, too little too late, from the state government, and we are seeing one department passing the buck to another, on to the EPA or the federal department, but no-one is prepared to step up and take responsibility, to hold the minister to account, and fix this problem.

When this motion was first introduced, my colleague Tammy Franks raised the fact that the trees in local backyards were suddenly dying and that we were seeing an explosion in mosquito populations, but since then we have seen a devastating impact. This disaster is having a terrible effect on migratory birds. I would commend the work of the St Kilda Mangroves Alliance in raising this issue, and I understand they have now lodged a complaint with the federal environment minister under the Environment Protection and Biodiversity Conservation Act. There is a litany of failures here. It is very clear that the government needs to step up and take some action. More needs to be done sooner rather than later. It has already been too long. I commend the motion.

The Hon. J.M.A. LENSINK (Minister for Human Services) (17:16): On behalf of the government I rise to make some remarks in response to this motion, which the government opposes. The motion does not accurately reflect the effectiveness of the swift, science-led regulatory response, which has avoided further damage to the mangroves at St Kilda. The motion does not appreciate that regulatory directions have been made to ensure that Buckland Dry Creek operates in line with its approved plans, and the motion fundamentally misunderstands the rights conferred to the owner of the site by the previous government when they set in place the holding pattern to manage this sensitive coastal ecosystem.

The Dry Creek salt field ceased producing salt in 2014, following the closure of Penrice's Osborne soda ash production plant. The coastal location, and over 70 years of salt production at the site, presents a complex environmental liability. Following a series of environmental investigations, selected ponds across the salt field were allowed to dry. The remaining ponds were authorised by the former Labor government to operate in a holding pattern to prevent impact on the surrounding environment while longer term solutions were investigated. The holding pattern includes the discharge of saline brine into the SA Water-operated Bolivar discharge channel to allow for dilution of the salts prior to discharge into the gulf.

The salt fields were sold to Buckland Dry Creek Pty Ltd (otherwise known as BDC) in 2014, when the former Labor government was in office. Under new ownership, land reclamation accelerated at the southern end of the salt fields, and trials to dry off some ponds occurred to reduce the size of the fields. In early 2020, some previously dried ponds were reflooded. On 17 September

2020, the government became aware of reported dieback of the mangroves adjacent to the St Kilda boardwalk. The impacts to vegetation observed at St Kilda are unacceptable.

A prompt regulatory response has occurred, which to date has successfully avoided any significant increase in the area of impact. This is contrary to the claims of some groups that have implied a significantly larger area of impact, which is contrary to the science. Unfortunately, there has been some misinformation, which is not in line with the scientific data being collected on site that supports the efficacy of the regulatory response.

Whilst continuing to monitor the situation, we are now working on restoration and rehabilitation of the site. A coordinated cross-agency response has been deployed to control any further impacts to vegetation, to re-establish environmental stability, to reinstate the environmental conditions necessary for recovery of the impacted areas, and to plan for sustainable future management arrangements.

This is a complex site—and the government is committed to understanding the scientific ecological processes—which is part of a much larger joined-up network of mangroves. Any action to halt further damage to the existing site must be very carefully planned to not damage other parts of the sensitive tidal network. A proportionate regulatory response to this event to ensure this does not occur again must also be based on the collection of robust scientific evidence.

In addition, investigations are underway, which limit what the government can say about the regulatory actions to date so as not to prejudice the investigation. Work is continuing to stop further impact, promote conditions recovery and establish long-term environmental stability for the mangrove and wider ecosystem. The significant movement of water and reduced water movement to the most affected mangroves and saltmarsh areas has allowed state government pumping activity at the St Kilda salt field to cease.

We are also working within the parameters established by the previous Labor government and the holding pattern and mining leases within it. We are intent on delivering the greatest benefit to the community and the environment for this part of our precious coastline.

The Hon. T.A. FRANKS (17:20): Thank you to all those who have made a contribution today. I think, like many South Australians, many people in this chamber will have fond memories of visiting the St Kilda mangroves and share the heartbreak that I am certain is felt at the moment with the destruction of this unique environment. Certainly, we have all agreed on that part of the facts.

When I first moved this motion, I did not want to think that we would still be here some months later with no answers, no transparency and no accountability, but here we are. When I first moved this motion, it looked like the departments and the EPA were starting to ramp up the action and were starting to try to remove the brine and stop more environmental impacts, but the results since then have actually been questionable.

I know I covered a few of the impacts during my initial speech, but there has been additional information that I want to be really clear about right now for the council to understand the sheer scale of mismanagement that we have seen here. We were told, for one, that serious pumping would take place to remove the brine from the ponds and away from the mangroves, but this was not quite true. When you hear that, you think that the brine is being completely removed and either transported away or is being transferred to an impermeable or further inland pond, but this has not been the case. No; instead, they pumped into the eastern side of the same pond, not to remove brine or decrease the salinity but rather to simply increase evaporation.

Further, despite the order to remove water from the ponds that was made on that 24 December date, no attempt to pump was even made until the second week of January 2021. Even that attempt was not able to remove enough brine from the four ponds to even wet the next two ponds. The department has recently stated that 50 million litres of brine has been removed, but is that entirely accurate when much of that was from the ongoing leaking of these ponds and from evaporation?

The salt is still there, so no salt has actually been removed from the system. This means all of that salt is just going to get washed back into the system, down to the adjacent seawall when it rains. In what universe is this an appropriate solution? As my colleague the Hon. Rob Simms pointed

out in his speech, the department does not even have the data or information on what might happen the next time it rains and all this salt is dissolved once more.

We were told that departments are working with the community, but at best we can say—and this is being quite generous—that they have met with the community perhaps a handful of times. What the department calls a meeting is not necessarily actually a meeting. For example, in the Budget and Finance Committee this week, we were told that the Minister for Energy and Mining had recently met with the St Kilda Mangroves Alliance on site. I have been reliably informed that this is actually not the case. Rather, he met four members of the alliance in passing for a couple of minutes. This so-called meeting took place only a week ago and the minister is yet to set a proper date to meet with the alliance on site.

I remind the council again that the department has known about this issue since September last year and the community has known about it for much longer. In fact, the Department for Energy and Mining has handled this matter so poorly and so many community complaints have been made regarding how the department has treated community members—and indeed the department is now turning on community members—that yet another department, the Department for Innovation and Skills, has had to be brought in to help facilitate a community meeting, and that took place earlier this week.

Despite the far-reaching impacts of this disaster, no community forum has been held with the residents of St Kilda. This is beyond ridiculous. This kind of disaster is actually not unprecedented. It happened in the 1930s, during which time the same ponds leaked like a sieve. As my colleague pointed out, and as I pointed out in my original speech, we have had multiple warnings over multiple years that this could happen if we did not manage these ponds properly. We have now seen almost a decade of missed opportunities and mismanagement.

It is not good enough to blame the previous government for this. Our Marshall government has utterly failed to prevent an entirely preventable environmental disaster here and now. The mismanagement of these ponds goes back further than this most recent disaster, and the local environment there and the ponds have been stuck in this holding pattern. I note it is a holding pattern that was never intended to be permanent. In fact, it was supposed to end in 2014 with the implementation of a proper closure plan.

As was noted by the Hon. Rob Simms, the holding pattern continued to get pushed back, and to this day we have never seen any form of closure or other long-term management plan for these ponds. The mismanagement has led to the salinity levels that yo-yo back and forth, and about 2½ years ago all control over salinity appears to have been lost, which of course is likely disastrous for wildlife supported by these ponds.

Historic data indicates that the ponds were held within very narrow salinity ranges, and more recent data reveals conditions in the ponds are extremely variable, so it is likely that the stable populations of invertebrates that were present in each pond have already been killed. Yet somehow we hear from DEM that they are considering a 'temporary return' to the harmful holding pattern. Despite all the evidence, despite having years and years to figure out a long-term solution for these ponds, despite even having a fresh chance now so that something good might come from the death of these mangroves, they have once again ignored what should be a wake-up call, and they are now looking to something that never worked in the first place.

They are not even indicating what the time line might be for this temporary reinstatement of the holding pattern. I reiterate that the criteria for that original holding pattern had never been maintained for longer than a season, and hypersaline pond ecology needs at least seven years to be able to establish properly. The original holding pattern was supposed to end in 2014. They have now had more than seven years to come up with a long-term solution.

I know that there are people out there in the community with solutions and suggestions ready to go, backed up by science, backed up by data, and if the departments and organisations in charge cannot come up with something on their own after all this time they could at least consider working with the community that so desperately wants to help them fix this. As I say, there has been scant respect for that expertise in the community.

We now look to this chamber to pass this motion to demand action and to condemn the Marshall government's past inaction, because I have no confidence that this government will take this disaster seriously without more pressure now. I have no confidence because we see comments made about the future of the mangroves completely unsubstantiated by fact and action, comments such as those from the acting director of mining regulation on ABC radio that 'government departments are on top of the issues that are currently faced with the salt fields at Dry Creek' and that the department is confident that the situation is not going to get worse.

When I asked the department about these comments and what scientific evidence they are based on, the department did not have an answer. In terms of the department's confidence, I think Peri Coleman said it best:

> While DEM may be 'confident' that further damage to the mangroves may not occur, let's consider their track record, mmm?
>
> They were 'confident' the miner could be allowed to flood a further three dams after killing the first lot of mangroves and saltmarshes. Cost? Another 3 or 4 km of damaged coastal wetlands.
>
> They were 'confident' the miner's mackled together pipe arrangement across the Little Para would be safe. Cost? The brining of the estuary of the Little Para.
>
> They were 'confident' that issuing a 'stop pumping' order would stop the leakage. The cost? Many months of continued leaking until the leaking dams essentially drained out.
>
> They were 'confident' the miner's pumps could handle the by-then crystallising brine to remove it, when they finally issued a 'remove brine' order in summer. Cost? Well that didn't work at all, rumour has the miner's pumps stopping after 15 minutes...so the EPA has been out on site moving the crystallising brine to the uphill side of the dams with little pumps where it has salted out, and will await some decent winter rains to dissolve back up and mobilise again.
>
> They were 'confident' the problems were confined to the pond/dam system south of St Kilda. Cost? Trees in the gardens at St Kilda have died as the crystallising brine in the northern ponds has impacted the perched freshwater lens under the town. And the invertebrates in the dams, that the migratory shorebirds feed on, have all been pickled by the changed salinity.
>
> So, HOW confident are DEM?

How confident can this council be that the department and the ministers are handling this issue? We know that the ministers have been very slow and very lackadaisical in handling this disaster.

I am not confident at all in these ministers, so I want to be clear: it is not good enough to blame the previous government. It is not good enough to have been so slow to act. The community is watching. This parliament is acting. We will not stand for further destruction and ineffective action. I commend the motion.

Motion carried.

Bills

LAND TAX (DISCRETIONARY TRUSTS) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 3.

The Hon. R.I. LUCAS: I thank honourable members. Parliamentary counsel has now drafted a compromise position, which I will move at the appropriate time, when you call me, Mr Chairman, to do so.

Can I just briefly explain, without having to revisit—in the interests of hopefully getting us all home at a reasonable hour tonight—the debate has essentially been that the government's preferred position was giving this flexibility for 12 months, which was going to be June 2022. The Labor Party's amendment was to give it for three months, which was September of this year. The Hon. Mr Pangallo came up with a sensible suggestion, which we are now moving, which is a compromise, which is six months, which is 31 December.

So the amendment has been circulated in my name, and when we come to move that particular amendment it will be simply to provide the compromise position of a six-month option as opposed to either the 12 months, which the government wanted, or the three months. We think it is a sensible compromise, and I think everyone understands the position. To do so we would need to either defeat the Hon. Mr Maher's amendment or have him withdraw the amendment and then vote for the compromise position, which is the six-month amendment.

The Hon. F. PANGALLO: Thank you to the Treasurer for the compromise position. We will support it, of course, and my honourable colleagues will give their position on it. As I indicated, this whole thing has been a dog's breakfast. We certainly do not want to inflict any more unnecessary pain on taxpayers. I again thank the Treasurer for giving me assurances in relation to payment plans that taxpayers will undoubtedly be asking for when they start to get their bills, and I hope that the commissioner, when she views and assesses these repayment plans, shows some leniency and accords these taxpayers some generous terms for the repayments at zero interest and also with no penalties.

I hope she does not just say, 'I'll give you three months.' I hope she is far more generous than that, and I hope that is the intent of the comments that were made by the Treasurer today, that the repayment terms will be generous, because I am assured by many, from people within the industry—accountants and tax lawyers—that there will be significant tax bills that will need to be met. With that, I await the next stage of the debate.

The Hon. R.A. SIMMS: On behalf of the Greens, I rise to speak in favour of this compromise. We had been supportive of the Labor amendment of three months, but this six months seems like an okay outcome. Everybody will leave slightly unhappy, and sometimes that is not always a bad thing. If you can reach a compromise, then we are open to doing that. In this circumstance, it sounds like something that is going to be workable for all parties. In that spirit, we are happy to support this.

The Hon. J.A. DARLEY: For the record, I indicate that I will be supporting the compromise position.

The Hon. K.J. MAHER: Unsurprisingly, we prefer our position but, reading what people have said, I will not be proceeding and formally seek to withdraw our amendment, although I do not know what the procedure is. We will be supporting the position others have put. I make it clear and put on the record that we prefer three months, but having heard the contributions we recognise that is not possible.

The Hon. R.I. LUCAS: I move:

Amendment No. 1 [Treasurer-1]—

Clause 3, page 2, line 11 and 12 [clause 3(1)]—Delete subclause (1) and insert:

(1) Section 13A(1)—delete '30 June 2021' and substitute:

31 December 2021

Amendment carried.

The CHAIR: Clause 3 being a money clause, no question will be put on the clause.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (COVID-19 PERMANENT MEASURES) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:38): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, I am pleased to introduce the Statutes Amendment (COVID-19 Permanent Measures) Bill 2021.

Measures to reduce the spread of COVID-19 are fundamental to our ongoing response and keeping the community safe.

The Declaration of Major Emergency, in place since 22 March 2020 last year, provides the authorising context for the important social distancing and public health measures issued by the State Coordinator through Directions.

The *COVID-19 Emergency Response Act 2020* (the COVID Act) was enacted to temporarily adjust some legislative requirements that are difficult to satisfy during the pandemic. However, the COVID Act will expire on 31 May 2021.

The Bill proposes to permanently enact some of the provisions of the COVID Act so that they will not need to be extended again. The provisions in the Bill that are to be permanently enacted have assisted in the management of the COVID-19 pandemic and will be useful for other emergencies in the future. They will also modernise some practices in South Australia. This Bill also makes some other amendments not reflected in the COVID Act to promote social distancing.

Mr President, I will now deal with each of the provisions of the Bill:

Clauses 4 and 15 of the Bill amend the *Aboriginal Lands Parliamentary Standing Committee Act 2003* and *Parliamentary Committees Act 1991* respectively to allow these Standing Committees to meet via AVL or audio means.

Clause 5 of the Bill amends the *Acts Interpretation Act 1915* to provide that despite a provision of any other Act or law, a requirement that a meeting occur with 2 or more persons physically present can take place via audio-visual or audio. This clause clarifies that this does not apply to requirements that a person be physically present to witness the signing, execution, certification or stamping of a document or to take any oath, affirmation or declaration.

Part 4 of the Bill amends the *Emergency Management Act 2004* to assist the State Co-ordinator and authorised officers in the exercise of powers and functions.

Clause 6 of the Bill amends section 17 of the *Emergency Management Act 2004* to enable authorised officers to be issued with their identity cards as soon as practicable and to produce such other proof of their appointment when they exercise their powers if they do not yet have an identity card.

New section 26B makes it clear that if the State Co-ordinator requires the disclosure of information by a direction or requirement under section 25, then that person is under no obligation to maintain secrecy or other restriction on the disclosure of the information, except an obligation or restriction designed to keep the identity of an informant secret.

Under section 28(1) of the *Emergency Management Act 2004* it is an offence to refuse or fail to comply with a requirement or direction of the State Co-ordinator or authorised officer without reasonable excuse. Clause 8 of the Bill amends this section so that the offence is now expiable with a fine of $1,000 for a natural person or $5,000 for a body corporate.

Mr President, these provisions have been and will continue to be essential in supporting the State Co-ordinator in managing the COVID-19 pandemic in this State. These provisions will also be helpful in other emergency situations that arise in the future.

Clause 9 of the Bill amends the *Emergency Management Act 2004* to provide that no civil liability attaches to the Crown and no civil or criminal liability attaches to any person acting in good faith in respect of any acts or omissions in relation to a power or function under the COVID Act, the *South Australian Public Health Act 2011* or any other prescribed Act in relation to the COVID-19 pandemic. It is important to have these provisions in place to ensure appropriate decisions can be made to manage the COVID-19 pandemic without fear of liability arising in the future.

Clause 10 of the Bill amends section 19 of the *Environment Protection Act 1993* to provide that the round table conference may occur at intervals determined by the Environment Protection Authority instead of annually. This amendment is not currently contained in the COVID Act but is necessary to enable the meeting to be deferred in order to promote social distancing. In the event the round table conference does not occur, there are other means of wider community and stakeholder engagement that can be undertaken.

Clause 11 of the Bill amends section 71A of the *Environment Protection Act 1993* to allow container deposit refunds to be refunded electronically.

Part 6 of the Bill amends the *Mental Health Act 2009* to allow community visitors and the Chief Psychiatrist to undertake inspections and visits via audio-visual means if it is not reasonably practicable for to physically visit or

enter the relevant premises, having regard to factors such as the availability of community visitors, the remoteness of the relevant premises or the need to prevent contagious diseases. Details of such visits must be made available on a publicly accessible website.

Part 8 of the Bill amends the *Real Property Act 1886* to reflect the modifications that are currently made under the *COVID-19 Emergency Response (Section 16) Regulations 2020*.

Under section 128 of the *Real Property Act 1886* a mortgage must be executed by the mortgagor and the mortgagee if land is to be charged or made security in favour of a mortgagee. Section 128 provides that the Registrar-General may register a mortgage that is executed solely by the mortgagee if a mortgage on the same terms as the mortgage lodged for registration, called the *corresponding mortgage*, has been executed by the mortgagor and the mortgagee. Clause 16 of the Bill amends this section so that there is no need for the corresponding mortgage to be executed by the mortgagee. This allows for corresponding mortgages to be executed remotely by the mortgagor.

Clause 17 of the Bill amends section 153A of the *Real Property Act 1886*. This amendment is not currently in the COVID Act or regulations but is consistent with the amendment in clause 17. Section 153A of the *Real Property Act 1886* provides that the Registrar General may register an instrument renewing or extending a mortgage that is executed solely by the mortgagee if the Registrar General is satisfied that a document on the same terms as the instrument lodged for registration, called the corresponding document, has been executed by the mortgagor and the mortgagee. This section is amended to remove the requirement for a mortgagee to execute a corresponding document. This will allow for the remote execution of corresponding documents by mortgagors.

These amendments will be welcomed by the banking industry, including the Australian Banking Association and financial institutions to reduce barriers to the electronic execution of these document and remove duplication of work.

Clauses 16 and 17 also amend section 128 and 153A respectively to clarify that there are no witnessing requirements for the execution of a mortgage, a corresponding mortgage, an instrument renewing or extending a mortgage or a corresponding document. These amendments are not contained in the COVID Act or its regulations, but are important to clarify for the banking industry that there are no witnessing requirements for these documents to promote social distancing.

Part 9 of the Bill amends the *South Australian Public Health Act 2011* (the Public Health Act) and replicates some of the amendments that are in the COVID Act. These amendments have enabled timely and responsive actions to take place in dealing with the pandemic and will be important tools to adequately manage any future outbreaks.

Clause 18 inserts new section 66(2a) into the Public Health Act to enable directions to be made by telephone, fax or other electronic means.

Clauses 19 to 22 amend sections 73, 74, 75 and 77 of the Public Health Act to extend the time frame in which written confirmation is provided after a verbal order or direction from 48 to 72 hours. These provisions are in relation to directions for people to undergo a test, undertake counselling and remain in isolation.

Clause 23 amends section 99(2) of the Public Health Act to allow the Chief Public Health Officer to authorise the appropriate disclosure of information for medical, research or statistical purposes.

Under section 77 of the Public Health Act the Chief Public Health Officer may make an order detaining people who have, or are suspected of having, a notifiable disease. Clause 22 of the Bill amends this provision to allow the Chief Public Health Officer, or an authorised officer, to apprehend or restrain a person, if necessary, in order to comply with the detention order. The provision also allows for the assistance to be provided by other persons (such as security staff) as necessary.

Mr Speaker, our emergency response to date has kept South Australia safe and strong. I commend the Bill to Members and I table the Explanation of Clauses.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Aboriginal Lands Parliamentary Standing Committee Act 2003

4—Insertion of section 12A

This clause inserts new section 12A into the principal Act to make permanent the measure referred to in Schedule 2 clause AA1 of the COVID-19 Emergency Response Act 2020.

Part 3—Amendment of Acts Interpretation Act 1915

5—Insertion of section 53

This clause inserts new section 53 into the principal Act to make permanent the measure referred to in section 17 of the COVID-19 Emergency Response Act 2020.

Part 4—Amendment of Emergency Management Act 2004

6—Amendment of section 17—Authorised officers

This clause amends section 17 of the principal Act to make permanent the measure referred to in Schedule 2 clause 1 of the COVID-19 Emergency Response Act 2020.

7—Insertion of section 26B

This clause inserts new section 26B into the principal Act to make permanent the measure referred to in Schedule 2 clause 1(f) of the COVID-19 Emergency Response Act 2020.

8—Amendment of section 28—Failure to comply with directions

This clause amends section 28 of the principal Act to make permanent the measure referred to in Schedule 2 clause 1(g) of the COVID-19 Emergency Response Act 2020.

9—Amendment of section 32A—Protection from liability—COVID-19

This clause amends section 32A of the principal Act to make permanent the measure referred to in section 22 of the COVID-19 Emergency Response Act 2020.

Part 5—Amendment of Environment Protection Act 1993

10—Amendment of section 19—Round-table conference

This clause amends section 19 of the principal Act to modify the frequency with which round-table conferences occur under the section.

11—Amendment of section 71A—Manner of payment of refund amounts

This clause amends section 71A of the principal Act to make permanent the measure referred to in Schedule 2 clause 2 of the COVID-19 Emergency Response Act 2020.

Part 6—Amendment of Mental Health Act 2009

12—Amendment of section 52—Visits to and inspections of treatment centres

This clause makes a consequential amendment to section 52(1) of the principal Act.

13—Amendment of section 52A—Visits to and inspection of authorised community mental health facilities

This clause makes a consequential amendment to section 52A(1) of the principal Act.

14—Insertion of section 52B

This clause inserts new section 52B into the principal Act to make permanent the measure referred to in section 10A of the COVID-19 Emergency Response Act 2020 to the extent that it relates to the principal Act.

Part 7—Amendment of Parliamentary Committees Act 1991

15—Insertion of section 24A

This clause inserts new section 24A into the principal Act to make permanent the measure referred to in Schedule 2 clause 3(b) of the COVID-19 Emergency Response Act 2020.

Part 8—Amendment of Real Property Act 1886

16—Amendment of section 128—Mortgage of land

This clause amends section 128 of the principal Act to allow certain documents to be executed by a single party.

17—Amendment of section 153A—Requirements for renewal or extension of mortgage

This clause amends section 128 of the principal Act to allow certain documents to be executed by a single party.

Part 9—South Australian Public Health Act 2011

18—Amendment of section 66—Action to prevent spread of infection

This clause inserts new section 66(2a) into the principal Act to make permanent the measure referred to in Schedule 2 clause 5(a) of the COVID-19 Emergency Response Act 2020.

19—Amendment of section 73—Power to require a person to undergo an examination or test

This clause amends section 73(8a) of the principal Act to make permanent the measure referred to in Schedule 2 clause 5(b) of the COVID-19 Emergency Response Act 2020.

20—Amendment of section 74—Power to require counselling

This clause amends section 74(3a) of the principal Act to make permanent the measure referred to in Schedule 2 clause 5(c) of the COVID-19 Emergency Response Act 2020.

21—Amendment of section 75—Power to give directions

This clause amends section 75(3a) of the principal Act to make permanent the measure referred to in Schedule 2 clause 5(d) of the COVID-19 Emergency Response Act 2020.

22—Amendment of section 77—Power to require detention

This clause amends section 77 of the principal Act to make permanent the measures referred to in Schedule 2 clause 5(f) to (j) of the COVID-19 Emergency Response Act 2020.

23—Amendment of section 99—Confidentiality

This clause amends section 99(2) of the principal Act to make permanent the measure referred to in Schedule 2 clause 5(k) of the COVID-19 Emergency Response Act 2020.

Schedule 1—Related amendments

Part 1—Amendment of COVID-19 Emergency Response Act 2020

1—Repeal of section 17

This clause repeals section 17 of the principal Act, the effect of that section now to be dealt with by new section 53 of the Acts Interpretation Act 1915

2—Amendment of Schedule 2—Temporary modification of particular State laws

This clause amends Schedule 2 of the principal Act to reflect the permanent changes made by this measure.

Debate adjourned on motion of Hon. T.T. Ngo.

SOUTH AUSTRALIAN MULTICULTURAL BILL

Introduction and First Reading

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

HEALTH CARE (GOVERNANCE) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council.

No. 1 Clause 6, page 5, lines 38 and 39 [clause 6, inserted section 28C(5)]—

Delete 'must advise the parties of the decision in writing' and substitute:

must—

(a) advise the parties of the decision in writing; and

(b) cause a copy of the decision to be tabled in each House of Parliament within 7 sitting days after the service agreement to which the decision relates is entered into or varied.

At 17:41 the council adjourned until Tuesday 8 June 2021 at 14:15.