

LEGISLATIVE COUNCIL**Tuesday, 22 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.

*Bills***HEALTH CARE (GOVERNANCE) AMENDMENT BILL***Assent*

His Excellency the Governor assented to the bill.

DANGEROUS SUBSTANCES (LPG CYLINDER LABELLING) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

LAND TAX (DISCRETIONARY TRUSTS) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

CORPORATIONS (COMMONWEALTH POWERS) (TERMINATION DAY) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (COVID-19 PERMANENT MEASURES) BILL*Assent*

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL*Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure***ANSWERS TABLED**

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

*Ministerial Statement***RIVERBANK ARENA**

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:20): I table a copy of a ministerial statement relating to the Adelaide Riverbank arena operating costs made in another place by my colleague the Premier.

*Parliament House Matters***CHAMBER BROADCAST SYSTEM**

The PRESIDENT (14:22): Members, I wish to advise the council that, due to a technical issue with the broadcasting system this morning, on-screen graphics are not able to be displayed today and quite possibly for the remainder of this week.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): I seek clarification on that because my understanding is that the House of Assembly uses on-screen graphics but our house does not.

The PRESIDENT: I respond to the minister's query: I think some work has been done between the houses to make sure that we have as good a system today, as close to normal as possible. It will not be quite normal but it will be close to it. There may be some events in another place today for which there was some keenness to make sure that their service was not interrupted at all.

Parliamentary Representation

PRESIDENT, SENATE VISIT

The PRESIDENT (14:23): Members, I would also like to report that, on Tuesday last week, during a visit to Canberra, I had the wonderful privilege of being invited onto the floor of the Senate before question time. Subsequently, the President, Senator the Hon. Scott Ryan, sought the leave of the Senate and then asked Black Rod to escort me to the chair to his immediate left, where I sat for the remainder of question time.

This is a traditional practice in the Senate to acknowledge the presence of presiding members, on behalf of their respective chambers, from other commonwealth jurisdictions. On behalf of members of this chamber, I conveyed to the President of the Senate my great thanks for this recognition.

Question Time

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): My question is to the Minister for Health and Wellbeing regarding ramping. Minister, given the media was provided with statistics for February, March and April of this year, each month breaking all-time records for ramping, why has the government refused to release the May ramping figures, despite repeated requests to do so?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): I am not aware of any requests that have been declined. The fact of the matter is that, under the former government and under the current government, those statistics are an irregular publication compiled by the Ambulance Service.

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary arising from the answer: will the minister ensure that if refusals have been made to release figures, as they have been for the months of February, March and April, that the May figures are released?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): The government has continually released monthly ramping stats and will continue to do so.

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Final supplementary: will the minister take on notice and bring back a reply as to whether the May figures have been delayed and what the reason for such a delay is?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): I am not aware of any delay, but I will make an inquiry.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:26): My question is to the Minister for Health and Wellbeing regarding hospitals. Why is the government's plan of building a new Women's and Children's Hospital including only one additional paediatric overnight bed—that's one additional—compared to the current hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): The government has received advice of the recommendation of the clinicians and the executive steering committee. A government announcement will be made in due course.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:26): Supplementary: so is the minister saying that he doesn't know why it would have only one additional overnight paediatric bed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:26): The honourable member was asserting the government has made an announcement—that's not the case.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C.M. SCRIVEN (14:27): Supplementary arising from the original answer: can the minister guarantee to the chamber that the hospital does have more than one additional paediatric overnight bed in terms of the plans for the new Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): What I will guarantee to the house is that this government is making a generational investment in health infrastructure and we are not going to botch it, as the former Labor government did in relation to the new Royal Adelaide Hospital. This is a once-in-a-lifetime opportunity—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —to deliver holistic, state-of-the-art healthcare facilities for South Australian—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —women, children and families. Whereas Labor locked clinicians out of the process, we have been investing—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —more than \$600,000—

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke, order!

The Hon. S.G. WADE: —to free up the time of medical officers so they can be involved in the consultation process. It's a dedicated—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: —and intensive consultation program where more than 700 people have been involved.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Five hundred and eighty of those have been clinicians, 110 other staff and 35 consumers. We are very determined to make sure that this investment—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —will be founded on the needs of the South Australian community and the input of clinicians.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter will cease interjecting.

The Hon. S.G. WADE: Recently, we had a two-day intensive workshop, which brought the consultation to a conclusion, that made recommendations to the executive steering committee. As I said, the government will make an announcement in due course.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. E.S. BOURKE (14:28): My question is to the Minister for Health and Wellbeing regarding health. Given comments on ABC radio yesterday from obstetrician Professor John Svigos that 'this is in the face of an increasing birthrate that has been occurring at the hospital...which we can barely cope with', why exactly is the government building a new Women's and Children's Hospital with 56 obstetric beds compared to the current 63?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): I think it's very important for people to appreciate that birthing services continue to evolve. A key part—

Members interjecting:

The PRESIDENT: Order! The minister will resume his seat. What I won't tolerate is where there is guffawing and there are interjections before the minister's response has hardly started. The minister has the call.

The Hon. S.G. WADE: I honestly don't understand why the Labor Party doesn't believe that women are entitled to birthing choices.

Members interjecting:

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

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I agree with Professor Svigos: of course we need to consider the birthrate, but we also need to consider birthing practices. There has been significant change in the delivery of birthing services, particularly with the growth of midwifery. Unlike the former government, I am going to support South Australian women to access a range of birthing services, including midwifery.

SEATON REDEVELOPMENT

The Hon. D.W. RIDGWAY (14:30): My question—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The honourable Leader of the Opposition should be silent.

The Hon. K.J. Maher interjecting:

The PRESIDENT: I beg your pardon. The Hon. Mr Ridgway is on his feet and has the call.

The Hon. D.W. RIDGWAY: Thank you for your protection, Mr President. My question is to the Minister for Human Services regarding housing. Can the minister please outline how a housing renewal project in Seaton will support jobs and benefit South Australians?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:31): I thank the honourable member for his question and for his interest in this area. Indeed, the redevelopment of Seaton is long overdue. A project of over \$8 million will support 165 jobs, which is going to be another project which will support our important trades in South Australia. The Seaton redevelopment is in an area of public housing bounded by the roads of Matthews Avenue, Lark Avenue, Glenburnie Street and Frederick Road.

When I did the press conference with the Premier and the Liberal candidate for Lee, Jake Hall-Evans, the Premier was very proudly pointing out the property down the road that his

grandparents had occupied, which was one of many properties which have served that particular community very well for a number of years.

This particular project is going to see urban renewal. I think I have said before in this place in terms of public housing that there's a lot of stock that you wouldn't build in the same way these days. We will be having a blend of ownership. Some of the properties have been bulldozed and a number of the current tenants have been relocated. They will be replaced by a total of 100 dwellings.

Across the Neighbourhood Renewal Initiative there's actually an increase in public housing stock; in this particular zone there is a mix of affordable homes, social housing and market sales. There will also be a new landscaped reserve, which will clearly add to the amenity of the site. It is a very well-located piece of land which is just opposite Seaton High School and close to the beach.

It was interesting to note, however, the negativity heaped on this project by the current local member, the member for Lee, who described it quite recently:

This is a bad project. It is not in the interests of the electorate of Lee or the people of Seaton, and I will continue to not only oppose this project but also look forward to proposing a much better way of doing this in the near future.

That is an interesting comment from the member for Lee, given that he was the minister responsible for Renewal SA prior to the last election. My understanding is that under his watch not a lot happened in terms of renewal in this particular suburb, and one might ask why. Indeed, I think the people of Seaton have good reason to ask whether the current member for Lee in his role as a former minister may have deliberately delayed this project for his own interests. Having been a minister, it's intriguing that he now claims that he will be releasing an alternative proposal, when he was the minister at the time and had that opportunity.

However, I should report that on the day that we made the announcement people were walking past who were clearly local residents, and people wound down their windows and said things like, 'It's about time.' Anybody who drives around that particular suburb will immediately recognise that it is out of date, that it is run-down and that it needs to be redeveloped and redeveloped sooner rather than later.

The particular part of the suburb that is being developed in the first instance we believe will be an example of how to build a really good suburb going forward, a modern mix place of amenity and a place that public Housing Trust tenants and people purchasing affordable homes and market sales will really enjoy.

PUBLIC HOUSING

The Hon. J.E. HANSON (14:35): Supplementary question: is it accurate that there is a reduction in the social housing numbers from 35 to 16?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): That is correct for this portion, but if the honourable member was listening, the renewal initiatives across the board result in a net increase in public housing. We have four areas which are currently under renewal and, in addition—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —we are setting aside 2,600 square metres for a landscaped reserve, which means it is not available for building.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Pangallo has the call and will be heard in silence.

The Hon. J.M.A. Lensink interjecting:

The PRESIDENT: Order, minister! The Hon. Mr Pangallo has the call.

COVID-19 HOTEL QUARANTINE

The Hon. F. PANGALLO (14:36): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing about COVID-19 medi-hotels.

Leave granted.

The Hon. F. PANGALLO: My office has received information about the extent of damage caused by and fines issued to people undertaking the two weeks of isolation in Adelaide's medi-hotels. This includes holes being punched and kicked in hotel walls, windows and furniture being broken and/or damaged, and hotel room appliances and equipment being destroyed. My office has also been told of hotel guests being fined up to \$1,000 for a range of offences committed, including merely stepping outside their rooms to collect their meals. The guests are then ordered to pay their fines and their quarantine bill before being discharged from quarantine.

My questions to the Minister for Health—and I expect that perhaps it would be more appropriate that they be taken on notice—are:

1. What is the total cost and extent of damages caused by guests being quarantined inside medi-hotels since they were established last year?
2. Are the offending occupiers billed for the damage, and what happens if they cannot pay?
3. What is the total dollar value of infringement notices and fines issued to guests being quarantined inside medi-hotels since they were established last year?
4. Can the minister also provide details, again on notice, since the start of the medi-hotels program until 30 May this year for the following:
 - all the costings for the provision of services at medi-hotels;
 - the cost for the provision of Tom's hotel as a medi-hotel;
 - details of additional work and infrastructure required for all medi-hotels to meet the required health standards that were paid for by the state government;
 - details of all damage caused by occupiers of rooms in medi-hotels, costs of repairs and/or replacement, and have they billed the offending occupiers;
 - how much money is still outstanding to the government from the occupiers of rooms at medi-hotels, and what methods are being used recover those funds, including prosecution;
 - has the state government received bills from other states for accommodating South Australian residents in their medi-hotels, what is the amount, and will those amounts be paid;
 - is the state government billing other states for their residents' accommodation in medi-hotels and, if so, what is the amount outstanding; and
 - what is the full cost to the state government for the provision of private security at medi-hotels?

The PRESIDENT: There are a multitude of questions there. I will call the minister.

The Hon. F. PANGALLO: As I said, I'm happy for them to be taken on notice.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): Obviously, I am going to take them on notice. That information is not with me. But I do want to pick up on a couple of points the honourable member made. The reference to people being fined merely for stepping outside of their room: I would just remind honourable members that we are learning more and more about this pandemic, and one thing we are finding is that in hotels there is transmission through airborne means. Therefore, I do not think it is 'merely'. I think the public health team should be respected and supported in maintaining appropriate infection control measures within the medi-hotels.

In that regard, I am very respectful of the sterling effort made by not only the SA Health team but also SA Police and their partners in delivering medi-hotels. Just as the enforcement activities in the broader community have been balanced, I believe that has been the case within our medi-hotel process.

Above and beyond the questions the honourable member has given, I will certainly ask the medi-hotel team to include a reference to their general approach to fines. SA Health has been doggedly determined that these quarantine facilities will not be punitive. There is a wellness model maintained within the facilities. Of course, there are people within the facilities who find the quarantining process extremely challenging, and I think most of us would.

So there is, from time to time, behaviour which is not acceptable and leads to damage. But my understanding, from the feedback I have from both the medi-hotel teams and even guests who write letters of thanks, having returned home to their own jurisdictions, is that overwhelmingly the guests are appreciative of the care they receive and are not disruptive.

The PRESIDENT: Thank you, minister. I would point out to the Hon. Mr Pangallo that there were probably a number of those questions that you asked that could have been put on notice with the same effect—to get the minister's response in due course.

RESIDENTIAL CARE SERVICES

The Hon. R.P. WORTLEY (14:42): My question is to the Minister for Human Services regarding housing. When a person is in a building owned by SA Health, receiving support from a service managed by the Department of Human Services and getting visited by the NGO staff, who exactly is responsible for the care of residents?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:42): I thank the honourable member for his question. Everybody has a general duty of care; I should say that in a general sense. In terms of the direct services, it would most likely be the direct service provider. It also depends, in terms of the health aspects, on whether SA Health has clinical oversight or governance.

RESIDENTIAL CARE SERVICES

The Hon. R.P. WORTLEY (14:43): Supplementary arising out of the answer: is confusion about who is responsible and who has a duty of care contributing to bad outcomes for residents in state care?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I'm not sure what the honourable member is trying to get at by putting hypothetical questions. If he has a particular concern, then perhaps he can raise that in a more direct fashion.

VOLUNTEERS

The Hon. N.J. CENTOFANTI (14:43): My question is to the minister—

Members interjecting:

The PRESIDENT: Order! I can't hear—

Members interjecting:

The PRESIDENT: Order! There is a member on her feet. The Hon. Dr Centofanti has the call.

The Hon. N.J. CENTOFANTI: My question is to the Minister for Human Services regarding volunteers. Can the minister please update the council on the Marshall Liberal government's recognition of volunteer service to the community through National Volunteer Week and volunteer thank you events?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): I thank the honourable member for her question. As she has identified, there has been a number of celebrations to recognise our amazing volunteers across South Australia over the last several weeks, culminating with the volunteer event that we held on the Queen's Birthday holiday at Her Majesty's Theatre quite recently,

where we were able to recognise the statewide volunteer awards for people who have made outstanding contributions to their community.

We were very honoured to have the presence of His Excellency the Hon. Hieu Van Le, Governor of South Australia, who participated in the awards presentations, as well as the Premier, Steven Marshall. I also acknowledge that some of my parliamentary colleagues attended, including the member for Hurtle Vale and the member for Florey. There may have been some members of the Legislative Council. Nobody is jumping up, so I apologise if they were there and I wasn't able to acknowledge them.

We do, of course, have a number of other ways to recognise people, including through volunteer certificates. The statewide awards, however, are worth acknowledging publicly in this place. The first award, the Premier's Award for Corporate Social Responsibility, which recognises the invaluable contribution of a South Australian business to the community through its support of volunteering, went to Sullivan Consulting, which has been involved in supporting a number of community organisations, through donating 100 hours to community service during work hours, participating in fundraising events, providing practical support, such as mock interview scenarios and recruitment advice, at various colleges across South Australia, and donating funds themselves and in-kind services to a number of non-government organisations.

The Joy Noble Medal, which is the highest distinction for an individual volunteer, was awarded this year to Mrs Betty Khor, who may be known to a number of people, having been an advocate, activist and champion of nurses, women's rights and human rights for over 40 years. In fact, I got to know Betty through her role as the President of the National Council of Women some years ago. She has also been engaged in the Dernancourt community garden, has been an advocate through the Asian Women's Consultative Council of SA and has had a number of roles supporting women throughout South Australia.

The Andamooka Community Project Award recognises innovative community projects, and that was awarded in 2021 to Habitat for Humanity, who were involved in a particular bushfire recovery program. Habitat are quite well known in assisting low income families to get into home ownership, but they have also worked through bushfire and recovery programs, going back to the Sampson Flat and Pinery bushfires. They have had a recovery team on the ground since February 2020 to salvage, rebuild and assist home owners to rebuild their properties, as well as working with removing fence wire and posts, pruning and peeling branches, clearing debris and replanting vegetation. They worked as well with Volunteering SA, BlazeAid, the Onkaparinga Rotary Club and the Lobethal Recovery Centre.

The final award that was awarded was the Excellence in Volunteer Management Award, which went to Ms Victoria Gautier, who works for the Carers and Disability Link carer support program. She supports mentors and volunteer coordinators with the Adelaide Hills volunteer managers network and has run a very innovative program to assist people through that program.

I also had the great pleasure recently to attend a recognition event on behalf of Educators SA volunteers, who are educators who support other educators through their program. Collectively, those teachers have contributed decades, or probably several hundred years of service, many thousands of hours in assisting each other to upskill through languages, mathematics and a range of other fields.

In particular, one volunteer who was recognised was a maths teacher of some standing who, as a 91 year old, has contributed a huge amount of time to assisting people with upskilling in mathematics: Mr Keith Hamann OAM. He was born in 1930 and has been involved in not just teaching secondary maths education at a range of high schools but has been involved in the MASA school maths competition, which is now known as the Hamann School Mathematics Competition, which is now in its 60th year. He has written papers, started Saturday morning problem-solving workshops and assisted a number of individual students, including South Australia's well-known Terry Tao.

We congratulate all of those individuals who have been supporting each other through these programs and recognise their contribution.

NUCLEAR WASTE

The Hon. T.A. FRANKS (14:50): Under standing order 107, I seek leave to make a brief explanation before addressing a question to the leader of the Labor opposition on the subject of nuclear waste dumps in South Australia.

Leave granted.

The Hon. T.A. FRANKS: After most in our community in this state thought that the matter was finally dead and buried, a new bid to put a nuclear waste dump in our state has emerged in recent days, with the federal Labor opposition confirming it will back the federal government's bid to establish such a storage site for radioactive waste in our state, indeed identifying three sites, with every single site being in South Australia.

I note those sites that have been identified have previously been opposed to a dump in their community and particularly traditional owners' voices have said no. When the then Premier Rann was in a position of leadership of the Labor Party, I note his words in the other place where he said:

In recent days, attempts have been made to reignite debate about where Australia's nuclear waste should be stored. There have been efforts by our northern neighbours—the Northern Territory—to have the federal government revisit their decision to place Australia's nuclear waste at Muckaty Station in the [NT]. In this government's first term, we fought against the nation's nuclear waste being dumped in South Australia and we won.

He goes on to say:

But we did not lie down; we put our state first. We fought and we fought and we fought.

Of course, at that time we thought that they won. However, now, through the federal Labor Party opening the door and allowing for judicial review, those traditional owners who have repeatedly said no to a nuclear waste dump in our state have had their words yet again ignored. I note that the Leader of the Opposition in this place has maintained previously that traditional owners should have a so-called right of veto. Indeed, shadow ministers of the Malinauskas opposition have put that in writing in media statements in recent years. My question is: how many times must traditional owners in this state—

The Hon. I.K. HUNTER: Point of order, Mr President.

The PRESIDENT: The honourable member will resume her seat. Point of order.

The Hon. I.K. HUNTER: My point of order is the honourable member has directed a question to the Leader of the Opposition on an area that is nowhere near his portfolio responsibilities. How can he be held accountable for the federal opposition?

The PRESIDENT: I am going to let the honourable member finish her question and then I am going to go to standing order 107.

The Hon. T.A. FRANKS: Indeed. How many times must traditional owners in this state say no before the South Australian Labor Party will have their back, as they did in the days of Mike Rann, and stop this question being repeatedly and relentlessly asked of them?

The PRESIDENT: Before calling the Leader of the Opposition, or giving him the opportunity to respond, standing order 107 says:

At the time of giving Notices, Questions may be put to a Minister of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the Council, in which such Members may be specially concerned.

So with that being said, or reminding members of that, I give the Leader of the Opposition the opportunity to respond if he wishes given that, under the question, it is hard to say that it is to do with the business of the council. But I provide the opportunity to the Leader of the Opposition. He wishes not to answer. I move on to the Hon. Mr Hanson.

The Hon. T.A. FRANKS: Point of order: referring to that standing order, I would note that we have legislation of this parliament that rules out debate on such a nuclear waste dump, but also, given the federal moves, our ERD Committee will need to consider this matter and Labor will need to make their position clear and not go behind people's backs with weasel words.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! We won't have debate in the point of order. I do understand the role of the Environment, Resources and Development Committee at a certain stage, and I don't believe that stage has been reached yet. The Leader of the Opposition has had the opportunity to respond; he wishes not to. I am going to move on to the Hon. Mr Hanson.

Members interjecting:

The PRESIDENT: Order! Conversation is not helpful. The Hon. Mr Hanson is on his feet and has the call.

DISABILITY SERVICES

The Hon. J.E. HANSON (14:55): My question is to the Minister for Human Services regarding disability. This week, an external NGO staff member had to call an ambulance for a person who had festering wounds, in a facility managed by the Department of Human Services. What exactly has gone wrong under the minister's leadership when that needs to happen, and can the minister confirm whether the victim of this government's negligence was in fact still in hospital two weeks later?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:55): I thank the honourable member for his question. In relation to some of the language that he has used, I would caution him to not jump to conclusions before the investigations have taken place, something that I think the Labor Party is wont to do when it should be strongly advised against so doing. I do know the case to which the honourable member is referring, and I was made aware of that.

My department and I take allegations of care concerns very seriously, and the department has commenced an investigation into the services provided to the client. In line with the department's incident management policy and procedures, relevant authorities were informed of the allegations of care concerns. Any registered NDIS providers are regulated by the Quality and Safeguards Commission, and this matter has been reported to the commission in addition to other relevant referrals that we would be required to make.

We recognise that people with disability with a medical condition don't belong in hospital, and the transition to home program supports the discharge of people with disability out of hospital and into supportive transitional accommodation in the community.

COVID-19 VACCINATION ROLLOUT

The Hon. T.J. STEPHENS (14:57): My question is to the Minister for Health and Wellbeing. Will the minister update the council on how the pharmacy profession is helping to respond to the COVID-19 pandemic and contributing to the health and safety of our community?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I thank the honourable member for the question. Community pharmacies have an important role to play in providing South Australians with access to essential medicine and health advice, which is a particular concern during emergencies such as bushfires and the COVID-19 pandemic. The ongoing service of pharmacists, pharmacy staff and pharmacy businesses to the community during the COVID pandemic is valued and respected.

Our hospital pharmacists, too, have played a key role, supporting the safety and security of vaccine supplies and administration in the early stages of the COVID-19 vaccine rollout. As we move to the next phase of our response through the broader rollout of the vaccine program, community pharmacists will also play a role as part of the workforce that will deliver COVID-19 vaccines to the community. As trained vaccinators, community pharmacists already play a key role in providing access for South Australians to immunisations and now they will take that skill into the vaccination rollout.

Last week, the Marshall Liberal government announced that, in partnership with the commonwealth, we are expanding access to COVID vaccinations for regional consumers by activating rural and remote community pharmacies. The commonwealth government undertook an expressions of interest process earlier this year and almost 100 regional, rural and remote pharmacies in South Australia have met the stringent requirements required to be authorised by the

commonwealth to provide COVID-19 vaccinations. The commonwealth is now working with these pharmacies to provide them with an opportunity to start vaccinating.

Regional, rural and remote pharmacies will be the first to participate. Involvement of metropolitan pharmacies is to be considered as additional vaccine supplies become available. Pharmacy continues to be a key partner in rebalancing the health system. Their work, particularly in delivering highly trusted, accessible, collaborative and consumer-centred care, is vital.

Recognising the unique and important role of pharmacists in our community, the Marshall Liberal government has also announced that we will explore the potential to provide access to government-funded influenza vaccines at community pharmacies for people aged 65 years and over. Increasing immunisation coverage is a strategic priority of the National Immunisation Strategy for Australia 2019 to 2024.

Access to the National Immunisation Program vaccines at community pharmacies would be another approach to further support this priority, enhancing access for vulnerable and elderly South Australian consumers by providing safe and effective immunisation. On the other hand, we do need to be mindful of the capacity within the vaccine distribution network to manage a broader network.

To assess the potential of this proposal, the government has established the Community Pharmacy National Immunisation Program Access Advisory Group to oversee the development and implementation of a safe and efficient model for the administration of NIP vaccines by community pharmacists. Again, I would like to thank the pharmacy sector for its ongoing dedication and hard work in ensuring South Australians receive the best health care possible.

COVID-19 VACCINATION ROLLOUT

The Hon. T.T. NGO (15:01): Supplementary question: can the minister advise whether metropolitan community pharmacies can have access to providing immunisation to the people living in the city? Why couldn't the minister have that process set up asap, so that when vaccines become more readily available it could be ready to go, instead of waiting for months before the system can be set up?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): I thank the honourable member for his question. The decision of activating the community pharmacists network was a decision of national cabinet. National cabinet has only authorised the engagement of pharmacists in rural and remote Australia. My understanding is that Queensland has taken up that opportunity. To be frank, South Australia is providing, on a select basis, the opportunity for all community pharmacists in rural and regional South Australia who have been accepted through the commonwealth expressions of interest to take up that opportunity. We believe that in this area, as in other areas, South Australia leads the way.

RESIDENTIAL CARE FACILITIES, CCTV

The Hon. F. PANGALLO (15:02): I seek leave to make a brief explanation before asking the Minister for Human Services a question about CCTVs in state-operated residential care facilities.

Leave granted.

The Hon. F. PANGALLO: Earlier this month, there were some shocking images of bruising to the body of a man with intellectual disability, Daniel Forbes—bruises that his parents say were caused while their son was living in residential care. Daniel's mother, Karen, gave evidence about her son's care at the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability when it was held in Adelaide. She told the commission that, in February 2019, Daniel, now aged 40, was found with large bruises so severe that he underwent a hospital scan to check for internal bleeding. As a result, Daniel is now back in the family home, for safety reasons.

Police investigated the matter but were not able to determine what happened to Daniel, who has limited speech and was not able to give a statement. The family was also told that the department would investigate, but on several occasions the Department of Human Services said that it could not determine what had happened. Mrs Rogers believes that families of people living in state-operated residential care facilities should be allowed to install security cameras in their relatives' bedrooms. My questions to the minister are:

1. Why aren't families allowed to install CCTV in the bedrooms of relatives in state-operated residential care facilities, at their own expense, to improve the security of their loved ones, particularly in facilities currently under the government's trial?

2. Why does the state government's current trial, which involves CCTV cameras in only two southern suburbs supported accommodation homes, only involve cameras in common areas?

3. Does the minister believe there is a place for CCTV in the bedrooms of people in residential care, even as an opt-in option?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:04): I thank the honourable member for his question. In relation to the CCTV pilot project, that is something that the Department of Human Services, as part of its many reforms to its own accommodation services, has undertaken and this particular initiative we wanted to do on a trial basis.

I think it needs to be recounted, it needs to be pointed out, that people with disability are as diverse as anybody else in the community and their wishes and needs need to be respected and upheld. On that basis, this particular pilot project we wanted to undertake with the full consent of the residents of our accommodation facilities in consultation with their families. So it is a trial. It supports 10 people living with a disability and it is being investigated to examine its effectiveness as an additional safeguard measure, while maintaining the privacy and dignity of residents in their own home.

The location of the pilot was something that was at the behest of the families and the guardians at those particular locations. As the honourable member has identified, we have indeed installed it in the common areas of both of two homes, with no footage recorded in bathrooms or bedrooms. It's a static recorded video and footage can be accessed in line with the department's procedures and policies.

We wanted to make sure that we actually have the consent of all families and guardians. When you have congregate living—more than one person living at the site—it is important that everybody agrees and, rather than it being something that the department made a decision about and imposed on them, we consulted with them. We believe that this particular pilot is something those residents and their guardians and families wanted in the format that they wanted it. Effectively, the short answer is: we asked them what they wanted and that's what we are delivering.

RESIDENTIAL CARE FACILITIES, CCTV

The Hon. F. PANGALLO (15:07): Supplementary: can the minister give an indication of when the trial is to be completed and when she expects to report on the outcomes?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): My information is that I will be receiving a report in the not too distant future, with a review of the pilot and recommendations.

RESIDENTIAL CARE FACILITIES, CCTV

The Hon. F. PANGALLO (15:07): Further supplementary: can the minister give us a definition of 'not too distant future'?

The PRESIDENT: That's not a request out of the original answer, but I will—

The Hon. F. PANGALLO: My question wasn't answered appropriately, Mr President.

The PRESIDENT: The Hon. Mr Pangallo can have that view. The reality is the minister has provided an answer to your supplementary question. Your further supplementary needs to come out of the original answer, but I will let the minister respond, if she wishes.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:08): No, I have nothing further to add.

DISABILITY SERVICES

The Hon. I. PNEVMATIKOS (15:08): My question is to the Minister for Human Services regarding disability. When asked in this place on 9 June about her senior executive's confirmation of 'an air of neglect in disability accommodation', the minister claimed it related to a home that had since

closed. How would the minister describe a service that was opened under her watch, and remains open, where residents have festering wounds requiring hospitalisation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:08): I thank the honourable member for her question. I believe she is drawing a few different services together. As I said on 9 June, the remarks made by the executive in the royal commission related to a particular house, which we have since closed. I can go through the list of things that we have been doing in accommodation services to improve those services.

Can I say that I believe that the culture of accommodation services under our government is miles ahead of where it was under Labor. We have done so many things. I am incredibly proud of what the team has undertaken in that space. I am happy to read out all of those matters again for the honourable member, if she would like me to. I invite her through a supplementary. I am prepared to provide that information, but I have provided that already in great detail about all of the actions that have been undertaken through our accommodation services.

HOMELESSNESS

The Hon. D.G.E. HOOD (15:10): My question is also to the Minister for Human Services. It is regarding housing. Can the minister please provide an update of how a new intensive rough sleeper response program will help more South Australians into housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:10): I thank the honourable member for his question. Indeed, we are undertaking a very innovative service through our homelessness service, which is a partnership between Uniting Communities, mental health services from SA Health and the South Australian Housing Authority. It is the sort of service that I think a lot of people in the homelessness sector, particularly in the non-government sector, have called for for a long time that needs to be implemented, particularly for people who are some of the rough sleepers who are more difficult to engage in terms of help-seeking and the like.

We will be opening a new service at Holbrooks in the western suburbs at Brooklyn Park, where we will be providing not just accommodation to clients but those wraparound services that people often need to be able to successfully maintain their tenancy. What we do know and what we saw through part of the COVID pandemic was that when we were able to house a number of people into hotels and motels, there was a group of people who were more complex, who did return to rough sleeping, so this is the particular cohort that we are targeting with this new service.

We welcome the support of Wellbeing, Drug and Alcohol Services and the support of the Chief Psychiatrist in assisting us with the model going forward. Those wraparound services will be provided to between 45 and 60 people to assist them to address some of their issues. Uniting Communities will be providing things such as case management, assistance with living skills and tenancy support to help people to maintain their tenancy.

There has been an upgrade of those premises so that there is only key access, extra security and an onsite caretaker to ensure that there is some level of supervision for some of these people. We look forward to being able to demonstrate with some of our more complex clients how we can get them off the street for good.

ELECTRIC VEHICLES

The Hon. R.A. SIMMS (15:12): My question is for the minister representing the Treasurer. I am not sure who that is today.

The Hon. J.M.A. Lensink: That might be me.

The Hon. R.A. SIMMS: Thank you. I seek leave to make a brief explanation before addressing a question without notice on the topic of electric vehicles.

Leave granted.

The Hon. R.A. SIMMS: On Sunday, the New South Wales government announced it will waive stamp duty on electric vehicle purchases and provide subsidies for 2,500 new purchases as part of a \$490 million strategy to drive uptake of electric vehicles. My question to the minister representing the Treasurer is: why is South Australia following the flawed Victorian approach to

implementing a tax on electric vehicles when it was warned previously that doing so would discourage EV uptake in the state and increase carbon pollution?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:13): I thank the honourable member for his question. I will take that on notice and seek answers from the Treasurer to bring back to this place.

DISABILITY SERVICES

The Hon. T.T. NGO (15:14): My question is to the Minister for Human Services about disability. Why after eight years of the NDIS has the minister suddenly decided to slash funding for the disability peak body, National Disability Services?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:14): I thank the honourable member for his question. He should be reminded that it was actually his government that made the arrangements that a range of services which were funded prior to the full transition to the National Disability Insurance Scheme were not to have funding renewed once South Australia achieved full transition. National Disability Services is one of those organisations. Can I also point out that—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —there are other peak bodies that exist and, in fact, I should declare an interest: I used to work for an aged-care services provider prior to entering parliament and we received absolutely no government funding. We relied on the funding of our membership. Given that the National Disability Insurance Scheme—

The Hon. C.M. Scriven interjecting:

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

The Hon. J.M.A. LENSINK: —is at full transition, we are merely implementing what Labor put in place, which was to transition that money to the NDIS and therefore—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —the NDS's funding will cease on 30 June.

DISABILITY SERVICES

The Hon. T.T. NGO (15:15): Supplementary: doesn't National Disability Services represent organisations like the NGO whose staff member had to call an ambulance for a patient in DHS care who had festering wounds?

The PRESIDENT: I am not sure that that relates to the—in fact, I am sure that it doesn't relate to the original answer.

COST OF LIVING CONCESSION

The Hon. J.S. LEE (15:16): My question is to the Minister for Human Services regarding the cost of living. Can the minister please outline to the council the various ways that the Marshall Liberal government is supporting South Australians by reducing the cost of living?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16): I thank the honourable member for her question and for her interest in this particular area. I suspect that, as we discuss this matter in this place, the Treasurer is on his feet in another place advising our House of Assembly colleagues of other ways in which South Australians are benefiting from the good policies and relief that is being provided to South Australians through other means.

I mentioned our volunteers previously and, indeed, we have made screening checks free for volunteers. Under the former government they were \$59.40 each and some people may have had to obtain five of them and so that would have been at considerable cost to them. As of this month, some 135,000 volunteers have received free screening checks since the fee was abolished.

That has not just saved them, as individuals, a lot of money but also their organisations, which may have generously paid for it. That enables those organisations to use those funds for other purposes, such as their own facilities and the like, training, computer services, etc. That is some \$8 million worth that South Australian volunteers and their organisations have saved under this Marshall Liberal government.

We have also been supporting South Australians on low incomes to receive cheaper electricity through our Origin Energy deal, which I acknowledge was initiated under the former Labor government, but we have actually managed to strike a deal so that eligible South Australian households receive some 21 per cent off their electricity deal. We believe that some people are missing out so we certainly encourage them to apply. They can also access our annual energy concession of up to \$231 in this financial year.

Further to that, we also provided a one-off stimulus payment to some 26,000 South Australians during the height of the pandemic which injected millions of dollars into the local economy and assisted some of our most vulnerable when they needed it. The \$500 COVID Cost of Living Concession stimulus benefitted some 26,600 South Australians, at a total of \$13.3 million, and that was on top of the Cost of Living Concession that they could receive, which was \$215.10.

My colleague the Minister for Mining and Energy has been working in conjunction with Housing SA so that we can install home batteries on some many thousands of South Australian Housing Trust properties. Obviously, that is assisting people to access much cheaper electricity. They are just some of the many ways in which South Australian households are enjoying a much lower cost of living under this great government.

CYSTIC FIBROSIS

The Hon. J.A. DARLEY (15:19): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing questions concerning Cystic Fibrosis South Australia advocating for South Australians living with cystic fibrosis.

Leave granted.

The Hon. J.A. DARLEY: South Australians living with CF rely on properly funded multidisciplinary CF units within the Royal Adelaide Hospital and the Women's and Children's Hospital for essential treatment. In 2012, the work of the SA Health cystic fibrosis working party resulted in increased resources to the above two hospitals, including allied health, administrative support and nursing and medical staff to facilitate the agreed model of care.

The model of care also included funding to provide for an advanced trainee specialist for adult CF to address the national and worldwide skill shortage of adult CF physicians. This is at a time of increasing numbers of adults living with CF. Outreach clinics were included in the agreement but have not been established, and a review was scheduled in five years (2017) but this has not occurred.

As medical treatments improve, the number of adult patients using the service of the RAH increases. Accordingly, future planning for CF care must address increasing patient numbers and those with comorbidities as people with CF live longer. CF services must focus on wellness and preventing complications rather than treating illness, with the provision of increased out-of-hospital care and outreach services.

One-quarter of lung transplant recipients in South Australia have CF. The drug Trikafta is revolutionising the lives of people with CF, with the compassionate access to Trikafta resulting in currently no people with CF on the lung transplant waiting list in South Australia. Further consideration is scheduled next month for Trikafta to be listed on the PBS. South Australians living with CF are understandably desperate to see the drug available for those in earlier stages to improve the quality of their lives. My questions to the minister are:

1. Can the government confirm that the ongoing level of funding will be in accordance with that outlined in the model of care, including the establishment of promised outreach clinics?
2. Will the minister and the government stand with South Australians and the CF community in advocating on their behalf for PBS listing of Trikafta?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22): I thank the honourable member for his question and acknowledge his support in the last sitting week, together with the member for Kaurana in another place, for an information session in the Old Chamber. I would also like to acknowledge the fact that the President graced us with his presence and also the Hon. Nicola Centofanti. Forgive me if my memory fails me in relation to other members of this council who might have been present.

It was a very—I think it would be fair to say—inspiring presentation. The potential impact of the drug Trikafta is quite revolutionary and it does highlight the challenges for health planners when they are planning for such a long-term condition. We heard the testimony of patients who had been able to get compassionate access to this drug and heard what a dramatic change it had on their lifestyle. I had the opportunity at that function to discuss with clinicians: what difference could this drug make? Could it actually prevent the onset of CF with all of its implications? Certainly, the clinicians are very excited about the potential impact.

The honourable member asks me would the government or would I as minister and by implication the government stand with the CF community in advocating for Trikafta? I can assure you that the government would very much welcome PBS listing of this medication. I know that the Hon. Nicola Centofanti has already made representations on behalf of the CF community in South Australia to the commonwealth to give favourable consideration. Of course, there is a process to be gone through, but I am greatly encouraged by the information session that we were part of.

Certainly, SA Health is extremely grateful for the long-term partnership it has had with Cystic Fibrosis SA in terms of the delivery of services and the model of care. Like a number of other non-government organisations, CF SA has a very positive relationship and provides services that complement the SA Health services, which significantly support people with CF in their journey.

As a government, of course, one of our earliest challenges was to deal with the fact that lung services were still isolated at the eastern end of North Terrace when we came to government, and we were very pleased to be able to have a clinic established at the Royal Adelaide Hospital site. When people may well need to have other hospital-based services and access specialist pharmacy services, to have the clinic on the Royal Adelaide Hospital site is a boon to patients.

We look forward to continuing to work with the CF community in partnership to develop services to support them as they live with CF, but we are also very excited to work with them to see if we can prevent CF.

Parliamentary Procedure

BUDGET PAPERS

The following papers were laid on the table:

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

On behalf of the Treasurer (Hon. R.I. Lucas)—

Budget Paper 1—Budget Overview, 2021—22

Budget Paper 2—Budget Speech, 2021—22

Budget Paper 3—Budget Statement, 2021—22

Budget Paper 4—Agency Statements, Volumes 1, 2, 3 and 4, 2021—22

Budget Paper 5—Budget Measures Statement 2021—22

Bills

STATUTES AMENDMENT (IDENTITY THEFT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 May 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:27): I rise to speak on the Statutes Amendment (Identity Theft) Bill 2021. I indicate that Labor will support this bill at the second reading,

but will be moving an amendment which has now been filed and reserves its right in relation to the third reading of this bill, seeking assurances from the government about the operation of the bill before making a final decision as the opposition whether or not to support the bill.

The opposition was briefed on this bill, but there were many questions that went unanswered or were answered unsatisfactorily, and further communications have not made clear some of our significant concerns about this bill. Identity theft is a significant problem and can cause very real harm and hardship for victims. The nature of identity theft is constantly evolving and has been for some decades now.

When identity theft was added to the Criminal Law Consolidation Act in 2003, the methods of identity theft and the technology used were vastly different to what exists now. At that time, in 2003, the launch of the original iPhone was still four years away and Australia had just had its first ever video call on a Nokia 1100. That was the most popular phone in Australia. So it is fair to say that the offences probably need some modernisation. Unfortunately, the bill that is before us has made some rather draconian changes involving minors, in terms of misrepresenting their age, as well as some extremely wideranging possession offences.

This bill essentially has five parts. The first part is a reduction lowering the bar of offences for false identity under section 144B of the Criminal Law Consolidation Act and the misuse of personal identification information from intending to commit or facilitate serious criminal offences. The second part is increasing the maximum penalties around possession or production of prohibited material from three to five years.

The third part is where concerns really start. In that third part, clause 8 creates a strict liability offence with a reverse onus of proof of possession of personal identification information. In short, what this means is that anyone who has the personal identification information of another person needs to have a reasonable excuse for having that information or may be guilty of a criminal offence. I note that the reverse onus of proof does not apply, according to this bill, in situations where the defendant is in the ordinary course of a lawful occupation or activity, or the defendant has personal information generally of people or a class of people.

It also does not apply if the defendant and the victim are close relatives, which is limited to spouse or domestic partner, grandparent, grandchild, parent, child or sibling. It is a total defence to the new offence if all of the personal identification information is public information. Public information is defined in the bill as the person's name, address or other contact details, date or place of birth, marital status and relatives.

What this could potentially mean is that if a person has a list of names and contact details for some people but somehow a piece of personal identification information outside of that 'public' definition—for example, according to the bill, I think a signature could fall into that category—they would then have to prove that they have a reasonable excuse for having that information. This is, we think, possibly a very weak protection and one that seems to have been added—it is unclear, but I am sure the government, in their second reading summing up, will provide some clarity—in response to concerns that were raised by the Law Society about this bill and its use.

In terms of creating an offence for the possession of personal identification information, we are having trouble locating other Australian jurisdictions, or indeed any other similar jurisdiction from another country, that have a similar offence that does not also have a requirement of the intent or equivalent to commit an offence. We would be grateful if the government could provide some examples, particularly of other Australian jurisdictions, that have a similar possession offence, or comparable international countries that have a similar offence to what we are contemplating in this bill.

We do have offences for the possession of personal identification information with the intent to use it for a criminal purpose already contained, as they have been for some time, in section 144 of the Criminal Law Consolidation Act. During the briefings the opposition was provided, one of the concerns raised was we were not able to be given details about what might, when this act is operating, constitute a reasonable excuse.

The Law Society noted in their submission from some time ago on this legislation how much importance would be put on a reasonable excuse. Section 5B of the Criminal Law Consolidation Act states:

In proceedings for an offence against this Act in which it is material to establish whether an act was done with or without lawful authority, lawful excuse or reasonable excuse the onus of proving the authority or excuse lies on the defendant and in the absence of such proof it will be presumed that no such authority or excuse exists.

Other offences under the Criminal Law Consolidation Act that use this reverse onus of proof in terms of a reasonable excuse or lawful excuse are very serious offences. The other offences include information for a terrorist act, piracy—that is involving piracy of vehicles, not movies—acting improperly for a public officer or impeding investigations of offences.

The opposition is somewhat uneasy about the potential scope of this new offence, given that reverse onus of proof in the absence of a reasonable excuse or a lawful excuse, as in some other places of the Criminal Law Consolidation Act, being applied to this possession offence. It casts a very wide net over the material that can be covered; it does not require the defendant to have any sort of intention whatsoever to make use of that information in any way that would cause harm to anyone or necessarily create any potential victims.

We already have an offence for the possession of personal identification information with the intention for it to be used for a criminal purpose. Some of the questions the opposition would like to ask in relation to this are: would someone who is unaware that they received the personal identification information have a reasonable excuse? If someone is sent the information—they are not aware or have not opened the file—does that in and of itself create a reasonable excuse, or does that person then have the reverse onus of proof and have to provide a reasonable excuse? It creates a strict liability offence.

In briefings, it would seem that the mere possession, without any knowledge of that possession, constitutes the possibility of being charged with that offence, and then it would be up to that person to have to argue in their defence that they were not aware, or have it taken into account in sentencing.

We would ask the government to state on the record whether not being aware of having received that information would constitute a reasonable excuse under this legislation, because certainly we were not able to get that assurance at briefings, and that in and of itself creates for us very significant concerns if we are going to have a criminal sanction, which could include gaol time, for an offence of possession, where not having knowledge of having the material could end up seeing you prosecuted.

We would also like to know whether, for someone who receives a text or an email that contains a photo that purports or is actually a celebrity's driver's licence or passport, the act of receiving and retaining that constitutes a potential offence. Would the offence apply to expired identification documents? Would it be a defence if the details in the identification are wrong? Does it need to be correct identification information—that is unclear.

Will this criminalise marketing practices that use individuals' data that better tailor products than advertising to consumers? Will we see some of the companies that have been talked about, like NationBuilder, be subject to the provisions of this potential offence? Would the former Liberal opposition's use of NationBuilder websites and similar methods of data harvesting potentially constitute offences under this legislation?

Would people acting in good faith, and with generally no ill will, potentially be caught up by this offence? We asked this in briefings and were told that it is highly unlikely that people will be prosecuted in those circumstances. We would like more than that from the government—not a 'highly unlikely that people will be prosecuted'. We do not pass legislation on, 'Well, it's highly unlikely this would happen.' When we make legislation here we are entitled to understand exactly how that legislation could work, and not that they think it would be highly unlikely to work in a way.

As I foreshadowed—and I think it is now filed—I will move an amendment that we will agitate in the committee stage that seeks to take care of some of these concerns. We will certainly be asking for all those questions to be properly answered, but seeking to take into account some of those concerns by changing clause 8 so that it is no longer the reverse onus of proof, that it is in fact

incumbent on prosecutors to prove that the potential offender had that personal identification information without a reasonable excuse.

This, in effect, would raise the bar slightly for this offence, and the intention would be to not capture people who may not be committing the offence with any intention. As it is currently drafted, and at our briefing it was confirmed, this is very much a strict liability offence—no intention at all is required. We think that if the mere act of having information becomes an offence it could be problematic for all the reasons and potential issues that have been outlined.

We then move on to clause 9 of the bill. The opposition has even more reservations about clause 9—essentially, the fourth element of this bill. What currently exists in the Criminal Law Consolidation Act in section 144F is a protection for misrepresentation for a person under 18 years of age if that person is making the misrepresentation of their age for the purposes of obtaining tobacco, alcohol or any other product or service not lawfully available to the person under the age of 18, or of gaining access to premises to which access is not ordinarily allowed to the person under the age of 18. That is protection from the prosecution in section 144 of the Criminal Law Consolidation Act that is for identity theft.

Offences exist for providing false information, evidence or statements when asked to provide proof of age for things under the Liquor Licensing Act or for entering regulated premises or for the possession of liquor. There is a new identical provision for someone trying to buy tobacco under the Tobacco and E-Cigarette Products Act. Similar provisions exist for the purchase of films, publications and computer games and access to gambling. The maximum penalty for a minor making false representations about their age for these types of offences ranges from a fine of \$750 to \$2,500; however, many would usually be dealt with by way of an expiation fee of between \$105 and \$210.

What the government is seeking to do with this bill is remove the protection from prosecution for identity theft crimes, as it currently exists, for a person under the age 18 years misrepresenting their age and attempting to gain access to online gambling products or services or a publication, film or computer game that is not lawfully allowed to be made available or supplied to a person under the age of 18.

I think most people who are parents of children under the age of 18, like myself, think it is entirely appropriate that parliaments legislate to discourage people under the age of 18 from attempting to gain access to products that we have decided are not appropriate for them: classified material, gambling products, alcohol and tobacco. What is deeply concerning is the vast disparity in the bill in how this would be dealt with. There is disparity in sentences.

As we understand it—and I am happy to be corrected by the government if we have misunderstood the briefings that have been provided—if this bill were to go into operation, a 15 or 16 year old who might use an older brother or sister's identification to gain access to the Call of Duty computer game (a number of the Call of Duty variants are classified) would now face the possibility of prosecution and time in gaol.

Again, I am sure we would be told that it would be a rare thing that that would be prosecuted and that a court would institute a gaol sentence, but this bill provides a very significant departure from the current law for someone under the age of 18 falsely representing their age to gain access to a computer game, in this example, where there might be an expiation fee or a fine. This bill now imposes the possibility of a sanction in gaol. We think this is completely disproportionate to the level of offending.

Children make bad decisions. I am sure that everyone in this chamber in their younger years probably made a bad decision. We had a bill before us a couple of years ago, in which the Attorney-General sought to impose a possible gaol sentence for the possession of cannabis. All the crossbench and Labor opposition members thought this was a bridge too far. It was far too draconian. A kid making a dumb choice and a bad decision should not end up with the possibility of going to gaol.

That was the decision of this council. Except for the members of the government, every single other member of this council thought that was a step way too far. There was significant discussion in the media about it at the time, and I think overwhelmingly the court of public opinion

was against the Attorney for going way too far in seeking to impose the possibility of gaol time for a kid making a dumb mistake and possessing cannabis.

This bill does exactly the same. It suffers from exactly the same defect: the Attorney-General going way too far and seeking to impose the possibility of time in gaol for a kid making a dumb mistake in trying to access an R-rated computer game, for example. We will not be supporting this. We think it is a bridge way too far. We think it is overreach by the Attorney-General. We will be opposing clause 9 when it comes to be voted on as part of this bill, and I can indicate that if clause 9 succeeds we will be opposing the bill in its entirety.

Having the possibility of throwing kids in goal for seeking to access an R-rated computer game is not something that we think is good policy and it is not something, from our discussions, that many members of the public think is very good policy at all. I look forward to the government explaining in much greater detail the potential operations at clause 8, not just what they think would likely happen in practice but what the potential ramifications are for clause 8 creating an offence of mere possession of personal identification information.

We are very interested in the government explaining why they think it is appropriate, what the policy basis and justification is, for potential goal time for a 16 year old who makes a bad decision, a dumb mistake, of seeking to access, for instance, a Call of Duty computer game that is R-rated. We do not agree with the government on these matters.

If we have in some way misconstrued or been given not entirely correct information in briefings or we have drawn wrong conclusions, or there are reasons that the government has not explained to us yet about why it is necessary to potentially throw kids in goal, we are open to hearing them. If they can explain during the second reading summing up and the committee stage that there is some actual and needed policy justification for this criminalisation of a dumb decision by a minor, we are open to hearing it.

If there are reasons why, on clause 8, what they are proposing is necessary, we are open to hearing that as well. We are even open in between the chambers, should this bill pass with variations or clause 9 removed, as I will be advocating in the committee stage. If there are reasons that the government has not expressed to us yet that require these clauses to be passed, we are not closed off to that.

We will be happy to consider that in the committee stage and between the houses. But on the information that the government has provided us so far and the way that we understand it from that information, we will be moving the amendment, as I have foreshadowed and now filed, on clause 8 and we will be opposing clause 9 in its entirety.

The Hon. F. PANGALLO (15:48): SA-Best is supportive of any measures designed to curb identity theft but, as the honourable Leader of the Opposition has just pointed out, they need to be fair. While on this topic of identity theft, I would like to give an example of how easy it is to commit identity theft on the South Australian government's own Department for Infrastructure and Transport website. It is a serious issue that needs to be rectified urgently by the minister, the Hon. Corey Wingard, and his highly paid bureaucrats in the register of motor vehicles.

A constituent reported to me that after having his wallet stolen, which he reported to police at the time, the thief used the stolen driver's licence to change the constituent's address shown on it. It was so easy. No passwords were required to do this. Having the details on the licence was enough. The implications for the constituent were enormous. Using the constituent's identity, with two falsified addresses, the thief was able to use the data to access almost \$6,000 in loans from Afterpay and Zip.

When the constituent started to get reminder notices from these two loan providers, he was alerted to what had happened and managed to put a stop to those bills. However, because of the changes in address, the constituent did not get registration renewal notices for one of his vehicles. He has 20 in his fleet. On a trip to Adelaide, a camera reported this particular vehicle as being unregistered. This of course was news to him, because he always paid when they were due. However, in this case, the renewal notices had been sent to one of the false addresses created rather than to his business address.

Just as a reminder of how this happened, somebody stole his wallet, managed to access his driver's licence, went onto the Department for Infrastructure and Transport's website just using the driver's licence, and they were able to change the address of the holder of that licence. Unbeknown to the constituent, he not only copped a \$500 fine but a further \$500 on top for ignoring the notice that he had never received at his normal address.

When he discovered what happened, he then had to pay a \$26 application fee to the fines unit for the matter to be reviewed. They simply reduced the fine back to the original \$500 rather than waive it, telling him it was his responsibility to know when the registration was due. He rightly asks, if it is his responsibility to know this, why then do they still send the renewal notices?

What if this type of ID theft happened to senior citizens reliant on a mail-out or people from different ethnic backgrounds and limited knowledge of English or skills in using online portals? The constituent had no choice but to pay the \$500 expiation notice, despite protestations and the police report he had filed, plus he has incurred demerit points through no fault of his own.

Clearly, there is a serious flaw on this government website, which provides little protection in the event of ID theft. In light of this legislation, I am just amazed that something as simple as this can still slip through the cracks and remain unchecked. I would urge the minister, the Hon. Corey Wingard, to address this as a priority.

Getting back to the legislation before us, there are some good provisions in this legislation, like making it easier to get verification from a court if persons have been the victims of ID theft. Of course, there will be the onus of proof on a defendant to show cause for having another person's ID, while there are still some obvious defences that have been built in. It will be up to the prosecution to prove there is no reasonable excuse. However, as the Hon. Kyam Maher has pointed out, there can be some problems even in this specific area of legislation.

I share the same concerns as the opposition on the draconian amendment widening the net for minors under 18 for purchasing prohibited material, carrying up to five years' gaol. While there are accepted exemptions for buying alcohol or tobacco products, it is the other aspect of the exemption that takes in any other product or service. This has been altered to now include access to online gambling services, restricted 18+ publications, films or computer games, which were previously exempted.

I detest online gambling, but that is another issue that needs to be addressed by commonwealth action. A lack of oversight has seen this area explode and with it creating enormous social problems. I would certainly like to see any data that shows the extent of the problem among minors. We know it is out there in the community. Online gambling is rampant; it is promoted widely through the media, in newspapers and on television, and we see it all the time when we are watching football matches.

Is it any wonder that youngsters can be influenced by that type of advertising, particularly when you hear kids in the playground or wherever talking about the Crows' or Port Adelaide's chances of winning their games on the weekend based on what dividends are going to be paid by Sportsbet or one of those other publications? We have certainly created problems with online gambling and that needs to be addressed, but that is really for another place.

I agree that we need to have adequate controls over R-rated materials being accessed by minors. We have read with interest in the last few days another crusading campaign by News Ltd about so-called 'screenagers', with many kids these days spending most of their time addicted to screens large and small. I can tell you it is not just 'screenagers' who are out there, it is also adults who are totally addicted to their screens.

I find it quite amazing when merely walking down the street, going down in a lift, seeing people stopped at pedestrian crossings and the first thing they do is pull out their phone and start scrolling. I am amazed by that. It is something unique to the 21st century, where it is almost the norm these days that people will pull out their smart phone or their tablet and access them, and with it goes the art of verbal communication between people.

I am not digressing, I am just totally amazed that it was not even picked up in the other place. How the Attorney could come up with a piece of legislation that would send a minor to gaol for using

a false ID to buy video games. As the honourable Leader of the Opposition pointed out, games like Call of Duty, Grand Theft Auto, Doom, and whatever, are extremely popular amongst kids and it is very difficult—and I know it, even though my kids are over the age of 18, I always found it very difficult to control their interest in these games. You would never know when they were playing them. Of course, you would try to admonish them and discipline them, but—

The Hon. K.J. Maher: Five years' gaol.

The Hon. F. PANGALLO: Five years' gaol.

The Hon. K.J. Maher: That will discipline them!

The Hon. F. PANGALLO: Yes, and not only that they could not even play those games in gaol until they turned of age. Honestly, I just shook my head when I saw that. I thought, 'Are they being real here?' Are you going to send a kid to gaol—as the Hon. Kyam Maher pointed out—for making a dumb mistake of judgement? They innocently thought, 'I'm going to use mum or dad's or my older brother's driver's licence or credit card to get this game,' and then face the prospect of a criminal conviction.

We know that it can be dealt with and that is where it should be dealt with—in another area—but to have such a draconian sentence facing somebody is, I think, nanny state stuff that has just gone totally overboard. Like the Hon. Kyam Maher, there is no way that SA-Best will be supporting that particular clause. As I pointed out previously, there are some good things in this legislation that we will be supporting but, like the honourable Leader of the Opposition, we will be supporting the second reading and, like the opposition, we will be reserving our rights on certain aspects of the bill pending assurances from the government.

The Hon. R.A. SIMMS (15:59): I want to associate the Greens with the comments made by the Leader of the Opposition and the Hon. Frank Pangallo on behalf of SA-Best. We are broadly supportive of the intention of this bill—that is, to deal with the growing issue of identify theft. We recognise that it is a growing scourge and, indeed, a 21st century crime in many ways and one that is escalating and one that this parliament needs to deal with, but we do have serious concerns about some of the elements in this bill.

We are supportive of the amendment that the Labor Party is seeking to put forward. We are concerned about the reversal of the presumption of innocence and the burden of proof in terms of what that means and how that works within our legal system. We also share the concerns of the Labor Party and SA-Best about the potential criminalising of conduct by young people. I mean, the idea, Mr President, that you could see a young person thrown in gaol for trying to gain access to an adult video game is just absurd and, as has been rightly pointed out, draconian and I think something that would make most South Australian parents very anxious indeed.

As the Hon. Frank Pangallo has stated, many parents will be concerned about their children's access to these video games, but at the same time they are not going to want to see their children being threatened with a criminal sanction of this nature. I think most South Australians would recognise that this is not the way to deal with this kind of behaviour. It is not the way to prevent young people from accessing inappropriate material, if indeed that is the government's intention. So the Greens are not supportive of that provision.

We look forward to the third reading stage, where we can delve a little bit further into some of these issues.

Debate adjourned on motion of Hon. T.J. Stephens.

STATUTES AMENDMENT (CIVIL ENFORCEMENT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 June 2021.)

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:02): I thank members for their contributions on this bill and take this opportunity to provide some further information requested by members in their second reading contributions. The opposition has queried the ability for a court

to make a garnishee order attaching a debtor's Centrelink benefits. As the honourable member indicated in his contribution, Centrelink itself cannot be subject to a garnishee order to pay a debtor's benefits directly to the court or a judgement creditor.

Section 60(1) of the commonwealth Social Security (Administration) Act 1999 provides that subject to other provisions of that act:

A social security payment is absolutely inalienable, whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.

However, once a social security payment has been paid into a bank account it is no longer a social security payment and becomes part of a person's general funds and may be garnisheed. Section 62 of the commonwealth Social Security (Administration) Act provides for a saved amount that may not be garnisheed. The saved amount is determined by calculating the total amount of the recipient's social security payment, including advances, that is paid into the account in the four-week period immediately before the order minus the total amount withdrawn from the account in the same period.

Existing sections 6(3) and 6(4) of the Enforcement of Judgments Act, however, provide protections against the hardship to a debtor arising from such a garnishee order. They provide that the court must give the judgement debtor the opportunity to be heard before it makes a final garnishee order if the debtor was not given prior notice of the application for the garnishee order. The court must have due regard to evidence of the judgement debtor's necessary living expenses and his or her dependants or other liabilities before making a garnishee order affecting the money of a natural person.

Members asked about the impact of penalties on debtors as a result of allowing garnishee orders on term deposits before maturation. The usual process is that payment cannot be received from the garnishee until maturity of the term deposit. Under existing section 6(5) of the act, the garnishee order may authorise the garnishee to retain from the money, subject to attachment, a reasonable sum specified in the order as compensation for the garnishee's expenses in complying with the order. This would allow the bank to be compensated from the garnisheed moneys for the bank's reasonable losses in maturing a term deposit early.

It can be expected that the debtor will incur loss due to this, and potentially also penalties arising from the early termination. However, this needs to be balanced against the interests of judgement creditors in recovering their court-awarded judgement debt and dissuading debtors from trying to keep their money out of the reach of the court and judgement creditors by placing it in a long-term deposit.

Although the bill would only amend the garnishee order provisions to remove the requirement for consent to garnishee wages or salary and to allow for a garnishee order for money in a term deposit before maturation, the Hon. Kyam Maher was interested to understand whether superannuation contributions may be garnisheed under the Enforcement of Judgments Act. My advice is that it is unlikely that superannuation could be garnisheed under the act, because the commonwealth legislation restricts early access to superannuation.

Similarly, although the bill does not amend the scope of the court's powers to make garnishee orders other than in relation to wages and term deposits, the opposition sought information on whether cryptocurrency could be the subject of a garnishee order. Under section 6(1) of the act, for this to be the case cryptocurrency would need to fall within the definition of 'money owing or accruing to the judgement debtor from a third person' or 'money of the judgement debtor in the hands of a third person'.

The Hon. Connie Bonaros sought information about the availability of financial counselling services within the courts. After inquiries with the Magistrates Court registry, courts have advised that in the past the Salvation Army did have an office within the court for the purpose of providing financial counselling. However, there are no longer any financial counselling advisers available within the court premises. Rather, the courts keep a stock of Anglicare pamphlets and business cards to provide people with information about the availability of Anglicare's financial counselling services.

The opposition has filed an amendment to deal with the reporting on administration of the Sheriff's Office, which I will deal with in the committee stage. I look forward to constructive debate on the bill in the committee stage.

Bill read a second time.

The Hon. J.E. HANSON (16:07): I move contingent notice of motion No. 2 standing in my name:

That it be an instruction to the committee of the whole that it have power to insert a new clause in relation to annual reporting of the Sheriff.

Motion carried.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: When did consultation on this bill close?

The Hon. S.G. WADE: I am advised May 2019.

The Hon. K.J. MAHER: Consultation closed more than two years ago. Is there a particular reason we are seeing and debating this legislation some two years after consultation closed?

The Hon. S.G. WADE: I am advised that there have been significant discussions particularly with the elements of the courts sector in terms of how these provisions would operate.

The Hon. K.J. MAHER: Was that the reason that this took two years after the close of consultation to see its way to debate here?

The Hon. S.G. WADE: It is one of the factors.

The Hon. K.J. MAHER: Would the minister be good enough to inform the chamber of some of the other factors that caused a two-year delay?

The Hon. S.G. WADE: The rich and diverse legislative agenda of the Attorney-General.

The Hon. K.J. MAHER: I thank the minister for his response. Of course, coming up with legislation to put kids in gaol is obviously part of the rich diversity of the legislative agenda.

The Hon. S.G. Wade interjecting:

The CHAIR: Order! The leader has a question, I think.

The Hon. K.J. MAHER: Is the minister able to inform the chamber whether all elements of the Courts Administration Authority agree with the provisions contained in this bill?

The Hon. S.G. WADE: I am advised that the Chief Magistrate and the manager of court reform were nominated as contacts in relation to the Statutes Amendment (Civil Enforcement) Bill, and they concur with the final version of the bill.

Clause passed.

Clauses 2 to 7 passed.

New clause 8.

The Hon. J.E. HANSON: I move:

Amendment No 1 [Hanson-1]—

Page 5, after line 14—After clause 7 insert:

8—Insertion of section 15AB

After section 15A insert:

15AB—Annual Report

- (1) The sheriff must, on or before 31 October in each year, provide to the Minister a report on the activities of the sheriff during the preceding financial year.
- (2) The report must include—
 - (a) information on the administration of this Act by the Sheriff; and
 - (b) information relating to the sheriff's budget (including income and expenditure); and
 - (c) information relating to the exercise of the sheriff's functions and powers under the *Enforcement of Judgments Act 1991*; and
 - (d) information (other than information that identifies a person) in the sheriff's possession relating to complaints by sheriff's officers or other members of the staff of the State Courts Administration Council relating to conduct in the workplace; and
 - (e) other information of a kind prescribed by regulation.
- (3) The Minister must cause a copy of the report to be laid before each House of Parliament within 14 sitting days of that House after receiving the report.

To provide some background in regard to the amendment, I think it is worth referring to the subservient authority that the Sheriff acts in regard to, that specifically being the Courts Administration Authority. The reason why we have a reporting structure proposed here is that we have a separate Courts Administration Authority which exists under a Courts Administration Act.

The purpose of creating the Courts Administration Act was to provide cheaper and accountable courts administration in South Australia. When that was created there was recognition that it was quite a significant change, and the courts being separate from the government may create some problems, particularly in regard to accountability, and they decided to keep that accountability through a number of methods, including annual reporting and ensuring that the State Courts Administration Council members appeared before things like parliamentary committees.

Other methods raised at the time to ensure accountability in fact included that specific individuals of the Courts Administration Authority, such as the Sheriff, should report on delegations and on the establishment of other administrative policies and guidelines. So even when they were creating a separate authority, they were contemplating that there would be reporting by executive members, including the Sheriff, of that authority on the powers that they wield and what they do.

Some members of parliament at the time did note concern at moving to a statutory corporation controlling the administration of the courts. The parliament questioned at the time of debating that bill whether the focus of the judiciary should be on administrative matters. A position has been put by this government in regard to that, when we asked that the Courts Administration Authority be brought back towards the government and that they be public servants and, furthermore, that there be Public Service guidelines that more strictly control them.

That has been resisted by this government, and that is significant because, when we proposed that they be separate, it was regarded that the oversight of administration duties by judges and other people like the Sheriff may take away their capacity for such day-to-day administration and the provision of reports.

So in regard to whether or not executive staff, like the Sheriff, can or should provide reports, I would say that they would not have to were they brought back towards the government and a government reporting structure. It is because they are separate that we are looking at additional reporting clauses like this. I will go further into that.

The structure created now needs oversight. The parliament noted at the time of creating this separate structure that the staff, indeed the senior staff, would be covered by obligations as public servants, but the Courts Administration Authority and the Sheriff have the power to vary or revoke determinations made by the Commissioner for Public Sector Employment. It has created a structure whereby the Courts Administration Authority, and the Sheriff as part of that structure, is outside the Public Service and responsible only to the judiciary, with the power to employ court staff who would be responsible to them only and subject to that position's decisions concerning things such as industrial relations matters.

That has some weight, given that there was a parliamentary inquiry into specifically how that was being done, particular to matters such as industrial relations. The committee at that time noted that the CAA management structure changed consistently throughout that inquiry. Here is the management structure changing itself to try to adapt to industrial relations concerns and some of the matters that would require standardised reporting in the proposed amendment. There were five changes in 18 months of the CAA's organisational chart and organisational structure. This is, even for a body that needs to adapt to pretty significant change, a lot of changes. There was minimal reporting in regard to how these changes operated and why these changes were needed.

Also of concern was the evidence that the Sheriff had been issuing sanctions. I go back to industrial relations concerns. He had been issuing reprimands on employees without having the necessary delegations under the CAA delegations manual to do so. The overwhelming evidence provided to the committee in the inquiry seriously questioned whether the CAA had the ability to oversee its own investigations and how it was doing them.

All this matters because what we are proposing here in a reporting structure is some form of oversight. The committee found that the courts administration has a critically low level of accountability for all of its senior management in the CAA, particularly of the Sheriff. The State Courts Administrator and the Sheriff, when they first appeared before the committee, in fact indicated to the committee that they were unaware of any complaints being made within their departments, full stop. It was subsequently found that not only were there multiple people who were willing to provide evidence to the committee but there were in fact matters afoot before the Industrial Relations Court that they seemed unaware of—not just the administrator but the Sheriff, too.

What we need to start putting in place is oversight. We need some recognition of the size of the problem we have facing us. We need recognition of the fact that the Sheriff operates somewhat separately to the CAA generally and that, despite the recommendations of the committee that he have certain powers stripped from him, he retains all the powers and responsibilities under the Sheriff's Act in ways that allow him to have delegated authority. Having those powers taken from him is being resisted. As a result of the resistance to taking those from the Sheriff, this government needs to also look at whether or not he should report. Our position is that he should, and that is what is recommended in this amendment.

In regard to a couple of positions put by the Attorney-General regarding the recommendations of the committee about reporting, which are also relevant for the purposes of discussing this amendment, as I have mentioned, the position of Sheriff was no longer to be appointed by the State Courts Administrator and instead, pursuant to section 5 of the Sheriff's Act, be afforded the full status of a public servant. The government did not support that recommendation.

Furthermore, there was a recommendation that parts 2 and 3 of the Sheriff's Act be amended, so that the position of Sheriff has a more limited role in regard to the recruitment and human resources management of Sheriff's Officers, thereby limiting the Sheriff's role and statutory responsibilities to solely maintaining security and order at the courts' premises. That recommendation was also not supported by the Attorney-General.

Critically, in regard to recommendation 5, which concerns how reporting is to be done, I recognise that there has been some back and forth between the Attorney-General, or the Attorney-General's representative, and the shadow attorney-general and me. We got the response to the recommendations when they were tabled in the Legislative Council on 16 March. That was in response to the report tabled well before that by the Statutory Authorities Review Committee. I forget the date of exactly when it was tabled, but I think it might have been in the previous year.

It was proposed at that time to amend the CA Act in order to prescribe additional information and the kinds of reporting that we are asking for in regard to this amendment to the Sheriff's Act. Nothing has happened. It has only come up now that we have a situation in which the Attorney-General, through her representative, has decided to say, 'I definitely will get something done. I definitely will act.'

It has been quite some time since the response to the recommendations was given on 16 March. It seems a little bit like the Attorney-General has been sitting on acting for quite some time.

Commitments given to act right now are well and good, but quite some time has elapsed since the report was given and the recommendations were responded to, and nothing has happened.

Furthermore, in regard to the commitment to amend the CA Act, that will not amend the Sheriff's reporting, it will only amend the Courts Administration Authority providing reporting. As I have said, there has been resistance by the government to the Sheriff having some of his administrative roles and responsibilities taken from him. There has been resistance by the government to the Sheriff not acting beyond maintaining order within the courts and to his having other roles and responsibilities, some of which have an industrial context. As a result of resisting that, I say that the Sheriff should report in the same way as any executive authority should in regard to how those powers are exercised, and that reporting should take the format of what we have here.

With regard to the third point that has been raised in some discussions, which is complaints, it is no different to any other agency where there is a need to report on matters where they have a range of different levels of information and from the simple fact that a complaint has been made by an external party, right through to it being dealt with as an internal matter.

There needs to be full visibility in regard to this. There needs to be governance and there needs to be reporting into how that was done. Simply saying, 'It is up to the CAA to do that,' does not actually recognise the powers and responsibilities that the Sheriff has. This amendment goes to saying that that should be recognised and the Sheriff should report as exactly that kind of officer, and I have put that amendment.

The Hon. F. PANGALLO: I rise to indicate that SA-Best will provide in principle support for the Labor amendment at this stage, and we will reserve our position pending further discussion between the houses.

The Hon. R.A. SIMMS: The Greens are happy to support the amendment at this stage, but we will be following the discussion closely.

The Hon. S.G. WADE: I acknowledge the positions of the honourable members. I think it would be helpful for the government to put its rationale as to why this amendment should be opposed. This amendment would insert a new requirement in the Sheriff's Act 1978 for the Sheriff to provide an annual report to the minister for laying before each house of parliament.

The amendment would require this annual report to contain information on the administration of the Sheriff's Act, the exercise of the Sheriff's functions under the Enforcement of Judgments Act, and information in the Sheriff's possession relating to complaints made by Sheriff's Officers or any other member of the staff of the State Courts Administration Council relating to conduct in the workplace.

The amendment appears to arise from the recent parliamentary inquiry into the Sheriff's Office. The Attorney-General tabled her response to the inquiry's report in parliament on 16 March 2021, confirming support of the inquiry's recommendations for improved reporting by the Courts Administration Authority.

The Attorney's response accepted two recommendations relevant to the filed amendment. She supported the recommendation that the Courts Administration Act 1993 be amended to allow the Commissioner for Public Sector Employment to monitor and report on the Courts Administration Authority's observance of employment determinations and provide advice on and conduct reviews of public sector employment or industrial relations matters respectively.

In her response to the inquiry, the Attorney-General also stated that she supported the inquiry recommendations that the Courts Administration Authority should report more comprehensively in its annual reports, including reports from the divisional heads, including the Sheriff. The Attorney in her response stated that she proposed to amend the Courts Administration Act to prescribe additional information to be included in the Courts Administration Authority annual report.

This amendment would result in unnecessary duplication with the proposed improved Courts Administration Authority annual report. In addition, there are problems with the amendment itself. It would require the Sheriff to report on any information in the Sheriff's possession relating to complaints

made by Sheriff's Officers or any other members of staff of the State Courts Administration Council relating to conduct in the workplace.

The Sheriff may not have any background or context about those complaints, but would be compelled to report on whatever information happened to be in her possession about the fact of such a complaint, including a complaint made by somebody outside the Sheriff's Office. This would be potentially misleading information.

Therefore, again, while the government supports increased reporting by the courts and the Sheriff, it is proposing to require this by prescribing additional reporting requirements in the Courts Administration Act to apply to the courts and relevant Courts Administration Authority divisions, including the Sheriff's Office.

As the Attorney and her officers have indicated to honourable members, the government is willing to give an undertaking to the council that it will bring amendments to the Courts Administration Authority back later this year to increase the reporting requirements for the Sheriff's Office as well as necessary regulations to the same effect in line with the Attorney-General's response to this inquiry.

In terms of honourable members seeking discussions between the houses, we would indicate that we would hope that, with this commitment, honourable members might be inclined to support the amendment. Otherwise, the Attorney-General would be reiterating it in the House of Assembly.

The Hon. J.E. HANSON: I have just a few responses to the government's position specifically in regard to complaints. If it is the government's position that the Sheriff's Office is incapable of reporting on matters when they have a range of different levels of information in regard to a complaint, put simply, I think that speaks volumes on whether or not the government thinks the Sheriff should have the ability to administer those things. If you are not able to report on it, then why do you have the ability to make a decision on it that affects someone's life, someone's job and the industrial context of the way in which you exercise those powers?

I would also say that it is worth looking at the fact that the Sheriff's Act mentions the word 'report' not once in the entire act. I go back again to the issue that if you are to give the Sheriff powers that you do not require the Sheriff to report on, that go outside the expectation—and I went in my opening statement to it—of what parliament said the Sheriff should be doing when he got the role to act in the way that he is acting, then I think you need to assess whether or not you need to restrict the Sheriff's powers back to something that is not administrative and is purely whether or not the Sheriff should be acting as a public servant keeping law and order in the courts.

There is no reason to be saying that you should not have this amendment if you are going to grant the Sheriff more powers. If you are going to say, 'You shouldn't have reporting, but the Sheriff should have the powers anyway,' then you are opening yourself up to the kinds of problems that the Statutory Authorities Review Committee saw and the kind of, frankly, incompetence where the Sheriff can stand there and say that he did not realise he had been exercising powers when those powers were on foot down at the Industrial Relations Court.

New clause inserted.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

UNEXPLAINED WEALTH (COMMONWEALTH POWERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 June 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:34): I rise to speak to the bill and indicate that I will be the lead speaker for the opposition and that the opposition is supportive of this bill. Labor in government in South Australia had taken a tough line on serious and organised crime and has done so for a number of decades. In addition to a range of laws focused on outlaw motorcycle gangs, Labor in government acted to confiscate criminal assets when it passed the Criminal Assets Confiscation Act 2005. Labor again showed leadership in the area when it passed the Serious and Organised Crimes (Unexplained Wealth) Act in 2009.

Under this law, the serious and organised crime (unexplained wealth) provisions, the Director of Public Prosecutions may authorise the South Australian Crown Solicitor to apply to the South Australian Supreme Court for an unexplained wealth order. This can happen when there is a reasonable suspicion that a person or an incorporated body has unlawfully acquired wealth. There is no requirement to show reasonable grounds to suspect that person committed an offence. This law was updated in 2013 to make it easier for investigators to use a wide range of information sources.

A number of other jurisdictions passed laws in the 1990s and early 2000s to deal with unexplained wealth, including New South Wales, Victoria, the Northern Territory, Western Australia, Queensland and the commonwealth. In 2012, a report of the commonwealth Parliamentary Joint Committee on Law Enforcement found that the commonwealth unexplained wealth legislation was not working as intended. It further found that a national approach to unexplained wealth legislation would be a far more effective response to organised crime.

The committee recommended a referral of powers from the states and territories to the commonwealth. In 2013, several jurisdictions formed a working group to consider a national approach. The bill before us today is the outcome of some of those earlier recommendations of the working group. The bill seeks to adopt certain laws of the commonwealth relating to unexplained wealth and information gathering. It also seeks to refer certain related matters to the commonwealth under section 51(37) of the Australian Constitution.

At a local level, the bill proposes amendments to the Criminal Assets Confiscation Act and the Serious and Organised Crime (Unexplained Wealth) Act that I previously mentioned. It is noted that the expanded operation of the commonwealth law is designed to operate concurrently with SA's existing unexplained wealth provisions.

With regard to the referral of powers that makes a limited text-based referral as distinct from a broader topic-based referral, this text-based referral provides for a narrow scope of interpretation as opposed to the referral of much broader subject matter. In doing so, it will facilitate South Australia joining the national scheme known as the National Cooperative Scheme on Unexplained Wealth.

The opposition offers support for this bill and looks forward to the government progressing the bill in the committee stage, and I might outline that it is possible in the committee stage that we may have a few questions about the operation of this bill and if there was any particular operation or matter that was in the minds of the government when it put forward this bill.

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

CRIMINAL LAW CONSOLIDATION (DRIVING AT EXTREME SPEED) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 June 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:38): I rise to speak to the bill and indicate that I will be the lead speaker for the opposition. The bill responds to public comments made in early February—I think 3 or 4 February if my memory serves me correctly—by the police commissioner. At the time, the police commissioner expressed grave concerns about a motorcyclist who had been detected travelling at more than 200 km/h.

To put this in context, an object moving at 200 km/h covers in excess of 55 metres every second. In the two seconds it takes to look sideways or to be momentarily distracted, an object moving at that sort of speed would cover 100 metres. In this time, anything or anyone could enter the roadway and be in extreme danger, even if the road had been clear just seconds before.

That is even without giving consideration to the driver or passenger of the vehicle, who may be injured by a microchange in steering that causes them to collide with signs, trees, fixed objects or in fact other road users. The deaths and injuries of people, even if self-inflicted, cause incredible stress and harm to first responders and family members who need to deal with the aftermath of these sorts of crashes.

When the commissioner raised his concerns he noted the penalties were too low for people until they cause serious harm or death. At the time, the commissioner likened driving at these sorts of speeds to someone firing a gun down Rundle Mall, the recklessness that that carried and the disregard for the potential harm to others.

When the commissioner raised his concerns, we saw absolutely no response from the government. I note that, in Adelaide media, the Attorney was asked a number of times whether the government was going to do anything with the recommendations of the police commissioner and each and every time the government responded with silence. It was reminiscent of the government's response to guilty plea sentencing discount reform, where, after many months and many requests for the government to take action, nothing was forthcoming.

The Labor opposition indicated that, if the government did not take action and look to do something to implement the recommendations of the police commissioner, the Labor opposition would be moving a private member's bill and it was at this stage that the government finally and reluctantly came to the party and moved the bill that is before us. So whilst we are disappointed that it has taken, as it has on many of these things, so long for the government to move to take action on this issue, we will be supporting the action that the government was finally forced into taking.

The Hon. R.A. SIMMS (16:42): I want to put on record some of the concerns of the Greens in relation to this legislation. We understand that the Criminal Law Consolidation (Driving at Extreme Speed) Amendment Bill 2021 does have broad support within the parliament. On that basis, we will not be moving to amend the bill, nor will we be seeking to divide, but I did want to take this opportunity to put on record some of the concerns that have been expressed in relation to the bill, in particular by key stakeholders, like the Law Society.

Indeed, the Law Society has been quite critical of this approach, suggesting that it would unnecessarily complicate the existing legal regime. They specifically noted that, under section 46(1) of the Road Traffic Act, a driver already faces a maximum of two years' imprisonment and a mandatory minimum licence disqualification for 12 months for the first offence and three years for subsequent offences for driving a vehicle recklessly or at speed or in a manner which is dangerous to any person. They further noted that the court is already empowered to fix a longer period of licence disqualification in these situations.

The Law Society has expressed their preference for the existing provisions in the Road Traffic Act, as this gives more discretion to the court rather than vesting those powers within the police. The main concerns were raised around the enforceability of these sorts of provisions. As the proposed amendments require the excess of a specified speed, the Law Society holds concerns around the specific determination that these speeds were exceeded, such as the need for a calibrated speed device. As such, it is their view that these sorts of provisions may be rarely prosecuted, with preference afforded instead to the existing road traffic provisions.

There is also concern that this regime, given the significant overlap with the existing legislation, is going to cause concern for legal practitioners, as well as general road users. I think really what we are seeing here is an approach that often happens with these kinds of matters; that is, the government seeking to overlap existing law with the intention of trying to get a headline and with the intention of being seen to be doing something on an issue. We know, of course, that that is a hallmark of the Marshall government: being seen to act but often taking very little action at all.

In terms of some other issues with this bill, the Greens have concerns around speed limits in general. When I say that I mean that we think that at the moment speed limits are too high. We should be looking at reducing speed limits, particularly in metropolitan areas.

I refer you, Mr President, to a 2019 RAA campaign, which was supported by Walking SA, to cut the default speed limits in the CBD area from 50 km/h to 40 km/h after an analysis found that nearly a fifth of the state's collisions involving pedestrians occurred in the Adelaide City Council area. According to the Walking SA analysis, 289 traffic incidents involving a pedestrian occurred in the Adelaide City Council area between 2013 and 2017, making it the top ranking area for pedestrian crashes in the state. It was followed by the City of Port Adelaide Enfield.

We know that when you reduce the speed limit you reduce the risk of injury and fatality, so rather than this law and order approach the Greens would encourage the government to review speed limits, particularly in metropolitan areas, so that we can advance the safety of pedestrians. If they do that, I think they will get far better outcomes in terms of improving community health and wellbeing than this sort of law and order approach. That said, we recognise the numbers are there for this reform and we will not be seeking to divide.

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

STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL

Final Stages

The House of Assembly agreed to the Legislative Council's amendments to the amendments made by the House of Assembly to the Legislative Council's amendments Nos 15 and 16 without any amendment.

STATUTES AMENDMENT (COVID-19 PERMANENT MEASURES) BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without amendment.

OATHS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (ALCOHOL AND DRUG OFFENCE) AMENDMENT BILL

Introduction and First Reading

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

At 16:49 the council adjourned until Wednesday 23 June 2021 at 14:15.

*Answers to Questions***CHILD PROTECTION**

14 The Hon. T.A. FRANKS (13 May 2021). Will the Minister for Child Protection advise:

1. Does the government, the minister, or the department—or any other agencies—monitor out-of-court payments for child sexual and other abuse cases?
2. Was the government aware that the former Chief Executive of the Department of the Premier and Cabinet, Mr Jim McDowell, was a member of the Board of Governors of St Peter's College while he was CE?
3. Is there any legal obligation on a school where child abuse has taken place to refund any school fees that have been paid by the family of the abuse victim(s)? If not, should there be and is this something the government has, is, or will consider?
4. Is it correct that exemplary damages cannot be awarded to abuse victims, including victims who were children at the time of the abuse, once the perpetrators have received a criminal conviction?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department for Child Protection (DCP) has advised that:

1. The involvement of DCP in court proceedings varies depending on the type and nature of the matter. In relation to the National Redress Scheme, DCP meets its commitments as a participant of the scheme.

In relation to civil matters, DCP does not monitor cases relating to child sexual abuse or other abuse, including where there is an out-of-court settlement, unless it is a party to the proceedings.

This question would be more appropriately addressed to the Attorney-General or the Attorney-General's Department.

2. This matter is not within the remit of the Minister for Child Protection or the Department for Child Protection.

3. This matter is not within the remit of the Minister for Child Protection or the Department for Child Protection, and is an issue more appropriately raised with the Minister for Education or the Department for Education where it relates to state government schools.

4. While the Department for Child Protection is a participating state government institution under the National Redress Scheme, the department's role is limited to providing a written response to a request for information, issued under the scheme, upon which an independent decision-maker determines the outcome of the application. A perpetrator's criminal conviction does not preclude an applicant from receiving a payment under the scheme.

Questions relating to damages or other payments outside of the National Redress Scheme are more appropriately directed to the Attorney-General or the Attorney-General's Department.

HOMELESSNESS

In reply to **the Hon. R.A. SIMMS** (12 May 2021).

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

The SA Housing Authority, as at 31 April 2021, has 34,485 properties available for rent in South Australia. In addition, the community housing sector provides 11,177 properties for rent.

The number of public houses that are vacant fluctuates daily, with various reasons why properties can be vacant. At any one time, approximately one-third of vacant properties are undergoing an offer process with a new tenant or are already under offer; one-third are undergoing routine basic vacancy maintenance to fix up wear and tear before new tenants can move in; and the final third are either undergoing substantial maintenance before they are available for rent or won't be returned to rental stock due to reasons such as sale or demolition as part of redevelopment and renewal of stock.

It is also worth noting that the number of vacant properties peaked under the previous labor government in 2016-17 at nearly 2,200 across the state.

The Marshall Liberal government is investing record amounts of funding into maintenance, upgrades and renewal of public housing, so naturally there will be periods where houses are untenable.

We are very pleased that hundreds of renovated public houses will become available for new tenants over the next two months following long overdue maintenance.