LEGISLATIVE COUNCIL

Thursday, 10 June 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.

Ministerial Statement

OPERATION IRONSIDE

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:18): I table a copy of a ministerial statement made by the Minister for Police, Emergency Services and Correctional Services in another place today on the subject of Operation Ironside.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Assistant Minister to the Premier regarding multicultural affairs.

Leave granted.

The Hon. K.J. MAHER: As has been revealed in the chamber this week, a Liberal Party fundraiser was held disguised as a multicultural community event in May. The assistant minister in this place has been asked to show any evidence—any evidence—that people knew when signing up to the event the true nature and purpose of this event. The opposition has now been provided with evidence that the Liberal Party and the assistant minister did not disclose to people before the event that it was linked to the Liberal Party or indeed was raising money for the Liberal Party. I seek leave to table three documents.

The PRESIDENT: What are they?

The Hon. K.J. MAHER: The first document is the original invitation to the Liberal Party event. The second is a reminder email and a friendly reminder attachment. The third is the ticket receipt for the event that confirms the payment of $180.

Leave granted.

The Hon. K.J. MAHER: These three documents show that on information that was provided to attendees before the event, information that was provided confirming the ticket receipt to the event of $180, there is no information whatsoever informing people who might attend that it is a Liberal Party fundraiser. My question to the assistant minister is:

1. Can the assistant minister provide evidence that potential attendees at this event were indeed provided with information about the real destination of their ticket money?

2. If not, why was this hidden?

The PRESIDENT: Before asking the assistant minister to respond, I remind the Leader of the Opposition there was a fair bit of opinion in that explanation. I call the assistant minister.

The Hon. J.S. LEE (14:22): I think the opposition members have wasted enough time in this chamber to deal with this same issue over and over again. The answers I provided already support the fact that the Liberal Party knows about it. The Liberal Party booked the Convention Centre, the Liberal Party is the source where payments have been made to, so it's all in accordance with the rules. I have given enough answers as per my previous answers.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary: assistant minister, the Liberal Party may have known, but did a single attendee to the event actually know the true purpose of where the money was going?

The Hon. J.S. LEE (14:23): As I explained yesterday, I was elected as the Liberal member of the Legislative Council in 2010. I was re-elected in 2018 as a Liberal member of the Liberal Party. So therefore if people don't realise that I'm actually a Liberal member of the party, then there is really something not right about whoever is feeding the information to the opposition on this matter.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. C.M. SCRIVEN (14:23): My question is to the Assistant Minister to the Premier regarding multicultural affairs.

1. How many of the 126 people who have applied for positions on the new SA Multicultural Commission were invited to the Liberal Party fundraiser?

2. How many of the current SA Multicultural Commission members, who had to reapply for their jobs, were invited and attended?

The Hon. J.S. LEE (14:24): The answers to the honourable member's questions are the questions that were taken on notice by the Attorney-General at the time in the other house, so I would like to say that the answers will be provided by the Attorney-General when the questions were asked in the other place.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. C.M. SCRIVEN (14:24): Supplementary: is the assistant minister saying that she doesn't know, or has no understanding whatsoever, of people who have applied for the Multicultural Commission positions, or is she simply saying that she does not want to answer?

The Hon. J.S. LEE (14:24): The expression of interest, which is a notice announcement by the Premier and myself to all the members of the communities, was issued and it is conducted by an independent assessment panel by an independent consulting company, therefore I am not privy to any of that information and to the questions being asked by the honourable member.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. C.M. SCRIVEN (14:25): Further supplementary: the current SA Multicultural Commission members are not subject to that EOI unless they are reapplying, so can the assistant minister say how many of the current commission members were invited and attended?

The Hon. J.S. LEE (14:25): This particular gala dinner is an open invitation to those who wish to join the celebration. It is not just a celebration of me as a member of parliament but is the celebration of a community that had the resilience to get through 2020. Therefore, I think it is not in this place that I should address those answers.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. C.M. SCRIVEN (14:26): Final supplementary: can the assistant minister see how some people might have felt pressured, and indeed conflicted, to come up with $180 for a ticket so that they would consider that their applications might be looked on favourably?

The PRESIDENT: The assistant minister, if she wishes to.

Members interjecting:

The PRESIDENT: Order! The assistant minister doesn't need any assistance from her own backbench.

The Hon. J.S. LEE (14:26): I am not sure whether any of the members of the opposition have actually organised a big event at a venue like the Adelaide Convention Centre. The cost of a meal, just the food alone, is about $90 to $100 per person, plus a drinks package of $40 to $50 per person, plus you have staging, you have AV, you have a band to play, and then also the chair covers, the centre lights and decorations, etc. There is really not much out of the $180 to pay for. It is to pay for people who want to come and join the celebration; it is not to do with fundraising as such. But because the opposition members keep referring to it as a fundraiser and because it is an event of the Liberal Party, they make an assumption that it is a fundraiser.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. C.M. SCRIVEN (14:27): Supplementary: is the assistant minister saying that there were no funds raised over and above the cost of the event?

The PRESIDENT: I won't take that, because that wasn't out of the original answer. We will move on to the Hon. Ms Bourke.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. E.S. BOURKE (14:28): My question is to the assistant minister—

Members interjecting:

The PRESIDENT: Order! I don't need any assistance in running the chamber from either my right or my left. The Hon. Ms Bourke has the call.

The Hon. E.S. BOURKE: My question is to the Assistant Minister to the Premier regarding multicultural affairs. Can the assistant minister advise the council whether a public servant employed in the office of the Minister for Energy and Mining provides any administrative policy or other support to the assistant minister in relation to multicultural affairs? Can the assistant minister confirm whether the same public servant was the emcee at the Liberal Party fundraiser disguised as a multicultural community event?

The Hon. J.S. LEE (14:29): There is a lot of accusation in the statement made by the honourable member. The staffer—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lee, the assistant minister, will be heard in silence.

The Hon. J.S. LEE: The staffer who the honourable member named was an adviser in the Premier's office, but she no longer works there, if the member could just get the evidence right. She happens to be a long-serving member of my staff, but on the night she volunteered her time to be my emcee. Is there anything wrong with that? I do not think so. Also, talk about disguises—when opposition members ask questions about a topic, they talk about multicultural affairs. What do questions regarding a particular staffer have to do with the role of me as assistant minister or the portfolio of multicultural affairs in relation to the gala dinner? Nothing.

INFRASTRUCTURE PROJECT FUNDING

The Hon. D.G.E. HOOD (14:30): My question is to the Treasurer. Can the Treasurer explain why the state government has allocated significant funding over the coming years towards the production of business cases for infrastructure projects?

The Hon. R.I. LUCAS (Treasurer) (14:30): One or two people have raised the issue with me in recent days as to why the government announced what they believe was a significant sum of money, and undoubtedly it is. It was an announcement of $27 million over the next four years to undertake business cases for significant infrastructure projects. There is clearly some interest in why the taxpayers of South Australia are funding, through the government, significant business cases for infrastructure projects.

The reality is that, when the Marshall Liberal government was elected in 2018, what we found was that for the state's biggest infrastructure project, the north-south corridor project, which was at a cost of many billions of dollars, there had been no decision taken by the former government or the former ministers to fund a properly constructed business case in terms of, in essence, the costings, final design and reference design and the benefit-cost ratio of such a significant investment on behalf of the taxpayers of South Australia.

The new government had to set about very quickly to undertake a final business case in relation to the north-south corridor and indeed a range of other significant infrastructure projects. What this government has chosen to do is twofold, in relation to public sector infrastructure. One is that it committed a significant sum of money in last year's budget and we are now continuing this for the next four years in terms of providing funding to departments and agencies.

Many of these projects require business cases to the cost of about $5 million. Some of them are cheaper than that, but a number of the significant projects cost around about $5 million to undertake significant business cases, in terms of justifying the expenditure of taxpayers' money in these particular projects and in some cases to rule out whether or not it makes sense to go ahead with a particular project or not.

In relation to the decisions that have been announced, already the government has announced the finalisation of a business case on the argument for or against the widening and upgrade of the Eyre Highway to try to provide access for triple road trains from the Western Australian border through to Port Augusta. There is a very strong argument, Mr President, as you would know and regional members would know, in terms of freight transport between east and west, that there is a significant potential economic benefit from upgrading that particular road network to allow triple road trains to be able to utilise that particular road. That business case is just one example.

The other one is the Murray Bridge to South East Links, which is considering the benefits and costs of duplicating the Princes Highway and the Swanport Bridge between Murray Bridge and the Mallee Highway. Again, these are important regional road networks in terms of important arguments in terms of freight access, as well as travel movements for not only businesses but households as well. Again, at the other end, as announced on the weekend, those in the artistic community are arguing the need for a concert hall or an acoustic hall. There is a business case, at a much lower cost I might say, to look at the business case for the argument for an acoustic or a concert hall in South Australia.

The second element is the introduction of Infrastructure SA, and that is all new projects of $50 million or more are being required to go through an Infrastructure SA process, and Infrastructure SA is requiring, understandably, proper business cases to be constructed. At least in this way there is some marginal movement towards some transparency and accountability in terms of government decision-making. Governments, Labor or Liberal, will always make decisions in relation to major infrastructure projects. The current Labor opposition has committed to a half a billion dollars proposal, which obviously hasn't gone through an Infrastructure SA proposal—

The PRESIDENT: The Hon. Treasurer should start to bring this answer to a conclusion.

The Hon. R.I. LUCAS: Thank you, Mr President—because that is actually not something they are able to do at the moment. The combination of both business cases and Infrastructure SA means that there is now greater transparency and accountability in terms of justification for significant public sector infrastructure projects.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before calling the Hon. Ms Franks, can I acknowledge the presence in the gallery of two former Presidents of this place and, indeed, two former Government Whips, the Hon. Bob Sneath and the Hon. John Gazzola.

Question Time

WHITE ROCK QUARRY

The Hon. T.A. FRANKS (14:36): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question on the topic of residential health impacts regarding the proposed White Rock Quarry expansion.

Leave granted.

The Hon. T.A. FRANKS: In January this year, the South Australian government commenced a detailed assessment of the submission by Hanson Construction Materials Pty Ltd to expand White Rock Quarry in the Adelaide Hills. It is just 10 kilometres east of the Adelaide CBD. In response, local residents have formed a group called Residents Against White Rock Quarry. Their concerns include the environmental and health risks posed by the proposed expansion. One of the primary concerns of these residents is the respirable crystalline silica (RCS) dust which has the potential to blow over residents in local suburbs including Horsnell Gully, Magill, Skye and Norton Summit.

The Cancer Council has found that exposure to silica dust can lead to the development of lung cancer, silicosis—which is an irreversible scarring and stiffening of the lungs—kidney disease and chronic obstructive pulmonary disease. Adelaide suburban residents are now vulnerable to these health risks under our current laws, as private mines can mine right up to the boundaries of private homes.

We have workplace standards around this dangerous dust and I note that those workplace standards are some eight hours of exposure per day in measurement, and yet what we are talking about here is residential 24/7 exposure. My question to the minister is: what has the government done to measure the residential health risks posed to local and nearby residents of this expansion and what tools and guidelines for this work to be done are currently available to SA Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:38): I thank the honourable member for her question. White Rock Quarry was originally established in 1946. As the honourable member says, Hanson are proposing to extend the life of the quarry, which would result in a larger operational footprint that would move them closer to surrounding residences. To authorise the expansion, an updated mine operations plan must be approved by government. There has been stakeholder engagement in relation to the long-term quarry development plan, and there has been a strong reaction from the community.

The Department for Energy and Mining is coordinating the whole-of-government technical assessment that considers all potential environmental and health impacts. SA Health is working with the regulators, the Department for Energy and Mining and the Environment Protection Authority. SA Health is working with the regulators to ascertain in what way the White Rock Quarry project will impact on residents and how best to prevent and manage risks of dust and other air pollutants, including respirable silica. This includes working together in undertaking an exposure assessment. That exposure assessment will also include respirable silica exposure. The details of how this will be achieved are still in the planning stage.

I am advised that in terms of health it is well established that silicosis occurs in occupational settings when high levels of respirable silica occur, but our understanding of how a quarry may contribute to a community's exposure leading to adverse health outcomes is less well developed.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. R.P. WORTLEY (14:40): My question is to the Assistant Minister to the Premier regarding multicultural affairs. Can the assistant minister advise the council whether in the last two days she or anyone associated with her has been telephoning guests who attended the Liberal Party fundraiser to warn them against giving any information to the media, the opposition or anyone else?

The Hon. J.S. LEE (14:40): Mr President, I find the many questions asked by the opposition to be very insulting. They think that it was a multicultural event. While I have come from a multicultural background and some of the guests come from a multicultural background, that doesn't mean we are not Australian and have equal rights providing the freedom and liberty to choose whether to go

to an event or not. I think that we should not let this parliament and this chamber waste so much energy and time on this matter, because it has nothing to do with me serving as assistant minister or me serving in the portfolio of multicultural affairs.

The PRESIDENT: Supplementary, the Hon. Mr Wortley.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. R.P. WORTLEY (14:41): Would the assistant minister be surprised to learn that people have reported to the opposition that they are being called and warned against speaking publicly by the person whose name and phone number was listed on the invitation?

The PRESIDENT: There is a bit of a stretch for that to be out of the original answer, but I will give the assistant minister the opportunity if she wishes.

The Hon. J.S. LEE (14:42): If the opposition members actually sent spies into the gala event, please name them.

HOMELESSNESS

The Hon. J.S. LEE (14:42): My question is to the Minister for Human Services about homelessness. Can the minister please provide an update to the council on the support the Marshall Liberal government is providing in recently announced homelessness sector reforms?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:42): I thank the honourable member for her question. Indeed, the Homelessness Alliances tender has been completed, which we believe is an Australia-first approach, focusing on early intervention to assist in preventing people from falling into homelessness, with wraparound and extended supports to prevent people from cycling in and out of homelessness, which is what our experience has been in more recent years.

The alliance model combines collective resources and experiences of providers and, through outcomes focused contracts, makes it easier for services to adjust their model to close service gaps and, over time, invest more funding into services that are working well.

What we do know with the existing contracts, which have been rolled over for the better part of a decade, is that that has not enabled services to respond to changes in demand. They have been required to keep providing the existing services to particular cohorts and service outputs rather than being able to be flexible as circumstances have changed. In addition, because it was an annual program, we are now moving to two-year contracts, which provides them with more certainty.

We do know that people with lived experience have told us that the system wasn't working for them and that too many of the services were short term and fragmented. So we are looking forward to the new arrangements coming in place from 1 July.

I might blush as I read this out, but I did actually receive an email from the global guru of homelessness, Dame Louise Casey, Baroness Casey of Blackstock DBE CB, who recently emailed Ian Cox, who is the leader of Homelessness Sector Integration within the Housing Authority, and myself to provide us the following, which I would like to quote from. She sent us an email on 21 May to say:

> I do hope this finds you and all your teams well. It looks like you continue to deal with fire, plague and more but are dealing with it well! I've heard about some of the action you've taken during COVID and am taken yet again with the clarity of purpose you have.
>
> Since our meeting in Glasgow in 2019, I have been following the great progress you have made and the evolution of your strategy in South Australia.
>
> So just wanted to say congratulations on the announcement of the SA Homelessness Alliances. I was pleased to see your leadership on both prevention (turning off the taps, I'd say!) and long-term housing, with support for people with complex needs.
>
> I know that determining outcomes and managing Alliances can be quite tricky, so wanted to be sure that you knew that the whole IGH team—

that's the Institute of Global Homelessness team—

> is at the ready to help assist you and your team in the coming months with the transition to newly selected service providers.

We see Adelaide and South Australia as important voices in the global movement to end rough sleeping and we're proud to have you as part of the Vanguard Cities program.

It has indeed been very reassuring to receive that support, in terms of the direction we are taking. We have acknowledged that we knew that change wasn't going to be an easy process. I may have outlined here previously that the transition to home alliance have been advertising positions on their website for anybody who is currently employed in the sector who may be looking to continue their role. We certainly value all the experience of people who have worked in this space for some time and wish to retain their expertise going forward.

HOMELESSNESS

The Hon. C.M. SCRIVEN (14:46): Supplementary: are we to expect that reading out correspondence in honour of herself will become a regular feature of this chamber, or will the minister only read from the baroness?

The PRESIDENT: The minister can answer that as she wishes.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:47): That's a hypothetical, and I am assuming that the Deputy Leader of the Opposition is herself assuming that I will continue to receive accolades from abroad for this reform.

Members interjecting:

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

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It is not my practice—

Members interjecting:

The PRESIDENT: The minister has the call.

The Hon. J.M.A. LENSINK: —and as I have said—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —I may blush when I read this out, but it is reassuring to have the support of the Baroness Casey of Blackstock in our reforms.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Indeed, Ian Cox was the person who had attracted her to South Australia, and she spent some time speaking with him in his former role as the head of the Hutt Street Centre. We have had a number of leaders in this space who have endorsed—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —this approach. We look forward to the reforms leading to greater outcomes for people with homelessness.

COVID-19 VACCINATION ROLLOUT

The Hon. F. PANGALLO (14:48): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the COVID-19 vaccine rollout.

Leave granted.

The Hon. F. PANGALLO: At the beginning of the pandemic, truck drivers who drove interstate were classified as essential workers, and rightly so, to ensure goods and services were able to be maintained across our state borders. They were forced to have weekly COVID tests, get

an essential travel identification number for entry into South Australia, get cross-border passes to enter other states, and in the early stages were even penalised if they sat in a roadhouse to eat their meals. It appears that may have all changed now, with walk-in vaccinations, and our essential truck drivers are being categorised differently.

I have been contacted by a frustrated transport worker who is trying desperately to organise a walk-in vaccination, but his pleas are falling on deaf ears. He rightly points out that not all transport workers have a regular roster, so booking an appointment weeks in advance for a vaccination won't work.

He has tried repeatedly calling the 1800 COVID information line to ask for advice, but after 40 minutes frustratedly hangs up. All he wants to do is be able to walk into a vaccination hub on his first day off, get vaccinated and then return home so he can immediately rest in case he has a mild reaction to the vaccination and then resume driving after his days off. My question to the minister is:

1. If the vaccination hubs are taking walk-ins for aged-care workers and other essential workers, why aren't they doing the same for our essential transport workers?

2. Will you direct the vaccination hubs to allow walk-in appointments by essential transport workers and, if not, what advice do you have for this constituent and the hundreds more like him to receive on-the-spot vaccination?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): The first point I would make is the groups that SA Health has been progressively opening up to have been bringing forward the priority cohorts as identified under the national vaccination road map. That road map is informed by clinical advice from the Australian Technical Advisory Group on Immunisation and, as I understand it, also advice from the AHPPC, the Australian health promotion committee.

In that regard, we have, if you like, taken on responsibility to assist the commonwealth in some of its priority cohorts. For example, disability workers and disability residents in commonwealth disability services, NDIS services, are the commonwealth responsibility but we are opening up our clinics to be able to be booked by those cohorts.

I should clarify that these cohorts don't correlate with the essential workers in relation to border controls or COVID testing. The primary basis for the priority cohorts is the risk of the particular person contracting COVID-19 or the risk of the person having significant adverse consequences if they do contract COVID-19. In terms of the point the honourable member makes that transport workers would find it difficult to be able to book within the time frames that the current booking system allows because of the irregularity of their hours, that's a very good point and I will certainly raise that with SA Health.

My understanding is that right around Australia the primary means of engaging with vaccine candidates is through appointment. That is primarily to make sure we can, in an orderly way, deal with the flow. It's very important that we have orderly flows through the clinics, that we don't have crowding and, to be frank, make sure we also minimise wastage. If we had significant numbers of walk-ins it is much more likely that you would have unused vials at the end of the day.

Having said that, we are looking at some limited walk-ins. For example, in relation to the period during the Adelaide Show my understanding is that that clinic is going to try walk-ins. The honourable member refers to the Thursday night session, which is at all three metropolitan clinics. Tomorrow's focus will be on residential aged-care workers, I should stress, not disability workers.

We are very interested to see how tonight's clinics go. It may well give us an opportunity to explore how we can add walk-ins to the schedule, and it may well be, as the honourable member suggests, there might be walk-ins made available for occupational groups for whom appointments don't work. I thank the honourable member for raising the issue and I will certainly take it up with SA Health.

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

COVID-19 VACCINATION ROLLOUT

The Hon. F. PANGALLO (14:54): Does the minister or SA Health have figures for the number of vials that have been wasted, or wastage from vaccinations?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): We certainly do. My recollection (I could be wrong) is that that may well be published nationally. First of all, there is always human error—people drop vials and the like—but, as I was implying by my response, it is also part of running a vaccination clinic. How many doses can they prescribe or draw out of the vials? How many vials are left at the end of the day? There is also wastage when we have cold chain breaches, but I will certainly seek information for the honourable member.

COVID-19 VACCINATION ROLLOUT

The Hon. C. BONAROS (14:55): Supplementary: can the minister advise whether consideration has been given to pharmacies administering the COVID-19 vaccine, as is the case in Queensland, either under the national vaccine road map or by the state government to assist with the rollout?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): The national cabinet a couple of weeks ago indicated that it was a matter for states and territories in terms of the engagement of pharmacists, and it is certainly an option that is open to the state and, as we move forward, we will look at that and other options.

HARROW HOUSE

The Hon. J.E. HANSON (14:56): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding disability housing.

Leave granted.

The Hon. J.E. HANSON: Harrow House is a home to people with an intellectual disability. It was first developed after the Harrow Trust signed a deed of covenant with the South Australian Housing Trust, the owner of the land, back in 2010. In November last year, the minister received correspondence from representatives of families of people who live at Harrow House. After seven months the opposition is advised that the only reply has been a generic acknowledgment.

Harrow House stands on Housing Trust land, but some families contributed tens of thousands of dollars to secure long-term tenure at the home, and many residents have ageing parents and this was a critical safety net to make sure that their children had a safe and secure home when they were gone. Harrow is a supported residential facility and six residents are now facing eviction. My questions to the minister are:

1. Given the minister has responsibility for the SA Housing Trust, disability services and the Supported Residential Facilities Act, why hasn't the minister responded, and who else is better placed to handle this issue?

2. Why does the exemption put in place by the minister continue to be in place, obliterating the residents' rights under the SRF Act, yet she fails to intervene to protect those rights?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I thank the honourable member for his question. I will look into the specifics of those and bring back a response to the chamber.

The PRESIDENT: Very hard to get a supplementary out of that, but I will listen to the Hon. Mr Hanson.

HARROW HOUSE

The Hon. J.E. HANSON (14:58): Will the minister further respond to families of Harrow House who have attended in parliament today to hear her response in regard to these questions?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): Generally, in terms of procedure, providing a response is something we table in writing. If the honourable member has the contact details of those families—

The Hon. J.E. Hanson interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I think it is a question of process. Generally speaking, when we provide responses to questions in this place—

The Hon. J.E. Hanson interjecting:

The PRESIDENT: Does the Hon. Mr Hanson wish to listen to the answer or not? He has asked a supplementary question. The minister has the call.

The Hon. J.M.A. LENSINK: Generally speaking, those answers are always in writing.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: I will provide a response in the normal way that we do in this place.

COVID-19 MENTAL HEALTH

The Hon. T.J. STEPHENS (14:59): I seek leave to make a brief explanation—

Members interjecting:

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

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding mental health.

Leave granted.

The Hon. T.J. STEPHENS: Last year, our clinicians here in South Australia, across Australia and internationally have stepped up to combat the COVID-19 pandemic to the point where it has presented significant challenges, including to their mental health. Will the minister update the council on support for mental health among clinicians?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): I would like to thank the honourable member for his question. The Marshall Liberal government is firmly committed to supporting the wellbeing of our staff throughout the health system. We acknowledge their dedication and thank them for their contribution to the community. We also acknowledge that this dedication can result in stress on the staff working to keep the community well and safe. This has been heightened by additional pressures during the COVID-19 pandemic.

These pressures made the annual celebration of Crazy Socks 4 Docs an even more important occasion, and I was pleased to be able to join with clinicians last Friday to mark the day. Crazy Socks 4 Docs has grown enormously since its beginning in 2017, just four years ago, including international acknowledgement.

Research by Mental Health Australia, released in October last year, showed that over 70 per cent of healthcare workers surveyed said that their mental health and wellbeing had been negatively impacted by the COVID-19 pandemic; 67 per cent said that it had negatively affected their home life.

In a recent interview, the founder of Crazy Socks 4 Docs, Dr Geoff Toogood, compared the two effects of the pandemic, physical and mental, saying that healthcare workers had to be as careful of their psychological PPE as their physical PPE—of course, PPE meaning 'personal protective equipment'. This reminds us that clinicians and healthcare workers need to look after each other, acknowledging that they are not immune from mental health issues.

It also means the individual taking time and space for themselves to recharge, and it means colleagues understanding trigger points for being unwell. It also means that we need to make sure that our health systems, our workplace practices, give our workers the opportunity to recharge.

The idea for Crazy Socks 4 Docs came from Dr Toogood's own experience of the impact that colleagues can have. In his specific experience, it was a negative impact. He turned up at work one day with unmatched socks. Some colleagues began talking behind his back, attributing the

'crazy' socks to mental health issues. In fact, his puppy had chewed all his socks except those two, and so he had been forced to wear the only two socks left to him.

It was this experience that led Dr Toogood to found Crazy Socks 4 Docs, reminding clinicians of the support they can give each other as well as being able to acknowledge challenges themselves and seek the help they need. I was pleased to be able to stand with our clinicians yet again this year, with my own pair of crazy socks, and I want to assure all of our health teams of this government's commitment to their wellbeing.

GIANT CUTTLEFISH POPULATION

The Hon. R.A. SIMMS (15:03): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Primary Industries and Regional Development, the Treasurer, on the topic of giant cuttlefish in Whyalla.

Leave granted.

The Hon. R.A. SIMMS: Last week, it was reported that Whyalla council approved Point Lowly marina access to Clean Seas Seafood to set up a major kingfish farm in nearby Fitzgerald Bay. This approval has come despite major concerns from the community and council about the impact on the world famous giant Australian cuttlefish population.

Clean Seas has been attempting to gain access to the Point Lowly marina since 2019 but had repeatedly been blocked by the council. Last week's approval will allow it to move its first fingerlings into Fitzgerald Bay before the end of the year.

Whyalla Mayor Clare McLaughlin said the council risked losing control of the state government owned marina if it rejected the latest bid. The council has said they feel they have no choice but to approve marina access, with the mayor stating that if they rejected the bid the state government would take back control and pass it on to a third, unknown party.

My question to the Treasurer is: with up to 200,000 cuttlefish that gather in the area to breed from May to August each year, what will the state government be doing to ensure that the pristine Fitzgerald Bay marine environment is not compromised by the approvals they have granted?

The Hon. R.I. LUCAS (Treasurer) (15:04): The minister has advised me that the Department of Primary Industries and Regions is responsible for the regulation and management of the aquaculture industry in accordance with the act and that the assessment of individual aquaculture licence applications follows a strict set of guidelines and a risk-based assessment based on national best practice. For this particular proposed aquaculture operation at Fitzgerald Bay, a comprehensive ecologically sustainable development risk assessment report was undertaken, along with consideration of the most recent scientific advice and published research.

The applications, I am advised, were also referred to the EPA for approval, as is required by the act, to ensure the proposals meet the objectives of the Environment Protection Act 1993 and associated environment protection policies. These include the Environment Protection (Water Quality) Policy from 2015.

With appropriate mitigation measures and environmental monitoring programs in place, the risk assessment determined that Clean Seas' applications in Fitzgerald Bay rated as a low risk. To inform the assessment of the Fitzgerald Bay applications, I am told that SARDI undertook oceanographic modelling in 2018 to demonstrate the spatial footprint of aquaculture-related nutrients and other derived organic matter in the Upper Spencer Gulf.

I am further advised that these studies demonstrated nutrient levels are expected to remain well below the Australian and New Zealand Environment Conservation Council 2000 water quality guideline trigger values. The SARDI modelling, I am told, demonstrates a negligible to minimal impact of aquaculture to the west and south of Point Lowly, which is particularly important, I am sure, not only to the honourable member but to others, given the desire of government to protect the giant Australian cuttlefish which aggregate annually south of Point Lowly.

After the assessment, the EPA supported the granting of aquaculture licences to Clean Seas. The minister has provided further detailed information indicating the extent of the work that was done

and sharing in the concerns about the potential impacts, but they have undertaken the tasks as they are required to by law.

ADELAIDE CONVENTION CENTRE GALA DINNER

The Hon. I. PNEVMATIKOS (15:07): My question is to the Assistant Minister to the Premier regarding multicultural affairs. After struggling to answer the question yesterday, can the assistant minister now tell us exactly what additional resources she receives in her role as assistant minister, including, but not limited to, additional pay, additional office space, additional staff, access to departmental information or any other supports?

The Hon. J.S. LEE (15:08): I think there is some offensive language or opinion stated in that question, which I find a bit offensive. 'Struggling', for example.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S. LEE: Standing order 193, sir.

The PRESIDENT: To be fair, I haven't heard anything that was in the question, other than there was a little bit of opinion, but compared to a number of other explanations, there was very little opinion. I ask the assistant minister to continue her answer.

The Hon. J.S. LEE: In terms of resourcing, I do have a 0.5 FTE, not really full-time allocated to me. The staffer is actually attached to the Department of the Premier and Cabinet, and that is part of the resourcing from the Premier's office, not to me directly. In terms of the parliamentary secretary or resource in terms of pay, I think you can disclose that and find out as per the instructions of pays, and that is regularly available.

In terms of whether I have an office or not in the Department of the Premier and Cabinet, I was allocated an office space initially, but due to COVID that office was then to be used as a rapid response unit and staffers moved into that office. Since then, I have not asked for the office to be returned to me for use because the majority of my meetings are conducted as and when the constituents or stakeholders need me to meet with them. Of course, during the COVID time, we had many Teams or Zoom meetings that did not require face-to-face contact and require my office to be permanently restored. I hope those answers satisfy the questions by the honourable members.

GLOBAL LIVEABILITY INDEX

The Hon. D.W. RIDGWAY (15:10): My question is to the Treasurer. Can the Treasurer please inform the chamber about recent reports about the most livable cities in the world and, secondly, the level of internet vacancies in South Australia?

The Hon. R.I. LUCAS (Treasurer) (15:10): I just thought I would—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —lighten the load and lift the spirits of the whole chamber—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —by indicating some good news that I'm sure all members—

Members interjecting:

The PRESIDENT: Order! The opposition are out of order.

The Hon. R.I. LUCAS: —in this chamber would be delighted to share and to hear.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: There is too much human misery on the other side of the chamber. I want to lighten the load and share the good news. I'm delighted to be able to report that in the most recent international survey of the most livable cities in the world done by—

The Hon. J.E. Hanson: In the world?

The Hon. R.I. LUCAS: In the world. Not just in Australia, in the world, done by *The Economist*. Adelaide, our city, has soared up the rankings—soared—from a lowly 10th when it was last done two or three years ago, which is still nevertheless quite impressive, to third in the global rankings—third. It is the most livable city in the world behind Auckland and Osaka, in relation to the most livable cities in the world.

The Hon. J.E. Hanson interjecting:

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

The Hon. R.I. LUCAS: It's a complex calculation. I will not spend—

The Hon. E.S. Bourke: What have you built in the city to make it the most livable city?

The PRESIDENT: And so is the Hon. Ms Bourke!

The Hon. R.I. LUCAS: —too much time going through all the detail. We are not that far behind the top, so there is a bit of work still to be done by the Marshall Liberal government. We are only—

Members interjecting:

The PRESIDENT: Order on both sides!

The Hon. R.I. LUCAS: —two points behind the top ranking. Auckland is at 96 out of 100.

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

The PRESIDENT: Point of order. The Treasurer will resume his seat.

The Hon. K.J. MAHER: I seek your guidance about quoting from a document and the ability to seek that document be tabled, as the Treasurer was quoting from his phone. I recall a previous President making a ruling that the phone ought to be tabled.

The PRESIDENT: The Treasurer has been here long enough to know the rules of this place. I'm sure that he doesn't want to risk tabling his phone.

The Hon. R.I. LUCAS: I'm not proposing to table my phone. This is actually a Google search, which I can suggest to the Leader of the Opposition, on a Newscorp website.

The Hon. K.J. MAHER: Point of order: I seek your clarification on whether we are departing from the ruling the previous President made on this issue?

The PRESIDENT: I am not going to engage in tabling telephones, but the Treasurer has offered to table the document that is on his phone.

The Hon. R.I. LUCAS: There has never been a position where a phone has ever been tabled in this house, to my knowledge.

Members interjecting:

The PRESIDENT: Order! Interjections are out of order, but if there is an interjection about a former President, you should use his proper name. The Treasurer will continue in silence.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The rankings show Auckland at 96 out of 100 and Adelaide third, just behind at 94, but pleasingly when *The Economist* ranks Adelaide against all the other livable cities in the world on health care, Adelaide ranked at 100 out of 100 for health care, so my compliments to my colleague the Minister for Health. When they ranked education—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —they ranked Adelaide at 100 out of 100, so my compliments to the minister for—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.E. Hanson interjecting:

The PRESIDENT: The Hon. Mr Hanson might find it funny, but I don't. He ought to come to order, as should the whole chamber. I'm sure the Treasurer is going to bring this answer to a conclusion soon.

The Hon. R.I. LUCAS: I have only really been going for about 90 seconds.

The PRESIDENT: No, that is not true.

The Hon. R.I. LUCAS: That's because of all the points of order.

The PRESIDENT: No.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: A hundred out of a hundred, so my compliments to the Minister for Education.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: And on infrastructure, Adelaide again ranked in the high nineties in relation to the livability index.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: So, Mr President, read it and weep.

Members interjecting:

The PRESIDENT: Order! The Treasurer will resume his seat. The Hon. Mr Darley has the call.

The Hon. T.A. FRANKS: Supplementary.

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

The Hon. T.A. FRANKS: Supplementary, Mr President—

The PRESIDENT: No, the Hon. Mr Darley has the call. We are moving on.

The Hon. T.A. FRANKS: Supplementary, Mr President. I have a supplementary on the answer.

The PRESIDENT: A supplementary on that answer?

The Hon. T.A. FRANKS: Indeed I do. Are we not allowing supplementaries now?

The PRESIDENT: I will call you.

GLOBAL LIVEABILITY INDEX

The Hon. T.A. FRANKS (15:15): Supplementary: do these complex calculations made by the Economist Intelligence Unit include income or local employment opportunity and, if so, please provide what they had to say on those particular matters.

The Hon. R.I. LUCAS (Treasurer) (15:15): The index, which I was prevented from going through in great detail, refers to the other five elements of the index, or the other three: stability, infrastructure, health and education—that I referred to—and there is a fifth one which I can't quite recall. I am happy to put that on the public record when that particular Google search from one of the News Corp newspapers is tabled in this chamber. I am very happy to share it and also to provide a link for the honourable member in relation to the information from *The Economist*, which is certainly not something that is confidential to the government of South Australia. Any member who is prepared to do the work can search for it.

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

The PRESIDENT: Point of order. The Treasurer will resume his seat.

The Hon. K.J. MAHER: I think the Treasurer is taking liberties and not answering anywhere near what the supplementary was and deliberately wasting all of our time.

Members interjecting:

The PRESIDENT: Order! A further supplementary from the Hon. Ms Franks.

GLOBAL LIVEABILITY INDEX

The Hon. T.A. FRANKS (15:16): Further supplementary: does the Treasurer admit that in fact income and local employment opportunities are not actually part of this Global Liveability Index?

The Hon. R.I. LUCAS (Treasurer) (15:16): I don't admit anything. I haven't had a chance to actually expand more fully in relation to the work of *The Economist* Global Liveability Index, but I am happy to get the information for the honourable member and refer the index to her so that she and her staff can actually do the work, if she so chooses.

Members interjecting:

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

PLANNING AND DESIGN CODE

The Hon. J.A. DARLEY (15:17): I seek leave to make a brief explanation before asking the Treasurer, representing the Attorney-General, a question concerning the planning process.

Leave granted.

The Hon. J.A. DARLEY: I have received feedback from local government that the newly introduced Planning and Design Code has incorporated the new planning portal with processes that have lengthened times for processing applications, inconveniencing applicants and causing additional cost to councils. This has coincided with many councils experiencing an increase in the number of planning applications compared with the same period last year.

My question to the Attorney-General is: is the government reviewing the times for processing planning applications as a result of the newly introduced Planning and Design Code, particularly given the increased number of applications that many councils are presently experiencing?

The Hon. R.I. LUCAS (Treasurer) (15:18): I am happy to refer the specific details of the honourable member's question to the minister and bring back a reply, but in relation to the essential element of his question, which was talking about ongoing issues about delays in planning processes, I am happy to share briefly with the chamber the ongoing work that is going on at the national level between the federal government and state and territory governments in relation to the need to reduce red tape and planning reform.

At the national level, the Council on Federal Financial Relations (CFFR), chaired by the federal Treasurer Josh Frydenberg, has had as one of its agenda items for a period of time the reduction of red tape, particularly in the area of planning reform, the area to which the honourable member has referred.

The federal government actually commissioned the national Productivity Commission—not the state-based Productivity Commission—to look at examples of best practice in terms of planning reform to try to reduce red tape. They acknowledged the work that had gone on in a number of

jurisdictions, including South Australia, in relation to the endeavours to which the member has referred in terms of the planning code.

They did refer in particular, I think, to Victoria in terms of some examples of best practice in terms of reducing red tape, overregulation in terms of planning reform, particularly in relation to the vexed issue of the location of infrastructure projects but more particularly in terms of industrial and commercial property developments or business developments in particular areas. These, of course, sometimes are significant issues in terms of planning code discussions in South Australia as well.

We acknowledge the former government undertook some reform in relation to the planning code. Certainly, this government, under now two ministers, I think it is, has continued to look at areas of reform in relation to reduction of red tape and planning reform, so I am happy to refer the honourable member's detailed questions to the planning minister and bring back a reply for him.

Personal Explanation

HARROW HOUSE

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:21): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.M.A. LENSINK: During question time, the Labor opposition accused my office of having not replied to a piece of correspondence relating to Harrow House, which I understand was received some seven months ago. My office has advised me that the managing solicitor of the South Australian Housing Authority responded to that piece of correspondence on 4 December 2020, which by my calculations is some six months ago.

Bills

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Final Stages

Consideration in committee of message No. 125 from the House of Assembly.

(Continued from 8 June 2021.)

The Hon. R.I. LUCAS: Mr Chairman, I stand to be corrected during the debate, but I understand that we almost have peace in our time, albeit this might be a slightly complicated process, so I do not intend to delay unduly the process of the chamber, unless someone requires me to unduly delay it or provokes me to unduly delay it. So I start off in good humour on the understanding that there has been substantive agreement.

I will speak briefly and just outline the government's position but, as I understand it, the Hon. Ms Bourke is going to move an amendment, or some amendments, so there might be the addition of two words to those amendments, evidently. My advice is that the government is prepared to either not oppose or to accept those particular amendments. As I understand it, the agreed position is that we will be moving our position in relation to this package. There is an amendment to be moved by the Hon. Ms Bourke and we are comfortable with that. If that assists the process of the Chair in terms of how these things are put, then that would be useful in terms of expediting the process.

If I can speak briefly then, my advice on behalf of the government is that the majority of the schedule of amendments made to the Statutes Amendment (Local Government Review) Bill 2020 by the council has been agreed to in the other place; that is, 24 out of the 26 amendments have been agreed to. However, the motion is to disagree with two amendments passed by the council, along with the amendments proposed by the house in lieu of these amendments.

Both of these amendments, which are numbered 15 and 16, relate to the proposal to include an additional member on the behavioural standards panel, a member nominated by a registered industrial association that represents the interests of employees of council. The amendments passed in the other place aim to preserve the impartiality of the panel but also to ensure that the panel has a legislative requirement to consider representation from a registered industrial association when a matter that has affected a council employee is before the panel.

The government recognises that employees can be affected by member behaviour and that when this is being dealt with by the panel those employees need to have a voice—as was put in the other place—and to be properly supported as they may choose to be. The Hon. Ms Bourke will speak to her further amendments, as I said, which are to be supported, or at least not opposed, by the government. I therefore do not propose to go into any further detail about the argy-bargy that went on between the houses or in the houses, etc. I move:

That the council does not insist on its amendments Nos 15 and 16, and agrees to the alternative amendments made by the House of Assembly in lieu thereof.

The Hon. E.S. BOURKE: I thank the Treasurer for his words. I move:

Legislative Council's amendment thereto—

Clause 129, page 73, after line 41 [clause 129, inserted section 262S]—After 'behaviour' insert 'that is'; and

Leave out 'consider any submissions received from a registered industrial association representing the employee' and insert 'invite and recognise submissions from a registered industrial association that represents the interests of council employees.'

Legislative Council's amendment thereto—

Clause 129, page 74, after line 14 [clause 129, inserted section 262T]—After 'behaviour' insert 'that is'; and

Leave out 'a reasonable' and insert 'an'

Legislative Council's amendment thereto—

Clause 129, page 76, after line 5 [clause 129, inserted section 262W]—After 'behaviour' insert 'that is'; and

Leave out 'a reasonable' and insert 'an'

Legislative Council's amendment thereto—

Clause 129, page 76, after line 40 [clause 129, inserted section 262X]—After 'behaviour' insert 'that is'

I do so while thanking the crossbenchers in particular, stakeholders, the LGA and also those opposite for the discussions that we have had about this bill. I agree with the Treasurer's words that we cannot delay this bill any further. There are many important tools within this bill that not only members of the LGA or council members but council employees rely on. I would like to point to, for example, new section 120A, which establishes the behaviour standards for employees.

This section was strengthened by this chamber and this chamber has on many occasions strengthened this bill to seek the protection of employees, which has been a fantastic outcome. But between the two chambers there have been many elements that have changed this bill. The bill left this chamber with the increased size of the panel, and the panel including industrial registered association. But it was not actually an industrial registered association that would be on that panel, it would just be a member nominated by a registered industrial association. But, in good faith, in wanting to get this bill through the parliament, we have worked and had a compromise that has been put forward.

We are using similar words that were put forward in the House of Assembly but we are giving the true intent of those words so that the registered industrial association and employees are recognised and are invited to participate in the process. So, no, there will not be four members on the panel, as passed by this house. They will now go back to the three members, but the registered industrial association and employees will have the ability to have discussions throughout the panel process. The House of Assembly's alternative amendment to clause 129, page 73, reads:

Clause 129, page 73, after line 41 [clause 129, inserted section 262S]—After subsection (1) insert:

(1a) If the person primarily affected by the behaviour the subject of a complaint is an employee of a council, the Panel must, before refusing to deal with, or determining to take no further action on, the complaint, consider any submissions received from a registered industrial association representing the employee.

I have moved that the House of Assembly's amendment be amended by leaving out 'consider any submissions received from' and insert 'invite and recognise submissions from a registered industrial association that represents the interests of Council employees'. So we will be leaving out from this section 'consider any submissions received from a registered industrial association representing the

employee' and will replace with and insert 'invite and recognise submissions from a registered industrial association that represents the interests of council employees'.

Also, for the record, that was a late inclusion that has come from the government to the words that were originally in there. We will need to insert 'that is'. So after 'If the person primarily affected by the behaviour' we will need to insert 'that is the subject of a complaint'. I now move on to clause 129, page 74. There are no amendments to that particular part of the clause. We move onto clause 129, page 76, after line 5, we need to—

The CHAIR: There is an amendment on clause 129, page 74, after line 14.

The Hon. E.S. BOURKE: The behaviour, yes. Going back to that, under clause 129, page 74, after line 14, we need to amend after 'affected by the behaviour' by inserting at this point 'that is the subject of the complaint'.

The CHAIR: You need also to say to leave out 'a reasonable' and insert 'an' in subclause (3).

The Hon. E.S. BOURKE: Yes. In the last line it says that the employee in the matter 'is given a reasonable opportunity'; that will be replaced, so remove 'reasonable' and put 'given an opportunity to make submissions relating to the inquiry'.

The CHAIR: The final one is clause 129, page 76.

The Hon. E.S. BOURKE: After line 5. This is a similar amendment to the one we just went through. In (1a), after 'affected by the behaviour' insert 'that is the subject of complaint'. In the last line of (1a), remove the word 'reasonable' so that it will read 'the employee is given an opportunity to make submissions on the matter'.

The CHAIR: And on clause 129, page 76, (2a)?

The Hon. E.S. BOURKE: Yes. After 'affected by the behaviour' we will be inserting 'that is the subject of the complaint'.

The CHAIR: You are moving all of those amendments in an amended form?

The Hon. E.S. BOURKE: Yes. it looks very simple on a piece of paper.

The Hon. R.A. SIMMS: I just want to very briefly speak in favour of these amendments. I think this has been an example of what this house of parliament does very well—that is, reviewing and improving government legislation. From the perspective of the Greens, we welcome some of the transparency measures that have been included in the bill, obviously those relating to disclosure of donations but also the undertaking that has been given by the government around the disclosure of political party memberships. We welcome that that is going to be done through regulation.

I want to recognise the work of all the players here. Obviously, my predecessor Mark Parnell worked on this bill, and I want to acknowledge his contribution. In particular, I want to acknowledge the work of the Hon. Emily Bourke, with whom I had the opportunity to work on this reform; the Hon. Mr Frank Pangallo; and, of course, the work of the government in the other place as well.

I am sure many people will be relieved to see this legislation finally come to pass. I recognise the work and patience of the LGA and their long-term advocacy on this and look forward to a new local government regime.

The Hon. F. PANGALLO: I wish to speak briefly in support of the amendments and also to echo the words of the Hon. Robert Simms and to congratulate the government; the local government minister, the Hon. Vickie Chapman; the former minister, Stephan Knoll; the opposition; and also the crossbenchers, who have come together to achieve quite significant, sweeping reforms that were sorely needed to improve the governance and conduct in local government. I am confident that local government will now be better for them, and we certainly look forward to seeing them implemented in time for the next election. With that, we support the bill.

The CHAIR: I have a series of questions I am going to put to the chamber. The first one is that the council insist on its amendments Nos 15 and 16. Those supporting the position that has just been put recently would be voting no to that. So I will put the question that the council insist on its amendments Nos 15 and 16.

Question resolved in the negative.

The CHAIR: I will now put the question that the amendments moved by the Hon. E.S. Bourke to the amendments made by the House of Assembly in lieu of amendments Nos 15 and 16 be agreed to.

Question agreed to.

The CHAIR: I now put the question that the amendments made by the House of Assembly in lieu of amendments Nos 15 and 16 and as amended by the Hon. E.S. Bourke be agreed to.

Question agreed to.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:45): 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 Corporations (Commonwealth Powers) (Termination Day) Amendment Bill 2021. The Bill amends the *Corporations (Commonwealth Powers) Act 2001* to extend the referrals of power contained in that Act for a further 10 years to ensure the continued operation of the Corporations Scheme in South Australia.

As some may know, The *Corporations (Commonwealth Powers) Act 2001* refers from the Parliament of South Australia to the Parliament of the Commonwealth:

- the power to enact the Corporations Bill 2001 and the Australian Securities and Investments Commission Bill 2001 as laws of the Commonwealth extending to each referring State; and
- the power to make express amendments to those Acts that are amendments about forming corporations, corporate regulation or the regulation of financial products or services.

The referrals of power are made pursuant to section 51(xxxvii) of the *Constitution* and, in conjunction with identical referrals from all other State Parliaments, form the constitutional basis for the national legislative scheme for the regulation of corporations and financial products and services ('the Corporations Scheme').

The Corporations Scheme commenced on 15 July 2001. It replaced the national scheme laws (based on the Commonwealth's administration of the States' and Northern Territory's Corporations Law), the constitutional certainty of which was undermined by the *Wakim* and *Hughes* decisions of the High Court.

The Corporations Scheme operates as follows:

- All States, including South Australia, have enacted referral legislation in accordance with section 51(xxxvii) of the *Constitution*, referring the relevant power to the Commonwealth Parliament.
- In reliance upon the referrals of power, the Commonwealth has enacted the *Corporations Act 2001* and the *Australian Securities and Investments Commission Act 2001*, which are collectively referred to as the 'Corporations Legislation'.
- The Australian Securities and Investments Commission ('ASIC') administers the Corporations Legislation.

Mr President, unless terminated earlier, the state referrals of power supporting the Corporations Scheme will terminate on the twentieth anniversary of the day of the commencement of the Corporations Legislation (i.e. 15 July 2021), having already been extended for a further five year period on three previous occasions in 2005, 2011 and 2016 respectively.

Section 5(1) of the Corporations Act provides that the Corporations Legislation applies only to those states who have referred power to the Commonwealth. Section 4(6) of the Corporations Act provides that a State ceases to be a referring State if the State's referrals of power terminate.

Unlike other States, whose referrals can be extended by proclamation, South Australia's referrals of power can only be extended by legislation.

Accordingly, this Bill amends the *Corporations (Commonwealth Powers) Act 2001* to extend the referrals of power for a further 10 year period, following consultation with the Commonwealth, State and Territory Ministers of the Legislative Governance Forum on Corporations.

Extending the referrals for a further 10 years will ensure that South Australia can continue to fully participate in the Corporations Scheme until 15 July 2031. This will deliver a positive benefit for the State by providing greater certainty and confidence to South Australian companies and businesses about their rights and obligations under the Corporations Scheme.

In the event that the Parliament of South Australia does not extend the referrals of power contained in the *Corporations (Commonwealth Powers) Act 2001,* South Australia will cease to be a referring state.

Mr President, the economy of South Australia would be significantly harmed should it cease to be a referring State. The extent to which the Corporations Legislation would continue to apply in South Australia would be uncertain. However, it is likely that there would be little to no corporate regulation in South Australia.

Section 5 of the Corporations Act provides that, while the provision of the Act can apply to entities, acts and omissions outside of referring States, whether this would be the case in relation to any particular provision would depend upon several factors, such as:

- whether the provision is intended to apply in a non-referring State; and, if so,
- whether the Commonwealth has the constitutional power to legislate with respect to the subject matter of the provision.

These provisions can only be determined on a provision-by-provision basis.

This uncertainty would also undermine any attempt by the State to establish its own system of corporate and financial regulation, as any South Australian laws that are found to be inconsistent with a valid law of the Commonwealth would be invalid to the extent that they are inconsistent.

In any event, establishing and maintaining a separate local regulatory system is likely to be prohibitively expensive. Furthermore, there would be no guarantee that companies registered under a South Australian system would be able to participate in the national scheme on an equal footing with companies registered in referring States.

Mr President, for South Australia to participate fully in the national economy, it must remain part of the Corporations Scheme. To do this it must continue to be a referring State.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Corporations (Commonwealth Powers) Act 2001*

3—Amendment of section 5—Termination of references

This clause deletes from current section 5(1) '20th' and replaces it with '30th', thereby delaying by 10 years the termination of the references of matters to the Parliament of the Commonwealth under the principal Act. Following this amendment, the references are due to expire on 15 July 2031.

The Hon. K.J. MAHER (Leader of the Opposition) (15:45): I rise to indicate that we will be supporting this bill. We have been briefed on this bill. The nature and the effect of the bill is to continue the referral of powers to regulate corporations that all jurisdictions have handed over to the commonwealth over the last 20 years and that have been extended on five-year periods over that 20-year period. As we understand it, most other jurisdictions do this by regulation, but South Australia, sensibly, lets the parliament decide these things, so we are here with legislation to extend it for a 10-year period.

There would be grave consequences indeed if we did not pass this bill. We would have to set up all the regulatory functions that the commonwealth has for corporations. I do have a question that I would like the Treasurer to address. We are seeing this bill here in June. As I understand it, it needs to be passed by the end of the financial year.

Why is it that the government has waited until the last five minutes to progress this bill if it is the case that it has to be passed by the end of the financial year? Why, for instance, did the government not introduce the bill in February or March or April to give us more time to look at it?

What is the reason that they did not know about this and it suddenly crept up upon them, so that we are faced with the situation of passing a bill at the same time it is introduced in this house?

I am just wondering what the emergency is that has occurred. Was this something that the government intended to do, to give us so little time to consider it? Was it something that the government overlooked, that they made a mistake and there was a great error somewhere? I am just interested. We are not going to hold it up and we are not going to not support the bill, but we would be very interested to know why we are being put in this position.

The Hon. R.I. LUCAS (Treasurer) (15:48): If it is anything different, I will undertake on behalf of the Attorney-General to have her write a letter to the Leader of the Opposition, but I suspect the answer is it was just so self-evident that, for the reasons outlined by the honourable Leader of the Opposition, there is no alternative course in relation to this, that is, no alternative government is actually going to seriously argue about doing the sorts of things in the alternative that the Leader of the Opposition briefly referred to—that is, establishing a whole replica structure again in South Australia—that the actual timing of the bill, as long as it was done before 30 June, was not a significant issue.

I do not think there was anything Machiavellian in it other than that, but if there was something Machiavellian in it, or if there was something else in it that I have not been able to enunciate on behalf of the Attorney and the government, I undertake to have the Attorney write to the Leader of the Opposition and provide further detail as to what other reasons there might have been.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: I want to expand a little bit more on the second reading contribution. I do understand the Treasurer's contribution that there is nothing sinister or Machiavellian in the fact that we are passing a bill in this chamber on the same day as it is received in this chamber. I want to ask: does the Treasurer think that is good practice in general to be doing that?

The Hon. R.I. LUCAS: The answer is no. It was not my intention. It was not on the list of priorities for this week; however, I was advised by the Attorney-General's office that when Attorney-General officers consulted with both the opposition and crossbenchers, the view was expressed during those discussions that there was no opposition and they were quite happy to process the bill today.

If there is any concern at all, as I indicated to one or two of the crossbenchers, I have no concerns at all in delaying this until the next sitting week. If the Leader of the Opposition has any concerns, I am happy to report progress and have the bill delayed until the next sitting week. So the answer is, no, it was never my intention to process this today, but for some reason discussions between the Attorney-General's office and opposition and crossbenchers indicated there was agreement for this to be put through today and for me to move contingent notice of motion No. 1, which is not usual practice. I will be even more cautious than I normally am when these sorts of propositions are put to me.

If the Leader of the Opposition has a concern, I am quite happy to agree with the fact that it is not standard practice and it is not good practice, but for the reasons that have been outlined to me, I was happy to concur. I assured myself by speaking to the crossbenchers and others that they in fact had indicated that was their position and that is the only reason I actually proceeded with it. Again, if the leader has any concerns, I will report progress and we can consider it in the next sitting week.

The Hon. K.J. MAHER: I thank the Treasurer for his further contribution and note that we do not have concerns. We would place on the public record once again that it is running right up to the end of the financial year and I mentioned—and I think we are in furious agreement—that there would be grave consequences if this was not passed by the end of the financial year. I would invite the Treasurer to maybe take it back to his cabinet colleagues that maybe more time is necessary so

we are not running into that last month before something has to be done. But, no, we do not propose to hold it up and we do see the need to make sure this is passed to give businesses in South Australia the certainty that is required and desired.

The Hon. C. BONAROS: I want to confirm for the record that I was one of those crossbenchers who did have that discussion with the Attorney's office and indeed I did have the same discussion with the Treasurer here in the chamber and indicated that we were happy to deal with this bill today, just to make it clear. I think I am not alone, but we did have that discussion with the Attorney's office and I had the discussion personally with the Treasurer today and did indicate that we did not have any issues and saw the importance of this issue.

I think we are talking a little bit at cross-purposes. I think the Leader of the Opposition is asking about the timing of it being introduced, rather than whether or not we are willing to deal with it today, so I thought I would like to place that on the record.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (15:54): 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

Adjourned debate on second reading.

(Continued from 8 June 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:55): I rise to speak to the bill and indicate that I will be the lead speaker for the opposition. The bill makes permanent various temporary measures that were included in the earlier COVID-19 emergency legislation. Under the bill these changes will become an ongoing part of our laws regardless of whether an emergency is declared or not.

The changes include allowing various meetings and mental health inspections via audio or audiovisual means, paying container deposit refunds electronically and reducing administrative processes for executing mortgages. Public health laws will be amended to allow directions via various means, extend the time for giving written notice of directions and authorising disclosure of information for medical research or statistical purposes. The bill also amends the Emergency Management Act regarding identity cards, confidentiality of information and expiations for breaching directions.

The bill goes beyond existing COVID-19 laws with regard to government immunity from liability. Previous COVID-19 emergency legislation provided immunity for any government actions taken in response under the COVID-19 Emergency Response Act. This bill provides immunity for any government actions taken under the COVID-19 Emergency Response Act and the Emergency Management Act and the Public Health Act, in addition to any prescribed regulation.

What is more telling is not what is in the bill but what is missing from the bill. The bill does not extend the end date for temporary COVID-19 measures that was the subject of a separate bill. It does not make permanent any additional powers and, curiously, nor have we seen the long-mooted change in the way the emergency management coordination is structured. We have heard—I think last year and certainly from very early this year—that the government has been trying to move ahead with more substantive changes.

We read in the media that changes were mooted but the Liberal Party's own party room rejected changes that were suggested for emergency management. What that means is that we are

left with an ad hoc basis. There are reports that some of those who were charged with managing the emergency would prefer to see the roles and functions change but, alas, after many months of discussion we are yet to see the government come forward with these.

I would say that all legislation to do with emergency management or things ancillary to that, including making some of those powers more permanent, we have supported as an opposition and we will be doing so on this.

The Hon. C. BONAROS (15:58): I rise on behalf of SA-Best to speak in support of the Statutes Amendment (COVID-19 Permanent Measures) Bill 2021 second reading. I will start by saying that we support most of the provisions in the bill. We do not propose to take any action in relation to any of them but I would like to make some points.

In terms of audiovisual attendance at meetings, that is certainly something that we support, or to effect transactions, that is something that we think is a very good innovation that has expanded due to restrictions imposed by the COVID-19 pandemic. Indeed, I look forward to the same provisions applying to select committees in this place without the requirement that the reasons for using AV equipment have to be linked to COVID-19, which I do not think makes any sense at all.

Using AV access provides attendees with a more equitable and cost-effective means of fully participating irrespective of physical location and personal circumstances. I recall just last week someone was coming over from interstate and asked if I was available for a meeting. The next day that state went into lockdown and all of a sudden their flight was cancelled. They said, 'Are you available via Zoom or Teams?' I think that was an indication that we probably could have done that meeting via Zoom or Teams in the first place. Nonetheless, they were making the trip over and so asked for a physical meeting, and that is obviously fine where it is possible to do that as well.

There is no doubt that using AV has lots of additional benefits. As I was reminded by my adviser, it is also very beneficial in terms of cutting down on carbon emissions from driving or flying to attend face-to-face meetings, so it is sensible to make this available long term not only to the Aboriginal Lands Parliamentary Standing Committee but as many boards and committees as possible, including, even though they are not within the realm of this bill, our select committees. I think it would be interesting to see a cost-saving analysis of how much the national COVID-19 cabinet meeting saved South Australia by meeting via AV throughout 2020 and 2021.

The amendments to the Emergency Management Act are also administrative efficiencies that have arisen from our experiences during the pandemic and are positive initiatives to implement longer term, should an emergency be declared at any time. However, I do appreciate concerns around provisions that protect the Crown from liability when acting or omitting to act in regard to section 22 of the COVID act, the South Australian Public Health Act or any other act.

One only has to recall the appalling treatment of the Woodville pizza shop employee to see how dangerous and detrimental such unfettered powers can be. That said, I think we also have to bear in mind that that provision is not inconsistent with similar immunities that exist across our statute books.

It is also difficult for me to see why the EPA should now be required to hold an annual roundtable conference. This is hardly needed as a permanent measure arising from an exemption granted during COVID-19, or at least I do not think it is. It seems more of an administrative efficiency the EPA is seeking with a very tenuous, if any, link to COVID-19, but again, we are happy to accept that. On the other hand, the ability for recycling centres to make payments via EFT and to use other cashless systems is welcomed as a streamlining and modernising initiative.

I am pleased to see the Chief Psychiatrist and community visitors acting under the Mental Health Act can visit and conduct inspections via AV, but I and I think other members do not want to see these used as a substitute for face-to-face personal interactions. Mental health care and treatment are such that they do require all of the personal and human skills and compassion we can bring with them. While AV is useful where no other means are safe, I do not think it would be wise to see this replace those face-to-face consultations and visits.

The figures I have indicate that the CVS was conducting AV visits with clients since May 2020 and resumed in-person visits from July 2020. AV visits were then reinstated in

November 2020 because of the Parafield cluster, and then in January this year in-person visits resumed. As I understand it, since May 2020, the CVS completed 56 audiovisual visits as follows: 10 in disability, eight in the Office of the Public Advocate, 29 in mental health generally and nine dealing with detention orders.

As I understand it, the Principal Community Visitor considers the increased flexibility of visits by AV will also be useful in circumstances where there are no community visitors available to attend in person, such as regional and remote areas. I do appreciate the reasons why AV would be attractive, but again, for the record, I really do expect that we continue to monitor these provisions because the last thing we want is to become over-reliant on audiovisual visits at the expense of in-person visits and all they have to offer, not just in the metropolitan areas but of course in our regional and remote areas.

Concerns I initially had about the permanent amendments to the Real Property Act in this bill have been alleviated by the Attorney-General's assurances that the banking industry strongly supports these initiatives to modernise banking practices in SA. The amendments to the South Australian Public Health Act, which would see some of the COVID pandemic measures become permanent measures, are intended to only be enlivened if other emergencies were to be declared.

I would not want the Chief Public Health Officer to be able to authorise the appropriate disclosure of information for medical, research or statistical purposes in any circumstances other than a declared emergency. I think it speaks for itself as to why we would not want that.

Finally, I would like to commend the Minister for Health and Wellbeing for the amendment—although it is drafted in the Treasurer's name—regarding the definition of pharmacy, pharmacy services and pharmacy assistance as it relates to causing harm to or assaulting emergency workers. It is my firm view that this ought to be a permanent measure. I have had long discussions with the Pharmacy Guild. I think it is fair to say that, for the purposes of the provisions in the Criminal Law Consolidation Act, they see no reason why their pharmacists, pharmacy assistants or the people who work within their services should be treated any differently to any other emergency worker.

There is no question that the threats they face are the same, albeit perhaps less frequently than, say, our ambos, or whatever the case may be. There is certainly no question that they ought to be in there, so again I commend the Minister for Health and Wellbeing for seeing that through and ensuring its inclusion in this bill.

In closing, I have to say that I do agree with the Leader of the Opposition. We on this side of the bench are also eagerly awaiting what the changes to the Emergency Management Act will look like, well ahead of the September expiry date. I think we have all outlined and canvassed our concerns around that thoroughly. Again, I remind the government that when it comes to those permanent changes I think it is only fair that we have as much time as possible to consider them before the next expiry. Although that does not form part of this bill, I think it is important to reiterate that. With those words, I indicate SA-Best's support for the second reading of the bill.

The Hon. R.I. LUCAS (Treasurer) (16:07): I thank the honourable members for their indication of support for the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: In terms of the second reading contribution from the government, there was a government amendment filed later on. While it is at clause 5, I am seeking to get background on why the government amendment was not in the original bill.

The Hon. R.I. LUCAS: The only advice I can share is it was a decision taken in recent times by the Minister for Health to insert the amendment. It was not in the original draft of the proposer's bill, as the member has identified.

The Hon. T.A. FRANKS: In terms of clause 1 itself, in terms of this piece of legislation, with the references I raised this in my briefing. Many of the continuances of the AV measures have been described as supporting regional members of parliament. Could the Treasurer provide an update on the workings of the AV measures that are enabled by these ongoing COVID emergency measures? To clarify, my understanding is they are not just for regional members.

The Hon. R.I. LUCAS: I am advised the issue has been clarified with the parliamentary clerks and that both metropolitan-based and regional members have availed themselves of additional flexibility, but the advice has been it has predominantly been regionally-based members.

The Hon. T.A. FRANKS: The advice from whom?

The Hon. R.I. LUCAS: Parliamentary clerks.

Clause passed.

Clauses 2 to 5 passed.

New clause 5A.

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

Amendment No 1 [Treasurer–1]—

Page 4, after line 23—Insert:

Part 3A—Amendment of *Criminal Law Consolidation Act 1935*

5A—Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc

(1) Section 20AA(9)—after the definition of *human biological material* insert:

pharmacy has the same meaning as in Part 4 of the Health Practitioner Regulation National Law (South Australia) Act 2010;

pharmacy services has the same meaning as in Part 4 of the Health Practitioner Regulation National Law (South Australia) Act 2010;

(2) Section 20AA(9), definition of *prescribed emergency worker*, (e)—delete 'medical practitioner, nurse, security officer or otherwise) performing duties in a hospital' and substitute:

health practitioner, nurse, nurse practitioner, midwife, security officer or otherwise) performing duties in a hospital, or at any other place where medical treatment is provided or medical testing undertaken (however described, but including, without limiting this paragraph, a general practice, medical centre or other place at which people are vaccinated or screened for diseases)

(3) Section 20AA(9), definition of *prescribed emergency worker*—after paragraph (g) insert:

(ga) a person (whether a pharmacist, pharmacy assistant or otherwise) performing duties in a pharmacy; or

(gb) a person providing pharmacy services at a place other than a pharmacy, or a person assisting in the provision of such services; or

I am advised the explanation is that this clause amends section 20AA of the Criminal Law Consolidation Act 1935 to ensure that pharmacists, general practices and other health staff working on the frontline of testing for COVID-19 or treating COVID-19 are brought within the definition of 'prescribed emergency worker' for the purposes of that section. Our healthcare and emergency services workers are at the forefront of our state's COVID-19 response, keeping South Australians safe through frontline activities such as COVID-19 testing, treatment and enforcement activities.

The state government takes workplace safety and protection of our frontline workers seriously and takes a zero tolerance approach to those who choose to cause harm to such workers. That is why we want to permanently protect pharmacists, general practices and other health staff working on the frontline through this amendment to ensure the strong penalties that already apply to emergency service worker assaults within the Criminal Law Consolidation Act 1935 will continue to be extended to these workers, both during the COVID-19 pandemic response and more generally in undertaking their roles into the future.

The amendment the government moves today seeks to include pharmacists, pharmacy assistants and persons performing duties in a pharmacy as well as medical practitioners, nurses or those otherwise performing duties at a place where medical treatment is provided or medical testing is undertaken within the definition of 'prescribed emergency worker' under the Criminal Law Consolidation Act 1935 to provide them with the same additional protection as other frontline health workers.

This will include where these workers are performing duties within a general practice, medical centre or place in which people are screened or vaccinated for diseases, including COVID-19. For example, this change could be relevant for pharmacists and those performing duties in a pharmacy where they may be required to limit dispensing and sales of certain prescription and over-the-counter medicines in response to increased demand due to COVID-19.

The Hon. T.A. FRANKS: As we make these measures permanent, but obviously under the emergency management provisions, how many times have they been used in their temporary form and in what categories? I will understand if you take that on notice, but if you could give us an indication of that to start with.

The Hon. R.I. LUCAS: I will take that question on notice.

The Hon. T.A. FRANKS: Can the Treasurer clarify whether or not this will cover, for example, those workers in a vaccination hub?

The Hon. R.I. LUCAS: I am advised yes.

The Hon. T.A. FRANKS: Will it cover all workers in a vaccination hub?

The Hon. R.I. LUCAS: I am advised yes.

New clause inserted.

Remaining clauses (6 to 23) passed.

Schedule.

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

Amendment No 2 [Treasurer–1]—

Page 11, after line 12 [Schedule 1, Part 1, clause 2]—Insert:

(1a) Schedule 2, Part A2—delete Part A2

I am advised that this amendment is consequential.

Amendment carried; schedule as amended passed.

Title.

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

Amendment No 3 [Treasurer–1]—

Page 1—After *'Acts Interpretation Act 1915*,' insert:

the *Criminal Law Consolidation Act 1935*,

Amendment carried; title as amended passed.

Bill reported with amendments.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Procedure

GLOBAL LIVEABILITY INDEX

The Hon. R.I. LUCAS (Treasurer) (16:19): I seek leave to table a copy, consistent with an undertaking I gave in question time, of a printed copy of a Google search from News Corp entitled 'Adelaide named third most liveable city in the world by The Economist', the world's top 10 livable cities.

Leave granted.

Bills

STATUTES AMENDMENT (CIVIL ENFORCEMENT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 May 2021.)

The Hon. C. BONAROS (16:20): I understood that I was not speaking today, but I am happy to speak on the Statutes Amendment (Civil Enforcement) Bill 2021. We support most of the provisions of this bill, with some minor concerns that I will speak to in more detail when we consider the clauses in committee stage. I understand this bill arises from the recommendations of the review undertaken by the Courts Administration Authority and that these amendments are strongly supported by the Chief Justice.

The bill is clearly focused on trying to improve the enforcement of civil judgements that have been delivered by the courts. As such, it increases powers to pursue debtors and administrative efficiencies to expedite that pursuit. Several provisions are arguably potentially beneficial to debtors, including the new provision for the judgement creditor to serve an investigation notice on the debtor prior to issuing an investigations summons. This is aimed, I am told, at keeping the matter out of court, thus saving costs for all those parties.

Garnishee orders will now also be able to reach into a term deposit that has not yet matured, which apparently is somewhat unclear under the present legislation. This prevents the debtor attempting to put funds and assets beyond the reach of the garnishee order, by placing these into long-term deposits.

It is concerning that any costs and penalties associated with the early release of term deposit funds will be met by the debtor, who may already be in financial dire straits. There would ordinarily be some bank fees and costs of garnisheeing a mature term deposit but not the early payout penalties and early release fees this provision facilitates.

At present, the court can issue warrants of seizure and sale to meet debts identified in orders made by the court. I understand to do this the Sheriff must first establish what the debtor's proprietary interest and encumbrances are on joint property. At present, banks are refusing to disclose this information because it potentially breaches the non-debtor joint owner's privacy. This bill amends that so the bank will be required to disclose this information, irrespective of the non-debtor's and debtor's views.

This potentially puts the non-debtor party at risk of having their financial information or other private information disclosed without their consent. Again, I will ask some questions about this during the committee stage. It is something we have canvassed during the briefings, but as the non-debtor party is not the subject of the court order, it has the potential to be somewhat unfair. SA-Best would like to see some additional checks and balances to this provision to ensure that they are protected or there is some guarantee that they are protected.

A sensible enhancement of the bill is that the Sheriff will be able to direct a person to stay off land and remove them from land. They will also be able to request the police commissioner to provide the Sheriff with assistance in enforcing any judgement, such as seizing property. Importantly, those officers will have the same powers as the Sheriff.

My unease is focused on the provisions that enable the privacy provisions of non-debtor parties to be breached and the garnisheeing of a debtor's salary and wages without their consent. It is not something we allow in the ordinary course of—I cannot think of any ordinary course where we allow, effectively, the dipping into people salaries without their consent, although I think it does arise when you have a debt to the commonwealth that exists by way of payments that are made to individuals, whether it is a debt owed to Centrelink or whatever the case may be. Even in that instance, I am not sure that it is with or without the consent of the individual involved. I suspect it is not with their consent if it is a debt, but that is something I would like to explore during the committee stage.

I would like the impacts of the bill to be closely monitored and reported on. I think that is important, and an evaluation regime would be a useful inclusion in the bill. I think one of the issues that I pointed to earlier was this issue of the investigation notice. Having had some exposure to how these things work in practice, my understanding is that at the moment how this works in practice is that these steps are available before the courts, but they are rarely used because costs cannot be claimed against the person involved. So ordinarily, they do not go down the path of doing any of this outside of court, even though the option exists. This would allow that process to take part, and costs can be reclaimed as well.

I just make the point that the individuals that we are talking about in this instance are often very vulnerable individuals who already are in financial difficulty, and so we do not want to do anything that is going to make that worse. I know that is not the intention here, but I think it is fair that during the committee stage we explore that a little further.

I did ask, and I have not been told yet, whether the practice still exists where people are able to also obtain financial advice prior to these sorts of matters being heard in court in the magistrates jurisdiction. I know that was a practice of the past, and I am keen to learn whether that is still available. That is usually done by NGOs, but I think it is really important in terms of assisting those vulnerable individuals who are involved.

Of course, they are not always vulnerable. Some people just do not want to pay off the debt, but there are many people who find themselves in these situations because they are particularly vulnerable, and those are the people we are particularly concerned about. The last thing we want to be doing is making things even worse for them. Again, I do not think that is the intent, but I do intend to explore those issues further during the committee stage debate. With those words, we indicate our support for the second reading of the bill.

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

LEGISLATION INTERPRETATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 May 2021.)

The Hon. C. BONAROS (16:28): I rise to speak on behalf of SA-Best on the Legislation Interpretation Bill 2021. The bill, as we know, seeks to repeal and replace the century-old Acts Interpretation Act 1915, the rule book for interpreting other legislative instruments. I think the Treasurer mentioned he had only just entered parliament around the time of its enactment—100 years ago, I think he said. We certainly accept that the current act requires updating, with parliamentary counsel identifying various anomalies and a need for the modernisation of language and definitions and the like.

The layout is much improved. It is intended to fit neatly alongside other related bills under the letter L—the legislative instruments act and the Legislative Revision and Publication Act—as a bit of a one-stop shop of all related legislation. As is currently the case, the contrary intention in other acts or instruments will continue to override this handbook of sorts.

We accept that many—indeed, most—aspects of the bill are uncontroversial. It does seek to reduce the size of other instruments by defining commonly used terms, words and phrases with new

entrants, including SAPOL, DPP, foreign country, individual, motor vehicle, repeal and Youth Court, increasing the number of definitions by about 50 per cent.

It presents the option for the electronic publication of the *Government Gazette*. It introduces a new and very sensible provision allowing for certain meetings to occur remotely via audio or audiovisual links, and if COVID has shown us anything, as we have just outlined in the previous debate, it is certainly the need for this sort of flexibility. It includes a provision relevant to a small minority of our population—the birthday of a person who was born on 29 February in a leap year—which is assumed to be 1 March in non leap years, plus many more important time-related provisions similar to that.

Overall, I think the utility of the legislation has been improved. The Law Society has certainly indicated it is more simplistic. It is modern in its language, it is more streamlined and it has a clearer structure that makes it easier to follow. These are all positive changes parliamentary counsel has no doubt taken the opportunity to address and they are good measures, which no doubt make the work of the good people at parliamentary counsel who initiated the changes a lot easier.

I think it is worth acknowledging also that this is really their bread and butter. They know what needs to be done and why and I trust in that system. Indeed, we all rely on parliamentary counsel experts each and every day when it comes to drafting bills and amendments or the reasons why they tell us we cannot draft bills or amendments in certain circumstances. They certainly know better than any of us what is needed and why.

That said, though, I do believe it is important for us as members and legislators to have a thorough understanding of the workings of this bill, of the effects of any changes and so forth. I understand there may be some discussion around this bill potentially being referred for further inquiry. That is certainly not, in my view, any criticism of the hard work and talent of parliamentary counsel and their experts, who have clearly put in a lot of hard work to get this bill before us, and their efforts should be commended and are certainly appreciated.

But the act is so fundamental to the interpretation of legislative instruments that there is a good argument that it would be remiss of us to proceed without a fuller understanding of its provisions. It has already been suggested by some quarters that we may, for instance, like to hear directly the views of the judiciary, who will be relying on its content for decades to come and in ways we may not even be able to contemplate. I think that is really the important point that I would like to make.

The Hon. Tammy Franks recently filed an amendment following concerns expressed by the Law Society about the absence of a provision dealing with extrinsic material in statutory interpretation, an amendment which I understand has since been accepted by the government. It is one of those that the Law Society raised as something that ought to have been considered as part of this bill, but again one that raised questions around which approach we take on that issue.

Again, if it is the will of this parliament that we flesh these issues out on the floor, that will be the case. If it is the will of this parliament that it be referred for further inquiry, obviously we will deal with that and that would provide, I suppose, the opportunity to hear from any stakeholders or academics or the judiciary or whoever the case may be—interested parties—who do have further input on these issues.

Despite much of the bill being uncontentious, there is a new provision that certainly caught my eye and I am sure has caught the eye of other members as well. It clarifies that everything, aside from editorial notes, legislative history and appendices, forms part of an instrument. This includes headings—not an insignificant change.

Whether a heading is substantive or not has been the subject of much debate and back and forth. Indeed, the Attorney and the Legislative Review Committee have had this discussion and this back and forth a number of times now. The Treasurer correctly identified in his second reading explanation that risk headings, which may have been included in various acts for non-substantive purposes, would become substantive.

I understand from our briefing that the plan is to give parliamentary counsel one shot at amending current headings under the supervision of the Commissioner for Legislation Revision and

Publication after any agencies identify that they would like that to be done. I note that just yesterday the Hon. Kyam Maher filed an amendment seeking to restrict substantive headings to those made after the commencement of the new act.

This does have the potential, I think, to complicate things, to burden legal practitioners and the judiciary unnecessarily. These are certainly issues that we want to explore further. I have just been handed a two-page brief from the Attorney's office which addresses this very issue but, again, these are issues that warrant further consideration. If it is the will of this parliament that it be referred to a committee then I think the Legislative Review Committee would be well placed to inquire into and report on these sorts of issues as part of the committee's scrutiny work.

What is clear is that, despite the very best intentions of parliamentary counsel to provide us with a very dry, technical bill, if there is one thing you can be certain of in this place it is that members will no doubt raise issues they consider important beyond the bread-and-butter stuff that parliamentary counsel would like to see addressed. Already, what was intended to be a purely technical bill has raised issues that we as members must turn our minds to. We have already seen amendments filed dealing with some of those issues. As I said, it would be remiss of us not to appropriately scrutinise those.

We were recently reminded of our immense importance as a house of review by a senior member in the other place, a minister no doubt, criticising the role of the upper house. That criticism, I might add, caused him considerable grief, I believe, within his own party room. The minister suggested that we should be scrutinising every single word, every clause, every section, to take our time and use caution. SA-Best is certainly not in the habit of waving legislation through untested and I do not believe that my parliamentary colleagues in this place are in that habit either.

It is plain to see in our regular appearance in *Hansard* and the regular questions I get from the Hon. Terry Stephens about how long we will be speaking for, just how deep, how thorough and how comprehensive our analysis of legislation is. Laissez-faire we are not. I give you my word that we do not wave legislation through this place ever. We are not prepared to just wave through this bill without that sort of analysis either.

With those words, I indicate our support for the second reading of this bill, whatever that may look like. If we have debate here on the floor of the chamber, then so be it; if there is a suggestion that it be referred to a committee, then so be it. We will indicate which of those options we prefer when and if we get to them.

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

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) (COMMISSIONER FOR ABORIGINAL CHILDREN AND YOUNG PEOPLE) AMENDMENT BILL

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:38): 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.

Today, I introduce the Children and Young People (Oversight and Advocacy Bodies)(Commissioner for Aboriginal Children and Young People) Amendment Bill 2020 (the Bill).

The Bill will amend the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* to establish the position of the Commissioner for Aboriginal Children and Young People (the CACYP) in legislation.

Ms April Lawrie is currently appointed as the CACYP under the *Constitution Act 1934*. The transitional provisions of the Bill provide that Ms Lawrie's appointment as the CACYP will continue under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* until the end of her current contract on 3 December 2021.

I would like to acknowledge Ms Lawrie's work in the CACYP role since her appointment commenced in late 2018.

Aboriginal children and young people are disproportionately represented within the State's most disadvantaged and vulnerable children and youth. They are more likely to be absent from school and generally have poorer health outcomes than non-Aboriginal children and young people. They are also more likely to be subject to out of home care and the criminal justice system. As a Government, as a community and as a State, we must do more to improve the outcomes for Aboriginal children and young people.

The Bill establishes the CACYP in accordance with the relevant recommendations set out in the report of the statutory review of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* conducted in 2019 by Mr Richard Dennis AM PSM.

Accordingly, the CACYP will be established with legislative provisions that are equivalent to those that apply to the Commissioner for Children and Young People (CCYP) insofar as they relate to Aboriginal children and young people.

This includes, amongst other things, provisions that set out the CACYPs independence and functions and powers to conduct systemic own-motion inquiries in respect of Aboriginal children and young people.

The Bill also sets out that a person appointed to be the CACYP must be an Aboriginal person. This requirement also applies to a person appointed as an acting CACYP.

The functions of the CACYP will be to:

- promote and advocate for the rights and interests of all Aboriginal children and young people, or a particular group of Aboriginal children and young people, in South Australia
- promote the participation by Aboriginal children and young people in the making of decisions that affect their lives
- advise, and make recommendations to, Ministers, State authorities and other bodies (including non-Government bodies) on matters related to the rights, development and wellbeing of Aboriginal children and young people at a systemic level
- inquire under section 20M into matters related to the rights, development and wellbeing of Aboriginal children and young people at a systemic level (whether a Governmental system or otherwise)
- assist in ensuring that the State, as part of the Commonwealth, satisfies its international obligations in respect of Aboriginal children and young people
- undertake or commission research into topics related to Aboriginal children and young people
- prepare and publish reports on matters related to the rights, development and wellbeing of Aboriginal children and young people at a systemic level
- undertake such other functions as may be conferred on the CACYP by or under the Act or any other Act.

In the performance of these functions, the CACYP is required to consult with and engage Aboriginal children and young people, and their families and communities, and in particular the CACYP should seek to engage those groups of Aboriginal children and young people, and their families and communities, whose ability to make their views known is limited for any reason.

The jurisdiction of the CCYP as Commissioner for all South Australian children and young people is not changed by the Bill. However given the CACYPs specific role in respect of Aboriginal children and young people, the Bill includes provisions that clarify the interaction between, and jurisdiction of, the two Commissioners.

The Bill sets out that the two Commissioners should, in the performance of their functions, collaborate on matters of common interest to such extent as is reasonably practicable. It is intended that the collaboration of the Commissioners be referenced in legislation but dealt with in greater detail by way of a protocol, developed and managed administratively by the Commissioners, given the potential for the Commissioners to consider, act in relation to, inquire into, or report on, similar matters. This will ensure that the Commissioners are aware of any overlapping activities or work occurring on matters of common interest. This approach was recommended in Mr Dennis' statutory review report.

Notwithstanding the intended operation of this protocol, the Bill provides for the Minister to whom the Act is committed to determine jurisdictional disputes between the Commissioners in relation to which Commissioner should conduct an inquiry in a particular matter, as distinct from other functions of the Commissioners such as undertaking research and publishing reports.

This problem solving mechanism is necessary given the respective roles of the CCYP and CACYP in relation to all children and young people in the State and Aboriginal children and young people, and given the Commissioners' inquiry powers under the Act are substantial; existing section 16 and new section 20N provide the Commissioners with the powers of Royal Commission in respect of inquiries conducted under section 15 and new section 20M. Subject to the Act, the Commissioners have absolute discretion to conduct inquiries once the required elements in section 15 and new section 20M are met.

Where an issue arises concerning the appropriate jurisdiction in relation to the conduct of an inquiry, the Bill requires the Commissioners to attempt to resolve which Commissioner should inquire into a particular matter. If they are unable to resolve the issue, the matter is then referred to the Minister for determination.

The jurisdictional dispute provisions set out in proposed new sections 14C and 20L do not allow the Minister to direct or control the Commissioners; their independence from the Crown or any Minister or officer of the Crown is set out under section 7 and new section 20A. Rather, the Minister would be making a determination and the Act restricts the Commissioners from acting in respect of a specific matter.

The CACYP will provide an avenue for Aboriginal children and young people in this State to have a voice in the making of decisions that affect their lives. The CACYP will support the improvement of the health, safety and wellbeing of Aboriginal children and young people by promoting and advocating for their rights and interests.

A similar Commissioner was established in Victoria a number of years ago. The Victorian Commissioner for Aboriginal Children and Young People has promoted significant systemic reform in that State in respect of the services provided to Aboriginal children and young people. It is anticipated that the establishment of such a commissioner with statutory powers and functions in South Australia will provide similar benefits.

When the Bill was debated in the other place on 8 June 2021, a number of amendments were moved by the Member for Reynell relating to the operation of the role of the CACYP, including that new provisions be inserted to:

- enable the Commissioners to establish advisory committees.
- require the Commissioners to develop a memorandum of understanding in relation to matters of common interest and the means by which they will collaborate with each other on such matters.
- require the Commissioners to refer particular matters to each other.
- require the Commissioners to engage in mediation before a jurisdictional dispute about the conduct of an inquiry under section 15 or proposed new section 20M is escalated to the Minister.
- provide that the person appointed to be the CACYP should have demonstrated experience in systems, whether Governmental or otherwise, affecting Aboriginal children and young people.
- clarify the type of matters in relation to which the CACYP may conduct an inquiry under proposed new section 20M.

These amendments were opposed by the government with the Member for Morialta indicating that they would be the subject of further consideration between the Houses. To inform consideration of the Member for Reynell's amendments, the Member for Morialta committed to seeking feedback on these proposals from key stakeholders and other interested parties.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Children and Young People (Oversight and Advocacy Bodies) Act 2016*

4—Amendment of long title

This clause amends the long title to include reference to the establishment of the Commissioner for Aboriginal Children and Young People.

5—Amendment of section 3—Interpretation

This clause inserts relevant definitions and provides that the Commissioner for Children and Young People will be referred to throughout the Act as 'CCYP', rather than 'Commissioner', due to the establishment of another Commissioner in the Act.

6—Amendment of section 4—Meaning of rights, development and wellbeing

This clause amends section 4 of the Act as follows:

(a) to provide that a reference to the rights of children and young people will be taken to include a reference to the rights set out in the *United Nations Declaration on the Rights of Indigenous Peoples*;

(b) to provide that a reference to the development of children and young people will be taken to include a reference to the cultural growth of each individual from birth to adulthood;

(c) to provide that a reference to the wellbeing of children and young people will be taken to include a reference to the cultural identity and safety of children and young people.

7—Amendment of section 5—State authorities to seek to give effect to *United Nations Convention on the Rights of the Child* etc

This clause amends section 5 of the Act to include that each State authority must protect, respect and seek to give effect to the rights set out in the *United Nations Declaration on the Rights of Indigenous Peoples*.

8—Amendment of section 7—Commissioner for Children and Young People

This clause amends section 7 to change a reference to the 'Commissioner' to 'CCYP'.

9—Amendment of section 8—Appointment of CCYP

This clause amends section 8 to change references to the 'Commissioner' to 'CCYP' and inserts into the list of circumstances in which the office of CCYP becomes vacant, where the holder of the office becomes a prohibited person within the meaning of the *Child Safety (Prohibited Persons) Act 2016*.

10—Amendment of section 9—Appointment of acting CCYP

This clause amends section 9 to change references to the 'Commissioner' to 'CCYP'.

11—Amendment of section 10—Delegation

This clause amends section 10 to change references to the 'Commissioner' to 'CCYP'.

12—Amendment of section 11—Staff and resources

This clause amends section 11 to change references to the 'Commissioner' to 'CCYP'.

13—Amendment of section 12—Employees

This clause amends section 12 to change references to the 'Commissioner' to 'CCYP'.

14—Amendment of section 13—Use of staff etc of Public Service

This clause amends section 13 to change a reference to the 'Commissioner' to 'CCYP'.

15—Amendment of section 13A—Reporting obligations

This clause amends section 13A to change references to the 'Commissioner' to 'CCYP'.

16—Amendment of heading to Part 2 Division 2

This clause amends the heading to Part 2 Division 2 to change a reference to the 'Commissioner' to 'CCYP'.

17—Amendment of section 14—General functions of CCYP

This clause amends section 14 to change references to the 'Commissioner' to 'CCYP' and includes promoting and advocating for the rights and interests of a particular group of children and young people in the list of functions of the CCYP.

18—Insertion of sections 14A to 14C

This clause inserts sections 14A to 14C.

14A—Collaboration between CCYP and CACYP

This section provides that the CCYP and CACYP should collaborate on matters of common interest as far as reasonably practicable.

14B—Referral of matters to CACYP

This section allows the CCYP to refer a matter to the CACYP.

14C—Jurisdictional disputes

This section allows the CCYP to refer a matter to the Minister if it appears that the CACYP is inquiring into a matter that falls within the CCYP's jurisdiction and requires the Minister to determine which Commissioner should inquire into the matter.

19—Amendment of section 15—CCYP may inquire into matters affecting children and young people at systemic level

This clause amends section 15 to change references to the 'Commissioner' to 'CCYP' and provides that the CCYP's power to inquire into matters is subject to the Act due to proposed section 14C which provides that the CCYP may not inquire into a matter if the Minister determines under that section that the CACYP should inquire into the matter.

20—Amendment of section 16—Powers of CCYP

This clause amends section 16 to change references to the 'Commissioner' to 'CCYP'.

21—Amendment of section 17—Recommendations

This clause amends section 17 to change references to the 'Commissioner' to 'CCYP'.

22—Amendment of section 18—Report of inquiry under section 15

This clause amends section 18 to change references to the 'Commissioner' to 'CCYP'.

23—Amendment of section 19—CCYP may provide other reports

This clause amends section 19 to change a reference to the 'Commissioner' to 'CCYP'.

24—Amendment of section 20—CCYP may publish reports

This clause amends section 20 to change references to the 'Commissioner' to 'CCYP'.

25—Insertion of Part 2A

This clause inserts new Part 2A.

Part 2A—Commissioner for Aboriginal Children and Young People

Division 1—Commissioner for Aboriginal Children and Young People

20A—Commissioner for Aboriginal Children and Young People

This section requires that there be a Commissioner for Aboriginal Children and Young People and that the CACYP is independent of any direction or control of the Crown.

20B—Appointment of CACYP

This section sets out how the CACYP is to be appointed and removed from office.

20C—Appointment of acting CACYP

This section enables the Minister to appoint an Acting CACYP.

20D—Delegation

This section allows the CACYP to delegate certain functions and powers under the Act.

20E—Staff and resources

This section requires the Minister to provide the CACYP with the staff and other resources required to carry out the CACYP's functions.

20F—Employees

This section provides that the CACYP may employ staff, and that those staff are not public service employees.

20G—Use of staff etc of Public Service

This section enables the CACYP to make use of services of the staff, equipment or facilities of administrative units of the Public Service.

20H—Reporting obligations

This section requires the CACYP to report to the Minister on the performance of the CACYP's functions each year. The Minister must lay the reports before both Houses of Parliament.

Division 2—Functions and powers of CACYP

20I—General functions of CACYP

This section sets out the functions of the CACYP. In particular, the CACYP has the function of conducting inquiries under proposed section 20M into matters related to the rights, development and wellbeing of Aboriginal children and young people at a systemic level. These inquiries may be made into both Governmental and non-Governmental systems.

20J—Collaboration between CACYP and CCYP

This section provides that the CACYP and CCYP should collaborate on matters of common interest as far as reasonably practicable.

20K—Referral of matters to CCYP

This section allows the CACYP to refer a matter to the CCYP.

20L—Jurisdictional disputes

This section allows the CACYP to refer a matter to the Minister if it appears that the CCYP is inquiring into a matter that falls within the CACYP's jurisdiction and requires the Minister to determine which Commissioner should inquire into the matter.

20M—CACYP may inquire into matters affecting Aboriginal children and young people at systemic level

This section empowers the CACYP to conduct inquiries of the specified kind into matters related to the rights, development and wellbeing of Aboriginal children and young people at a systemic level, and makes procedural provisions relating to such inquiries.

20N—Powers of CACYP

This section provides that, in conducting an inquiry under section 20M, the CACYP has all of the powers of a royal commission.

20O—Recommendations

This section provides that the CACYP may make recommendations having conducted an inquiry under section 20M. The clause then sets out how the Government is to respond to such recommendations, including by reporting to Parliament should certain recommendations not be implemented.

Division 3—Reporting

20P—Report of inquiry under section 20M

This section requires the CACYP to report to the Minister following the completion of an inquiry under section 20M. The Minister must lay the report before both Houses of Parliament.

20Q—CACYP may provide other reports

This section provides for the CACYP to make other reports to the Minister. The Minister must lay any such report before both Houses of Parliament.

20R—CACYP may publish reports

This section provides that the CACYP may, once a report under this proposed Part has been laid before each House of Parliament and after consultation with the Minister, publish all or part of the report as the CACYP thinks fit.

26—Amendment of section 40—Guardian or Committee may refer matter to CCYP or CACYP

This clause amends section 40 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP.

27—Amendment of section 41—CCYP, CACYP, Guardian and Committee may report, and must refer, certain matters to appropriate body

This clause amends section 41 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP.

28—Amendment of section 42—CCYP, CACYP and Guardian may make complaints to Ombudsman

This clause amends section 42 to change a reference to the 'Commissioner' to 'CCYP' and to include a reference to the CACYP. It also provides that the CACYP may only make a complaint under section 42 on behalf of an Aboriginal child or young person, a group of Aboriginal children and young people, or Aboriginal children and young people generally.

29—Amendment of section 43—CCYP, CACYP and Guardian may make complaints to Health and Community Services Complaints Commissioner

This clause amends section 43 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP. It also provides that the CACYP may only make a complaint under section 43 on behalf of an Aboriginal child or young person, a group of Aboriginal children and young people, or Aboriginal children and young people generally.

30—Amendment of section 44—Immediate reports to Parliament

This clause amends section 44 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP.

31—Amendment of section 45—Referral of matters to inquiry agencies etc not affected

This clause amends section 45 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP.

32—Amendment of section 52—CCYP and CACYP or representative may attend meetings of Council

This clause amends section 52 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP.

33—Amendment of section 57—Outcomes Framework for Children and Young People

This clause amends section 57 to change a reference to the 'Commissioner' to 'CCYP' and to include a reference to the CACYP.

34—Amendment of section 59—No obligation to maintain secrecy

This clause amends section 59 to change a reference to the 'Commissioner' to 'CCYP' and to include a reference to the CACYP.

35—Amendment of section 60—CCYP or CACYP may require State authority to provide report

This clause amends section 60 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP.

36—Amendment of section 61—CCYP, CACYP or Guardian may require information

This clause amends section 61 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP. It also requires information and documents held by a third party providing a service of a State authority to be provided to the CCYP, CACYP or Guardian, if requested.

37—Amendment of section 62—Sharing of information between certain persons and bodies

This clause amends section 62 to change a reference to the 'Commissioner' to 'CCYP' and to include a reference to the CACYP.

38—Amendment of section 64—Obstruction etc

This clause amends section 64 to change a reference to the 'Commissioner' to 'CCYP' and to include a reference to the CACYP.

39—Amendment of section 68—Protections, privileges and immunities

This clause amends section 68 to change references to the 'Commissioner' to 'CCYP' and to include references to the CACYP.

40—Repeal of section 70

Section 70, which sets out the requirements for a review of the Act within 3 years of commencement, is deleted as that review has been completed.

41—Amendment of Schedule 1—Transitional provisions

This clause inserts a transitional provision in respect of the office of Commissioner for Aboriginal Children and Young People.

13—Commissioner for Aboriginal Children and Young People

This clause provides that—

(a) a person appointed as Commissioner for Aboriginal Children and Young People under the *Constitution Act 1934* immediately before the commencement of the clause ceases to hold that office and is taken to be appointed under Part 2A until 3 December 2021; and

(b) the term of appointment of that person is taken to have commenced on 3 December 2018 which is the day on which the appointment under the *Constitution Act 1934* commenced; and

(c) the operation of the clause does not amount to a break in service and existing and accruing rights in respect of leave under the *Constitution Act 1934* appointment are retained.

Schedule 1—Related amendments

Part 1—Amendment of *Children and Young People (Safety) Act 2017*

1—Amendment of section 152—Sharing of information between certain persons and bodies

This clause includes the Commissioner for Aboriginal Children and Young People in the list of persons and bodies to which section 152 applies.

Part 2—Amendment of *Freedom of Information Act 1991*

2—Amendment of Schedule 2—Exempt agencies

This clause includes the Commissioner for Aboriginal Children and Young People in the list of exempt agencies.

Part 3—Amendment of *Health and Community Services Complaints Act 2004*

3—Amendment of section 27—Time within which a complaint may be made

This clause provides that section 27, which sets out the time within which a complaint must be made, does not apply in relation to a complaint made by the Commissioner for Aboriginal Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

Part 4—Amendment of *Ombudsman Act 1972*

4—Amendment of section 13—Matters subject to investigation

This clause clarifies that the Ombudsman may investigate a prescribed child protection complaint that is made by the Commissioner for Aboriginal Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

5—Amendment of section 15—Persons who may make complaints

This clause provides that the provision stating that a complaint must not be entertained by the Ombudsman unless made by a person or body of persons directly affected by the administrative act to which the complaint relates does not apply in relation to a complaint made by the Commissioner for Aboriginal Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

6—Amendment of section 16—Time within which complaints may be made

This clause provides that section 16, which sets out the time within which a complaint must be made, does not apply in relation to a complaint made by the Commissioner for Aboriginal Children and Young People under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*.

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

CRIMINAL LAW CONSOLIDATION (DRIVING AT EXTREME SPEED) AMENDMENT BILL

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:39): 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 Criminal Law Consolidation (Driving at Extreme Speed) Amendment Bill 2021. The Bill amends the *Criminal Law Consolidation Act 1936* to create a new offence of driving at an extreme speed.

Hoons are a blight on our community who place little or no value on their lives or the lives of others.

This Bill recognise the serious risk that hoons pose to the community and provides penalties that reflect the dangerous nature of this type of offending.

The Bill provides that people caught driving at 55 kilometres per hour or more above the limit in a zone marked 60 or less, or 80 kilometres per hour or more in a zone marked above 60, could be jailed for up to three years with a mandatory minimum two year licence disqualification period for a first offence or five years for a subsequent offence.

If the offence is committed in aggravating circumstances, the maximum penalty is increased to five years imprisonment with a mandatory minimum licence disqualification for five years.

Aggravating factors include where the offence was committed while attempting to escape police pursuit, where the offending caused death or serious harm, where the vehicle driven was stolen, or where the offender was disqualified from driving and knew they were disqualified.

The Bill excludes police or emergency service workers from the operation of section 19ADA in certain circumstances. There are also a number of general defences within the *Criminal Law Consolidation Act* and common law that might apply in some cases, including duress, sudden or extraordinary emergency, or honest and reasonable mistake of fact. .

Mr President, the Bill once enacted will have a positive impact on road safety. The instant loss of licence provisions will provide protection to the community by removing the alleged offenders from the roads.

In addition, offenders who are convicted of the new offence of extreme speed may have their car forfeited to the State. The *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* provides for the forfeiture of motor vehicles following conviction for a forfeiture offence. Regulation 3A of the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Regulations 2007 prescribes indictable offences against Part 3 Division 6 of the *Criminal Law Consolidation Act* as forfeiture offences. This means that once the Bill is passed, the new . extreme speed offences will be forfeiture offences for the purposes of the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act.*

This Bill sends a clear message that this reckless and dangerous behaviour will not be tolerated.

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

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 5AA—Aggravated offences

This clause amends section 5AA to set out the circumstances that will result in an offence against proposed section 19ADA(1) being an aggravated offence.

5—Amendment of section 19AAB—Interpretation

This clause amends section 19AAB to insert a definition of *Registrar of Motor Vehicles* for the purposes of Part 3 Division 6 of the Act.

6—Insertion of section 19ADA

This clause inserts section 19ADA into Part 3 Division 6 of the Act.

19ADA—Extreme speed

Proposed section 19ADA(1) creates a new offence of driving a motor vehicle at an extreme speed.

A person drives a motor vehicle at an extreme speed if—

(a) the relevant speed limit is 60 kilometres an hour or less and the person drives the vehicle at a speed exceeding the relevant speed limit by 55 kilometres an hour or more; or

(b) the relevant speed limit is more than 60 kilometres an hour and the person drives the vehicle at a speed exceeding the relevant speed limit by 80 kilometres an hour or more.

The *relevant speed limit* is a speed limit that applies to the driver under—

(a) the *Road Traffic Act 1961* (other than section 82 or 83); or

(b) the *Motor Vehicles Act 1959*.

The proposed maximum penalty for the offence is 3 years imprisonment for a basic offence and 5 years imprisonment for an aggravated offence.

The proposed minimum mandatory licence disqualification period is not less than 2 years for a basic offence and not less than 5 years for an aggravated offence.

Drivers of emergency vehicles are exempted from the new offence in the same circumstances as in section 110AAAA of the *Road Traffic Act 1961*.

If a person is tried on a charge of an offence against section 29 (acts endangering life or creating risk of serious harm)—

(a) the person may not be convicted of both the offence against section 29 and an offence against proposed section 19ADA(1) if the charge under proposed section 19ADA(1) arises out of the same set of circumstances that gave rise to the charge under section 29; and

(b) an offence against proposed section 19ADA(1) is not available as an alternative verdict to the charge under section 29 unless the offence against proposed

section 19ADA(1) was specified in the instrument of charge as an alternative offence.

For the purposes of determining whether an offence against proposed section 19ADA(1) is a first offence or subsequent offence, a previous offence against section 45A or 46 of the *Road Traffic Act 1961* for which the defendant has been convicted and that was committed within the period of 5 years immediately preceding the commission of the offence under consideration will be taken into account, as will a previous offence (whenever occurring) against this section or another provision of Division 6, or a corresponding previous enactment, for which the defendant has been convicted.

Proposed section 19ADA also contains an evidentiary provision.

7—Amendment of section 19AE—Commissioner of Police to impose immediate licence disqualification or suspension following certain charges against section 19A(1)

This clause amends section 19AE to require a notice of immediate licence disqualification or suspension to contain prescribed particulars and comply with requirements specified in the regulations, to allow such a notice to be withdrawn and a fresh notice issued (as per section 45D of the *Road Traffic Act 1961*), and to delete the definition of *Registrar of Motor Vehicles* which is to be defined in the amended section 19AAB instead.

8—Amendment of section 19AF—Power of police to impose immediate licence disqualification or suspension where offence against section 19A(1) or 19ADA(1)

This clause amends section 19AF so that a police officer can give a person a notice of immediate licence disqualification or suspension under that section if the police officer reasonably believes that the person has committed an offence against proposed section 19ADA(1). Such a notice will cease to have effect—

(a) if a court orders that the licence disqualification or suspension be removed; or

(b) if a determination is made that the person should not be charged with an offence against section 19ADA(1)—at the time the determination is made; or

(c) if proceedings for the offence against section 19ADA(1) to which the notice relates are determined by a court or are withdrawn or otherwise discontinued; or

(d) in any event—at the end of 12 months from the commencement of the prescribed period (which commenced when the person was given the notice).

The clause also amends the section to require a notice of immediate licence disqualification or suspension to contain prescribed particulars and comply with requirements specified in the regulations and to allow such a notice to be withdrawn and a fresh notice issued (as per section 45D of the *Road Traffic Act 1961*).

9—Amendment of section 19B—Alternative verdicts

This clause amends section 19B so that subsections (2) and (3) apply to an offence against proposed section 19ADA(1). This will allow a jury to bring in a verdict that the accused is guilty of a less serious offence if the jury is not satisfied that the accused is guilty of the offence charged. It ranks the offence against proposed section 19ADA(1) less serious than an offence against section 19A(3), but more serious than an offence against section 46 of the *Road Traffic Act 1961*.

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

MARTINDALE HALL (PROTECTION AND MANAGEMENT) BILL

Introduction and First Reading

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

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:40): 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.

I am pleased to introduce the Martindale Hall (Protection and Management) Bill 2021, to establish a framework for securing the future use, protection and management of Martindale Hall as a heritage icon.

Martindale Hall is a Georgian styled mansion located at Mintaro in the Clare Valley. It is a much-loved South Australian heritage icon which is etched into the memories of many Australians after it famously appeared in the award-winning Australian film *Picnic at Hanging Rock*.

This government has a vision for this property, which recognises the relationship that many South Australians have with this iconic site. This Bill will provide South Australians with certainty about the ongoing protection of the site as a place of heritage significance, whilst also ensuring that the community is able to sensitively experience and enjoy Martindale Hall into the future.

Martindale Hall was originally built in 1880 for pastoralist Mr Edmund Bowman Jr, however the site and the surrounding land was sold to Mr William Tennant Mortlock in 1892. Martindale Hall and the surrounding estate remained in the family for many years and in 1972, the Mortlock family bequeathed the Hall and the estate to the University of Adelaide, so that the property could be used 'by the Waite Agricultural Research Institute for a long range program of animal husbandry research'. Although some of the contents of the building remained with the Hall, the Mortlock Estate gifted other items to the National Trust of South Australia and the University incorporated other items into its collections.

In 1980, Martindale Hall was entered on the Register of State Heritage Items and continues to be protected under the *Heritage Places Act 1993* as a State Heritage Place. The State Heritage Register notes that the site is 'closely associated with the pastoral and economic development of South Australia in the nineteenth and twentieth centuries'. It is described as 'an outstanding example of the grand country mansions constructed by wealthy pastoralists...' as well as 'illustrating a way of life that no longer exists in South Australia' and 'remains as a testament to…intergenerational pastoral empires'.

In 1986, the University proposed that the Hall and a parcel of approximately 19 hectares of land be gifted to South Australia as part of the Jubilee 150 celebrations. The State government accepted this offer and in 1991 the land was proclaimed as the Martindale Hall Conservation Park under the *National Parks and Wildlife Act 1972*.

The government of the day leased the Hall to the private sector for tourism accommodation for a number of years, however this was financially unsustainable for the government and the commercial leasing of the Hall concluded in 2014. Since then, the Hall has been managed through a short-term caretaker arrangement with a local tourism operator. This arrangement has provided visitors with an opportunity to access the Hall as a museum, where visitors can see rooms that are preserved as the original owners would have displayed them.

During 2015, public consultation was undertaken to understand the community's views with regard to the future of the Hall. The community expressed a desire to ensure that any use of the Hall would protect its heritage values, whilst also ensuring that the public would have ongoing access to the Hall. Community feedback also suggested that if the Hall could be managed in more visionary way, then the Hall had the potential to enhance the Clare Valley community, attract visitation to the region, and in turn, benefit the regional economy.

This government has heard the community's desires for the Hall in the development of this Bill, and as Members will appreciate, the Bill requires that a number of Heritage Policies be created to support the ongoing management and preservation of Martindale Hall. I am able to reassure the community that there will be further opportunities for community input during the development of these policies.

The Martindale Hall (Protection and Management) Bill establishes a clear framework for the future use, management and protection of Martindale Hall. It honours the intent of the gift from the University, that the Hall would be held for the benefit of the people of South Australia, while also making it possible for the Hall and its grounds to be used for a wider range of activities which are consistent with its heritage status. The Bill also responds to the community's desire that the Hall continues to receive heritage protection and maintains public access, while also enabling further investment in the Clare Valley region and realising the tourism potential of the site.

The Bill ensures that Martindale Hall and its grounds will remain in public ownership and appropriately vests the site in the care, control and management of the Minister for Heritage. Its status as an iconic heritage place is further protected by ensuring that the Hall and the associated buildings cannot be removed from the State Heritage Register, and by the requirement to develop specific heritage management policies.

The Heritage Conservation Policy will operate to define the heritage values of the Hall and its surrounds, the appropriate uses of the Hall, and set the duties in relation to the care, maintenance, capital investment and management of the Hall. The Material Contents Policy will list the moveable items that form the Hall's collection, specify how these must be cared for and managed, and provide the terms for loans or removal of items from the collection. This wholistic approach to heritage management is unprecedented in South Australia and represents a modern and innovative approach.

Community consultation will be undertaken during the development of these policies, and advice from the Heritage Council must be considered. This process will provide stakeholders with an additional opportunity to contribute towards the management framework for the Hall.

The Bill establishes a lease and licence system whereby the Minister may grant leases and licences to manage the Hall in accordance with its Heritage Conservation Policy and Material Contents Policy. Importantly, leases and licences may not be granted unless these policies are operative. These provisions enable the government to seek expressions of interest and proposals for the Hall's long term sustainable management within the heritage management framework.

The government is committed to ensuring that the public has ongoing access to the site, which is clearly identified as an object of the legislation, and is practically enforced through the requirement that no lease or licence of

the site may be granted unless that interest is subject to an access agreement, which will be binding on all occupiers of the Hall.

In relation to development at the site, the Bill clarifies that the Planning and Design Code under the *Planning, Development and Infrastructure Act 2016* will be taken to provide that Martindale Hall is an area that may be used predominantly for purposes described in the Heritage Conservation Policy. Any proposed development at the site will be subject to assessment by the State Planning Commission.

Finally, to ensure that there is a clear management framework to guide the future use of the Hall, the Bill seeks to remove the conservation park status of the Hall. This will transition the management framework from the *National Parks and Wildlife Act 1972,* to a framework which is more appropriate and sympathetic towards the heritage status of the site. To ensure that options for adaptive reuse and sensitive modern upgrades can be considered, the Bill abolishes any trusts that were inadvertently created through the terms of the gift of the Hall from the University to the government.

I wish to acknowledge the considerable efforts of the caretakers of Martindale Hall, Sharon and Michael Morris from the Mintaro Maze, who have warmly welcomed local South Australians and visitors to the Hall and the region.

This Bill will operate to protect a site of the highest calibre for the benefit of all South Australians and I commend the Bill to the House and seek leave to insert the explanation of clauses into Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines certain terms used in the measure.

4—Objects

This clause sets out the objects of the measure.

5—Administration of Act

The administration of the measure must be committed to the Minister administering the *Heritage Places Act 1993*.

6—Interaction with other Acts

The measure has effect despite the provisions of any other Act. A lease or licence over Martindale Hall may only be granted under the measure and the *Retail and Commercial Leases Act 1995* does not apply to a lease granted by the Minister under the measure.

Part 2—Status of land

7—Conservation Park abolished and Martindale Hall freed from trusts etc

This clause provides that on commencement—

- the Martindale Hall Conservation Park established under the *National Parks and Wildlife Act 1972* will be abolished; and
- all trusts to which Martindale Hall was subject immediately before the commencement will be revoked; and
- the care, control and management of Martindale Hall vests in the Minister.

8—Martindale Hall State Heritage Place to continue

This clause ensures that Martindale Hall will continue to be registered in the South Australian Heritage Register and ensures that any alteration of the entry (other than the inclusion of moveable items in the entry, the inclusion of additional detail regarding Martindale Hall in the entry or the correction of typographical or clerical errors) must be approved by a resolution passed by both Houses of Parliament to be effective.

Part 3—Management of land and moveable items

9—Land may not be sold or granted

The Crown may not sell or grant the fee simple of any part of the land forming Martindale Hall.

10—Minister to prepare policies

The Minister must develop a Heritage Conservation Policy (see Schedule 1 of the measure) and a Material Contents Policy (see Schedule 2 of the measure). The clause sets out requirements relating to consultation and the preparation or alteration of the policies.

11—Heritage Council to consider moveable items

The Heritage Council must, at the request of the Minister prior to adoption of the Material Contents Policy under clause 10, consider whether any moveable items should be included as part of the entry for Martindale Hall in the South Australian Heritage Register.

Part 4—Dealings with land by Minister

12—Application of Part

A lease or licence can only be granted under the Part after the policies required under clause 10 have been adopted.

13—Minister may grant leases and licences

The Minister may grant a lease or licence in relation to Martindale Hall but it must be consistent with the policies required under clause 10.

14—Cancellation of licence

The Minister may cancel a licence for a breach or on 1 month's notice.

15—Cancellation of lease

This clause sets out the powers to cancel a lease where it was obtained by a false statement or where there has been a breach.

16—Surrender of lease

This clause provides for surrender of a lease and sets out consent requirements for surrender.

Part 5—Public access to land

17—Access agreements

The Minister must not grant any lease or licence for Martindale Hall unless it is subject to an access agreement specifying rights of public access applying to land. Each access agreement must be published on a website and an access agreement relating to a lease attaches to the land and is binding on each other person who holds a lease or licence for the land.

18—Variation or termination of access agreement

This clause provides for variation or termination of an access agreement. An access agreement may only be terminated (without replacement) in accordance with a resolution passed by both Houses of Parliament. Notice of a variation or termination of an access agreement must be published on a website.

19—Offence

It is an offence to, without lawful authority, obstruct a member of the public exercising a right of access in accordance with an access agreement.

Part 6—Miscellaneous

20—Development assessment

The Planning and Design Code under the *Planning, Development and Infrastructure Act 2016* will be taken to provide that Martindale Hall is an area or zone that may be used predominantly for the purposes described in the Heritage Conservation Policy. The State Planning Commission will be taken to be the relevant authority under that Act in relation to any proposed development at Martindale Hall.

21—Duties of Registrar-General

This clause requires the Registrar-General, at the request of the Minister, to do such acts and make such amendments to any relevant instrument of title as the Registrar-General thinks are necessary or desirable as a consequence of the measure. Except in the case of an access agreement in relation to a licence, the Registrar-General must also, on application by the Minister or another party to the agreement, make a notice of an access agreement or an agreement which varies or terminates an access agreement against the relevant entry in the Crown land register.

22—Regulations and fee notices

This clause provides power to make regulations and to prescribe fees by fee notice.

Schedule 1—Heritage Conservation Policy

This Schedule sets out requirements relating to the Heritage Conservation Policy.

Schedule 2—Material Contents Policy

This Schedule sets out requirements relating to the Material Contents Policy.

Schedule 3—Related amendment and transitional provision

This Schedule makes a related amendment to the *Heritage Places Act 1993* and provides a transitional provision relating to licences that are in force immediately before the commencement of the measure.

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

Parliamentary Committees

JOINT COMMITTEE ON RECOMMENDATIONS ARISING FROM THE EQUAL OPPORTUNITY COMMISSIONER'S REPORT INTO HARASSMENT IN THE PARLIAMENT WORKPLACE

The House of Assembly concurs with the resolution of the Legislative Council contained in message No. 107—that it be an instruction to the Joint Committee on the Equal Opportunity Commissioner's Report into Harassment in the Parliament Workplace that members of the committee may participate in the proceedings by way of telephone or videoconference or other electronic means and shall be deemed to be present and counted for purposes of a quorum, subject to such means of participation remaining effective and not disadvantaging any member.

Bills

VOLUNTARY ASSISTED DYING BILL

Final Stages

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

No. 1 Clause 8, page 13, after line 31 [clause 8(1)]—Insert:

(k) every person has the right to make decisions about medical treatment options freely and not as a consequence of the suggestion, pressure, coercion or undue influence of others.

No. 2 New clause, page 14, after line 19—Insert:

10A—Conscientious objection of operators of certain health service establishments

(1) A relevant service provider has the right to refuse to authorise or permit the carrying out, at a health service establishment operated by the relevant service provider, of any part of the voluntary assisted dying process in relation to any patient at the establishment (including any request or assessment process under this Act).

(2) A relevant service provider may include in the terms and conditions of acceptance of any patient into the health service establishment an acknowledgment by the patient that the patient—

(a) understands and accepts that the relevant service provider will not permit the establishment to be used for the purposes of, or incidental to, voluntary assisted dying; and

(b) agrees, as a condition of entry, that they will not seek or demand access to voluntary assisted dying at the establishment.

(3) Subsection (4) applies in relation to a patient at a health service establishment if the patient advises a person employed or engaged by the relevant service provider at that health service establishment that they wish to access voluntary assisted dying.

(4) If this subsection applies in relation to a patient at a health service establishment, the relevant service provider who operates the establishment must ensure that—

(a) the patient is advised of the relevant service provider's refusal to authorise or permit the carrying out at the health service establishment of any part of the voluntary assisted dying process; and

(b) arrangements are in place whereby the patient may be transferred to another health service establishment or prescribed health facility at which, in the opinion of the relevant service provider, a registered health practitioner who does not

have a conscientious objection to voluntary assisted dying is likely to be able to participate in a voluntary assisted dying process in relation to the patient; and

(c) reasonable steps are taken to facilitate the transfer referred to in paragraph (b) if requested by the patient.

(5) To avoid doubt, this section does not apply to, or in relation to, a patient accepted into a health service establishment before the commencement of this section.

(6) In this section—

health service establishment means—

(a) a private hospital within the meaning of the Health Care Act 2008 or other private health facility of a kind prescribed by the regulations; or

(b) the whole or part of any other private institution, facility, building or place that is operated or designed to provide inpatient or outpatient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventative or other health services (including, to avoid doubt, places of short-term respite care); or

(c) any other health service establishment of a kind prescribed by the regulations,

but does not include prescribed residential premises, or any establishment declared by the regulations not to be included in the ambit of this definition;

prescribed residential premises means—

(a) a facility (within the meaning of Part 1 A);

(b) any other residential premises of a kind prescribed by the regulations;

relevant service provider means a person or body that operates a health service establishment.

No. 3 New Part, page 15, after line 17—Insert:

Part 1A—Conscientious objection of operators of certain residential facilities

Division 1—Preliminary

13A—Interpretation

In this Part—

deciding practitioner, for a decision about the transfer of a person, means—

(a) the coordinating medical practitioner for the person; or

(b) if the coordinating medical practitioner for the person is not available, another medical practitioner nominated by the person;

facility means—

(a) a nursing home, hostel or other facility at which accommodation, nursing or personal care is provided to persons on a residential basis who, because of infirmity, illness, disease, incapacity or disability, have a need for nursing or personal care; or

(b) a residential aged care facility;

relevant entity means an entity, other than a natural person, that provides a relevant service;

relevant service means a residential aged care service or a personal care service;

residential aged care means personal care or nursing care (or both) that is provided to a person in a residential facility in which the person is also provided with accommodation that includes—

(a) staffing to meet the nursing and personal care needs of the person; and

(b) meals and cleaning services; and

(c) furnishings, furniture and equipment for the provision of that care and accommodation;

residential aged care facility means a facility at which residential aged care is provided, whether or not the care is provided by an entity that is an approved provider under the Aged Care Quality and Safety Commission Act 2018 of the Commonwealth;

residential facility does not include—

(a) a private home; or

(b) a hospital or psychiatric facility; or

(c) a facility that primarily provides care to people who are not frail and aged.

13B—Meaning of permanent residents of certain facilities

(1) A person is a permanent resident at a facility if the facility is the person's settled and usual place of abode where the person regularly or customarily lives.

(2) A person is a permanent resident at a facility that is a residential aged care facility if the person has security of tenure at the facility under the Aged Care Act 1997 of the Commonwealth or on some other basis.

(3) A person is not a permanent resident at a facility if the person resides at the facility temporarily.

Division 2—Information about voluntary assisted dying

13C—Access to information about voluntary assisted dying

(1) This section applies if—

(a) a person is receiving relevant services from a relevant entity at a facility; and

(b) the person asks the entity for information about voluntary assisted dying; and

(c) the entity does not provide at the facility, to persons to whom relevant services are provided, the information that has been requested.

(2) The relevant entity and any other entity that owns or occupies the facility—

(a) must not hinder the person's access at the facility to information about voluntary assisted dying; and

(b) must, on request, allow reasonable access to the person at the facility by a registered health practitioner or other person to enable the registered health practitioner or other person to personally provide the requested information about voluntary assisted dying to the person.

Division 3—Request and assessment process

13D—Application of Division

This Division applies if a person is receiving relevant services from a relevant entity at a facility.

13E—First requests and final requests

(1) This section applies if—

(a) the person or the person's agent advises the relevant entity that the person wishes to make a first request or final request (each a relevant request); and

(b) the entity does not provide, to persons to whom relevant services are provided at the facility, access to the request and assessment process at the facility.

(2) The relevant entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by a medical practitioner—

(a) whose presence is requested by the person; and

(b) who—

(i) for a first request—is eligible to act as a coordinating medical practitioner; or

(ii) for a final request—is the coordinating medical practitioner for the person.

(3) If the requested medical practitioner is not available to attend, the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the person's relevant request may be made to—

(a) the requested medical practitioner; or

(b) another medical practitioner who is eligible and willing to act as a coordinating medical practitioner.

13F—First assessments

(1) This section applies if—

(a) the person has made a first request; and

(b) the person or the person's agent advises the relevant entity that the person wishes to undergo a first assessment; and

(c) the entity does not provide, to persons to whom relevant services are provided at the facility, access to the request and assessment process at the facility.

(2) If the person is a permanent resident at the facility—

(a) the relevant entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by a relevant practitioner for the person to assess the person; and

(b) if a relevant practitioner is not available to attend—the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the person's assessment may be carried out by—

(i) the relevant practitioner; or

(ii) another medical practitioner who is eligible and willing to act as a relevant practitioner.

(3) If the person is not a permanent resident at the facility—

(a) the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the person's first assessment may be earned out by a relevant practitioner for the person; or

(b) if, in the opinion of the deciding practitioner, transfer of the person as described in paragraph (a) would not be reasonable in the circumstances, the entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by a relevant practitioner for the person.

(4) In making a decision referred to in subsection (3)(b), the deciding practitioner must have regard to the following:

(a) whether the transfer would be likely to cause serious harm to the person;

(b) whether the transfer would be likely to adversely affect the person's access to voluntary assisted dying;

(c) whether the transfer would cause undue delay and prolonged suffering in accessing voluntary assisted dying;

(d) whether the place to which the person is proposed to be transferred is available to receive the person;

(e) whether the person would incur financial loss or costs because of the transfer.

(5) In this section—

relevant practitioner for a person, means—

(a) the coordinating medical practitioner for the person; or

(b) a registered health practitioner to whom the coordinating medical practitioner for the person has referred a matter under section 22.

13G—Consulting assessments

(1) This section applies if—

(a) the person has undergone a first assessment; and

(b) the person or the person's agent advises the relevant entity that the person wishes to undergo a consulting assessment; and

(c) the entity does not provide, to persons to whom relevant services are provided at the facility, access to the request and assessment process at the facility.

(2) If the person is a permanent resident at the facility—

(a) the relevant entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by a relevant practitioner for the person to assess the person; and

(b) if a relevant practitioner is not available to attend—the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the person's assessment may be carried out by—

(i) the relevant practitioner; or

(ii) another medical practitioner who is eligible and willing to act as a relevant practitioner.

(3) If the person is not a permanent resident at the facility—

(a) the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the person's assessment may be carried out by a relevant practitioner for the person; or

(b) if, in the opinion of the deciding practitioner, transfer of the person as described in paragraph (a) would not be reasonable in the circumstances, the entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by a relevant practitioner for the person.

(4) In making a decision referred to in subsection (3)(b), the deciding practitioner must have regard to the following:

(a) whether the transfer would be likely to cause serious harm to the person;

(b) whether the transfer would be likely to adversely affect the person's access to voluntary assisted dying;

(c) whether the transfer would cause undue delay and prolonged suffering in accessing voluntary assisted dying;

(d) whether the place to which the person is proposed to be transferred is available to receive the person;

(e) whether the person would incur financial loss or costs because of the transfer.

(5) In this section—

relevant practitioner for a person, means—

(a) the consulting medical practitioner for the person; or

(b) a registered health practitioner to whom the consulting medical practitioner for the person has referred a matter under section 31.

13H—Written declarations

(1) This section applies if—

(a) the person has been assessed as eligible for access to voluntary assisted dying; and

(b) the person or the person's agent advises the relevant entity that the person wishes to make a written declaration ; and

(c) the entity does not provide, to persons to whom relevant services are provided at the facility, access to the request and assessment process at the facility.

(2) If the person is a permanent resident at the facility—

(a) the relevant entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by the coordinating medical practitioner for the person and any other person lawfully participating in the person's request for access to voluntary assisted dying to enable the person to make a written declaration; and

(b) if the coordinating medical practitioner is not available to attend—the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the person may make a written declaration.

(3) If the person is not a permanent resident at the facility—

(a) the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the person may make a written declaration; or

(b) if, in the opinion of the deciding practitioner, transfer of the person as described in paragraph (a) would not be reasonable in the circumstances, the entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by a relevant practitioner for the person and any other person lawfully participating in the person's request for access to voluntary assisted dying.

(4) In making a decision referred to in subsection (3)(b), the deciding practitioner must have regard to the following:

(a) whether the transfer would be likely to cause serious harm to the person;

(b) whether the transfer would be likely to adversely affect the person's access to voluntary assisted dying;

(c) whether the transfer would cause undue delay and prolonged suffering in accessing voluntary assisted dying;

(d) whether the place to which the person is proposed to be transferred is available to receive the person;

(e) whether the person would incur financial loss or costs because of the transfer.

(5) In this section—

relevant practitioner for a person, means—

(a) the coordinating medical practitioner for the person; or

(b) a registered health practitioner to whom the coordinating medical practitioner for the person has referred a matter under section 31.

131—Application for voluntary assisted dying permit

(1) This section applies if—

(a) the person has made a final request; and

(b) the person or the person's agent advises the relevant entity that the person wishes to make an application for a voluntary assisted dying permit; and

(c) the entity does not provide, to persons to whom relevant services are provided at the facility, access to a person's coordinating medical practitioner to enable such an application to be made.

(2) If the person is a permanent resident at the facility—

(a) the relevant entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by the coordinating medical practitioner for the person to consult with and assess the person in relation to the application; and

(b) if the coordinating medical practitioner is not available to attend—the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where consultation and assessment of the person can occur in relation to the application in consultation with, and on the advice of—

(i) the coordinating medical practitioner; or

(ii) another medical practitioner who is eligible and willing to act as the coordinating medical practitioner for the person.

(3) If the person is not a permanent resident at the facility—

(a) the relevant entity must take reasonable steps to facilitate the transfer of the person to and from a place where the coordinating medical practitioner for the person can consult with and assess the person in relation to the application; or

(b) if, in the opinion of the deciding practitioner, transfer of the person as described in paragraph (a) would not be reasonable in the circumstances—the relevant entity and any other entity that owns or occupies the facility must allow reasonable access to the person at the facility by the coordinating medical practitioner for the person to consult with and assess the person in relation to the application.

(4) In making a decision referred to in subsection (3)(b), the deciding practitioner must have regard to the following—

(a) whether the transfer would be likely to cause serious harm to the person;

(b) whether the transfer would be likely to adversely affect the person's access to voluntary assisted dying;

(c) whether the transfer would cause undue delay and prolonged suffering in accessing voluntary assisted dying;

(d) whether the place to which the person is proposed to be transferred is available to receive the person;

(e) whether the person would incur financial loss or costs because of the transfer.

Division 4—Accessing voluntary assisted dying and death

13J—Administration of voluntary assisted dying substance

(1) This section applies if—

(a) an application for a voluntary assisted dying permit has been made in respect of the person and a permit issued; and

(b) the person or the person's agent advises the relevant entity that the person wishes to self administer a voluntary assisted dying substance or have the coordinating medical practitioner for the person administer a voluntary assisted dying substance to the person; and

(c) the relevant entity does not provide, to persons to whom relevant services are provided at the facility, access to the administration of a voluntary assisted dying substance at the facility.

(2) If the person is a permanent resident at the facility, the relevant entity and any other entity that owns or occupies the facility must—

(a) if a practitioner administration permit is issued in respect of the person— allow reasonable access to the person at the facility by the coordinating medical practitioner and any other person lawfully participating in the person's request for access to voluntary assisted dying for the person to make an administration request and for the coordinating medical practitioner to administer a voluntary assisted dying substance to the person; or

(b) if a self administration permit is issued in respect of the person—

(i) allow reasonable access to the person at the facility by a person lawfully delivering a voluntary assisted dying substance to the person, and any other person lawfully participating in the person's request for access to voluntary assisted dying; and

(ii) not otherwise hinder access by the person to a voluntary assisted dying substance.

(3) If the person is not a permanent resident at the facility—

(a) the relevant entity must take reasonable steps to facilitate the transfer of the person to a place where the person may be administered or may self administer a voluntary assisted dying substance; or

(b) if, in the opinion of the deciding practitioner, transfer of the person as described in paragraph (a) would not be reasonable in the circumstances, subsection (2) applies in relation to the person as if the person were a permanent resident at the facility.

(4) In making the decision under subsection (3)(b), the deciding practitioner must have regard to the following—

(a) whether the transfer would be likely to cause serious harm to the person;

(b) whether the transfer would be likely to adversely affect the person's access to voluntary assisted dying;

(c) whether the transfer would cause undue delay and prolonged suffering in accessing voluntary assisted dying;

(d) whether the place to which the person is proposed to be transferred is available to receive the person;

(e) whether the person would incur financial loss or costs because of the transfer.

Division 5—Information about non-availability of voluntary assisted dying at certain facilities

13K—Relevant entities to inform public of non-availability of voluntary assisted dying at facility

(1) This section applies to a relevant entity that does not provide, at a facility at which the entity provides relevant services, services associated with voluntary assisted dying (including, without limiting this subsection, access to the request and assessment process or access to the administration of a voluntary assisted dying substance).

(2) The relevant entity must publish information about the fact the entity does not provide any services, or services of a specified kind, associated with voluntary assisted dying at the facility.

(3) The relevant entity must publish the information in a way in which it is likely that persons who receive the services of the entity at the facility, or may in future receive the services of the entity at the facility, become aware of the information.

No. 4 Clause 14, page 15, after line 36 [clause 14(1)]—Insert:

and

(e) the person must be acting freely and without coercion.

No. 5 New clause, page 54, after line 14—Insert:

115A—Minister to report annually on palliative care spending

(1) The Minister must, on or before 31 December in each year, cause a report to be prepared and provided to the Minister setting out—

(a) the total amount spent by South Australians on palliative care during the financial year ending on 30 June of that year (determined by reference to data provided by the Independent Hospital Pricing Authority established under the National Health Reform Act 2011 of the Commonwealth); and

(b) the aggregated amounts spent by South Australians on palliative care during the preceding 5 financial years; and

(c) the variation in—

(i) the total amount spent by South Australians on palliative care during the year to which the report relates compared with the immediately preceding financial year; and

(ii) the aggregated amounts spent by South Australians on palliative care during the 5 financial years immediately preceding the year to which the report relates compared with the corresponding amount reported in the most recent previous report,

expressed both in terms of an amount of money spent and as a percentage increase or decrease in the amount spent during the relevant periods; and

(d) any other information required by the regulations,

and must, within 6 sitting days after receiving the report, have copies of the report laid before both Houses of Parliament.

(2) If the variation referred to in subsection (1)(c)(ii) indicates a reduction in the amount spent by South Australians on palliative care from the corresponding amount reported in the most recent previous report, the Minister must cause a review of the operation of this Act to be conducted and a report of the review prepared and submitted to the Minister.

(3) A review and report under subsection (2) must be completed not later than 3 months after the Minister becomes aware of the variation.

(4) The Minister must cause a copy of a report submitted under subsection (2) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

(5) This section is in addition to, and does not derogate from, a provision of any other Act or law that requires or authorises the Minister to report to Parliament.

Parliamentary Procedure

APPROPRIATION BILL 2021

The House of Assembly requested that the Legislative Council give permission to the Treasurer, the Hon. R.I. Lucas MLC, to attend at the table of the House of Assembly on Tuesday 22 June 2021, for the purpose of giving a speech in relation to the Appropriation Bill.

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:43): I move:

That the Legislative Council grant leave to the Treasurer, the Hon. R.I. Lucas, to attend in the House of Assembly on Tuesday 22 June 2021 for the purpose of giving a speech in relation to the Appropriation Bill, if he thinks fit.

Motion carried.

At 16:51 the council adjourned until Tuesday 22 June 2021 at 14:15.

Answers to Questions

GAMBLING REGULATION

In reply to **the Hon. C. BONAROS** (25 May 2021).

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has advised:

The government has sought further advice from the Liquor and Gambling Commissioner in relation to whether an independent inquiry should be conducted into SkyCity Adelaide's operations.

On 7 June 2021, SkyCity Entertainment Group Limited made a market disclosure to the ASX and NZX that AUSTRAC (Australian Transaction Reports and Analysis Centre) has commenced a formal enforcement investigation into SkyCity Adelaide.

AUSTRAC is the federal regulatory agency that monitors transactions to detect and respond to criminal abuse of the financial system to protect the community from serious and organised crime including money laundering.

AUSTRAC has identified potential serious noncompliance by SkyCity Adelaide with its obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act and Anti-Money Laundering and Counter-Terrorism Financing Rules, relating to:

- ongoing customer due diligence;
- adopting and maintaining an anti-money laundering/counterterrorism financing program; and
- compliance with Part A of an anti-money laundering/counterterrorism financing program.

The commissioner welcomes the action taken by AUSTRAC to investigate SkyCity Adelaide and determine whether there have been such breaches.

AUSTRAC is the agency responsible for investigating anti-money laundering and counterterrorism financing. It has the relevant expertise and resourcing and is clearly the most appropriate agency to investigate SkyCity Adelaide's conduct.

AUSTRAC has commenced formal enforcement investigations in relation to multiple Australian casinos.

In relation to other states, only Victoria and Western Australia have commenced royal commissions. Crown operates the casinos in both of those states. Those royal commissions are only concerned with the conduct of Crown casinos, which were the subject of findings in the Bergin report.

AUSTRAC has the expertise and responsibility to investigate breaches of the Anti-Money Laundering and Counter-Terrorism Financing Act.

It is appropriate for AUSTRAC to continue with and complete its investigation into SkyCity Adelaide.

In all of those circumstances, the government does not consider it appropriate, at this time, to commence an independent inquiry in addition to that which is being conducted by AUSTRAC.

Shortly after the release of the report by the Hon. Patricia Bergin SC into the suitability of Crown Resorts to hold a restricted gaming licence in NSW, the Liquor and Gambling Commissioner commenced a review of the operations of SkyCity Adelaide.

The commissioner issued a formal notice to SkyCity Adelaide on 25 February 2021 requesting certain information to allow him to assess the controls that SkyCity Adelaide has in place to protect against the same or similar failings, as reported by the Hon. Patricia Bergin SC, occurring in relation to the management and operations conducted under the South Australian Casino licence.

The commissioner has been liaising with AUSTRAC.

After discussing the formal enforcement investigation with AUSTRAC, the commissioner has determined to put his review of SkyCity Adelaide on hold and will continue to collaborate regularly with AUSTRAC during the course of its investigation.

It would be inappropriate for me to comment on the investigation.

Consumer and Business Services inspectors are rostered at SkyCity Adelaide to scrutinise Casino systems, operating practices and procedures to assess compliance with the:

- Casino Act 1997;
- Approved Licensing Agreement;
- Casino Duty Agreement;
- Approved Game Rules;
- Casino Control Standards; and
- Responsible Gambling & Advertising Codes of Practice.

The primary method of assessing compliance is achieved through CBS inspectors monitoring the operations of the Casino either in person by being present on the gaming floor or using surveillance cameras, including gaming table play, gaming areas generally, cashier areas, cash clearances from tables and gaming machines and back of house secure areas (including the casino cage, chip bank and cash counting areas).

This is supported by the audit and reconciliation of casino, gaming and revenue transactions and security and surveillance taskings.

Inspectors also:

- attend the opening of gaming tables to verify the accuracy of gaming chip inventory records and to check that gaming equipment is fit for purpose;
- attend VIP premium gaming and cashier areas to observe the buy-in of front moneys, high stake table gaming play and the settlement of proceeds to commission program participants; and
- act on behalf of patrons who have a gaming related complaint which has not been resolved by the Casino.

SKYCITY ADELAIDE

In reply to **the Hon. C. BONAROS** (26 May 2021).

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has advised:

As advised in the response to the honourable member's questions on 25 May 2021, the Liquor and Gambling Commissioner commenced a review of the operations of SkyCity Adelaide shortly after the release of the report by the Hon. Patricia Bergin SC into the suitability of Crown Resorts to hold a restricted gaming licence in NSW.

An objective of the commissioner's review is to ensure adequate controls are in place to protect against the same or similar failings, as considered by the Hon. Patricia Bergin SC, occurring in relation to the management and operations conducted under the South Australian Casino licence.

AUSTRAC (Australian Transaction Reports and Analysis Centre) has commenced a formal enforcement investigation into SkyCity Adelaide.

After discussing the investigation with AUSTRAC, the commissioner has decided to put his review on hold. The commissioner will continue to collaborate regularly with AUSTRAC during the course of its investigation.

It would be inappropriate for me to comment on the investigation.

TIMBER SHORTAGE

In reply to **the Hon. F. PANGALLO** (26 May 2021).

The Hon. R.I. LUCAS (Treasurer): The Minister for Primary Industries and Regional Development has advised:

A search of records indicates the forestry transport assistance scheme was not made available to the South Australian government by the Australian government.

As soon as industry raised this particular scheme to the attention of the government during an informal meeting in May 2021, a request was prepared to send to the responsible commonwealth minister, Senator the Hon. Jonathon Duniam, seeking consideration of extending the initiative to South Australia.