LEGISLATIVE COUNCIL

Thursday, 24 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.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Report of the Independent Commissioner Against Corruption on Evaluation of the Practices, Policies and Procedures of the Department of Correctional Services [Ordered to be published]

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

Chief Public Health Officer's Report—July 2018 to June 2020

Question Time

APY LANDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): My question is to the Minister for Health and Wellbeing regarding mental health services. Is the minister aware of mental health challenges faced by young people in the Anangu Pitjantjatjara Yankunytjatjara lands, and will he outline the unique barriers faced in delivering youth mental health services to Anangu living on the lands?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19): When I visited the lands I met with members of the Women's and Children's Health Network and discussed with them the work they were doing amongst the communities. The Women's and Children Health Network has been working on a model of care for the APY lands. I can take on notice as to whether or not that has been finalised. Obviously, the issues in relation to mental health on the lands are also exacerbated by the interaction with substance abuse. When I visited the Fregon community it was an issue that I discussed with personnel there.

APY LANDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): My question is to the Minister for Health and Wellbeing regarding mental health services. Minister, why exactly is the Liberal government now massively cutting youth mental health services for the Anangu Pitjantjatjara Yankunytjatjara lands?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:20): I don't know to what the honourable member refers.

APY LANDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding mental health services.

Leave granted.

The Hon. K.J. MAHER: The 2018-19 annual report of the Aboriginal Lands Parliamentary Standing Committee, tabled in this place yesterday, states:

> CAMHS staff estimate that 80 per cent of children in the APY lands have exposure to or continue to experience problem sexual behaviour.

The report further states that young people are rarely able to disclose the problem sexual behaviour in the forensic setting, such as to police or child protection, for a range of reasons, including the risk of suicide. The opposition has been advised that both of the full-time Child and Adolescent Mental Health Service clinicians who are based on the APY lands will be forced to return to Adelaide at the start of the next financial year and there will be cuts to the Anangu mental health consultants, the 'Malpas', who work with them.

My question to the minister is: will cuts to the Child and Adolescent Mental Health Service on the Anangu Pitjantjatjara Yankunytjatjara lands potentially lead to greater self-harm and potentially increase suicide amongst some of the most at-risk youth in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22): I will certainly seek information in relation to the issues the honourable member raises. I would stress that this government has announced in this week's budget a $163.5 million investment in mental health services. That is a landmark investment in mental health. That investment will provide a significant staged rollout of the 2019 Mental Health Services Plan, and certainly the mental health of Aboriginal and Torres Strait Islanders is a key part of that plan.

APY LANDS

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary in relation to the answer given to the question: just to be very clear, minister, are you saying that you have absolutely no knowledge of a plan to withdraw on-the-ground services for youth mental health in the APY lands?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): In my previous answer I indicated that I will be seeking a briefing.

RIVERBANK ARENA

The Hon. D.G.E. HOOD (14:23): My question is to the Treasurer. Will the Treasurer outline how much funding will be spent over the next two years on the Riverbank arena?

The Hon. R.I. LUCAS (Treasurer) (14:23): Happy to do so—very little, because with the Riverbank arena, a very important job-creating project, essentially the income being generated largely from accessing larger conferences and conventions will not be completed until 2027-28.

The government's priority in this budget is very much about health, commencing the big build for the Women's and Children's Hospital at $1.95 billion, the $163.5 million commitment to mental health, the significant commitment towards the 74 additional ambulance officers, the ongoing commitment of the $110 million commenced over the last year towards increasing ED capacity within our system, and the various other initiatives which lead to this government, in our budget, spending almost $900 million more on health, which in the last Labor government budget the minister responsible was Mr Malinauskas.

The government proposition for the completion of the Riverbank arena in 2027-28 involves not one dollar being spent next year; it involves $10 million being spent the year after next. In the next two years, we obviously have challenges which need to be met and met now, not delayed for three, four, five, six, seven years through to 2027-28. But for the next two years and a little bit of this financial year still remaining, there will only be $10 million of taxpayers' funding committed towards the Riverbank arena.

The notion that a commitment not to proceed with spending the $10 million and diverting it in some way towards health will somehow solve the health problems that confront South Australia, when the Minister for Health's budget is a very healthy $7.4 billion—

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

The Hon. R.I. LUCAS: It is $7.4 billion—$7,400 million—and there will be a budget in and of that order in the following year, so we are talking about $14 billion or $15 billion—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —being spent on health.

Members interjecting:

The PRESIDENT: Order on both sides! There is a point of order. The Treasurer will resume his seat.

The Hon. K.J. MAHER: We have been going for quite some time, sir, and we have only heard a tangential answer to the question. The minister is not even answering his own member's question after many minutes of going on.

The PRESIDENT: Many minutes is not quite three. I am sure that in the remaining time the minister will conclusively answer the honourable member's question.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am well within the designated period for answering my own backbench questions. It is almost $14 billion or $15 billion and, of that, almost $10 million equivalent will be spent on the Riverbank arena. So the notion that $10 million, when we are spending $14 billion or $15 billion, will make a jot of difference to the problems confronting health is palpable nonsense.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson will cease interjecting. I think the Treasurer has concluded his answer. A supplementary question, the Leader of the Opposition.

RIVERBANK ARENA

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): When will the government be backing down and cancelling this basketball stadium?

The Hon. R.I. LUCAS (Treasurer) (14:27): I thank the leader for his Dorothy Dixer because that gives me the opportunity to speak for another four minutes in responding to the question. The answer to the member's question is quite simply that there will be no backdown in relation to the Riverbank arena because (a) it generates jobs for South Australians not only during construction but also in an ongoing capacity because the benefit-cost ratio—

Members interjecting:

The PRESIDENT: I will say 'Oh, dear' as well. Stop interjecting.

The Hon. R.I. LUCAS: —for this particular project is between 1.2 and 1.3. It actually generates revenue because we are able to attract conventions and conferences, visitors and delegates who spend money in South Australia in restaurants, hotels, accommodation and other entertainment, as well as attending their convention or their conference in South Australia.

The critical question is that only $10 million will be spent in the next two years, and the building of the arena will not conclude until 2027-28, after we have built a brand-new Women's and Children's Hospital and after we have resolved some of the issues in terms of mental health and ambulance services and easing pressure on emergency departments and increasing the capacity in emergency departments, as the people of South Australia would want us to do—give priority to health and then we will finish the building of the arena.

RIVERBANK ARENA

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Supplementary.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway is not helping me. The Leader of the Opposition has the call.

The Hon. K.J. MAHER: Treasurer, what part has your well-known love of, if not lack of ability in, basketball played in your support for the new basketball stadium?

The PRESIDENT: I don't see that as being part of the original answer but if the Treasurer wishes to respond he may.

The Hon. R.I. LUCAS (Treasurer) (14:29): I am very happy to, Mr President. I am very happy to acknowledge my lack of ability in terms of basketball but, nevertheless, I played through to the age of 63, and I invite the Leader of the Opposition to continue playing right through to that particular age.

Whilst that was part of his question, the answer to the question is that what drives the value of this particular arena project is not basketball games, it's the attraction of conventions and conferences. It is also the ability to be able to attract big name, world-class artists who, for example, are unable or unwilling to perform at our current Entertainment Centre because the size of the audience there doesn't allow the revenue generated to justify those big acts coming to Adelaide.

With a sit-down capacity seating arrangement for up to 15,000 people in the new Riverbank arena, not only will it be good for those sorts of world-class concerts but it will also mean, in relation to the plenary sessions for conferences and conventions, up to 15,000 delegates—

The Hon. E.S. Bourke interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. R.I. LUCAS: —can also be seated, whereas I am advised, under the current Convention Centre—even with the various redevelopments that have been done over recent decades—the plenary session seating capacity at any one time is about 3,000.

RIVERBANK ARENA

The Hon. C.M. SCRIVEN (14:31): Supplementary: how can the South Australian public have any confidence that this government will not back down on this basketball stadium project, given the long list that they have backed down on, including the Hove crossing?

The PRESIDENT: I am going to rule that out of order.

The Hon. R.I. Lucas: Mr President, I am disappointed. It's another Dorothy Dixer.

The PRESIDENT: I am actually going to move to the crossbench. The Hon. Ms Bonaros has the call.

The Hon. F. PANGALLO: I had a supplementary question

The PRESIDENT: I did not see you. My apologies, the Hon. Mr Pangallo—a supplementary arising from the original answer.

RIVERBANK ARENA

The Hon. F. PANGALLO (14:31): I just have a question for the Treasurer about big concert events. In the event that they have to sell off, and will sell off the Entertainment Centre, what would happen to these big concerts should there be a clash of dates with conventions or basketball events or tennis events? What happens to those big concert events? Will they probably have to fly over Adelaide?

The Hon. R.I. LUCAS (Treasurer) (14:32): No. What happens around the world is that the people who manage these venues organise programs which are booked sometimes two years ahead. The world-class promoters who bring the acts to a particular country book ahead. They say, 'I'm going to bring'—someone I am sure the Hon. Mr Pangallo will be delighted about—'Pink to South Australia to perform. I will only bring Pink to South Australia to perform for the Hon. Mr Pangallo, if the Hon. Mr Pangallo will be there, but, secondly, if you can guarantee an audience of up to 15,000 people', because that is what generates the revenue.

The venue organisers or managers book it in and make sure that you do not book at the same time as a conference or a convention. That is how big venues around the world are organised. You manage conferences, conventions, ice-skating shows, world-class performances, Disney on Ice—whatever it might happen to be—the Wiggles, if that is your preference, the Hon. Mr Pangallo. All of those things are organised by the venue manager, but they do it sometimes up to a couple of years ahead.

QUEEN ELIZABETH HOSPITAL

The Hon. C. BONAROS (14:33): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about The QEH.

Leave granted.

The Hon. C. BONAROS: The iconic Queen Elizabeth Hospital at Woodville, or The QEH as it is fondly called, has been serving the people of the western suburbs for decades including, at one stage, a suite of obstetrics and gynaecology services. As we all know in this place, the former Labor government slashed a number of important medical services at the hospital, including its obstetric service, during its 16 years in power and this forced hundreds of women living in the west requiring such services to either attend the Lyell McEwin Hospital at Elizabeth Vale or the Women's and Children's Hospital.

With yet another kick in the guts to these women and their families, I have been informed that CALHN's CEO, Lesley Dwyer, only last week told The QEH's clinical director of gynaecology, Dr Roy Watson, that all gynaecology services at the hospital are to end and that all services will be transferred to the new Women's and Children's Hospital, which as we know is not due to open for another six years.

I am also informed the WCH senior executives were only informed of this news yesterday and are already concerned the new Women's and Children's Hospital won't have the capacity to accommodate the projected increases in patients. My questions to the minister are:

1. Can you confirm this decision to close gynaecology services at The QEH?

2. If so, on what grounds has this decision been made?

3. When will the crucial services end?

4. Are you confident the new Women's and Children's will have the capacity needed to deal with increases in women requiring gynaecology services?

5. Are there broader plans to centralise obstetrics throughout metropolitan Adelaide?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): I think it is important to appreciate that the reconfiguration of services that the honourable member is referring to was the subject of the extensive consultation process that led to the finalisation of the final business case for the Women's and Children's Hospital and the government's announcement on Tuesday of a $1.959 billion investment—

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

The Hon. S.G. WADE: A $1.959 billion investment in the new Women's and Children's Hospital, a proposal that was opposed by the Labor Party at the last election, a commitment that this government is determined to deliver. It would be—

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. Bourke: When is it going to be built again?

The PRESIDENT: Order! The Hon. Ms Bourke and the Leader of the Opposition are out of order.

The Hon. E.S. Bourke: There will literally be a—

The PRESIDENT: Order, the Hon. Ms Bourke!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the leader! The minister has been asked a question by the crossbench and he is endeavouring to answer it, and I think the crossbench and others would like to hear the answer.

The Hon. S.G. WADE: I would like to remind honourable members of the consultation that was engaged in in relation to the new Women's and Children's Hospital: over 700 people, 580 clinicians, culminating in an intensive two-day workshop, which finalised what the hospital needs going forward.

Of course, not only is this decision continuing to maintain the new Women's and Children's Hospital as the, if you like, flagship of our women's and children's health services right across the network, but even in the decision itself we have affirmed our commitment to services that are more appropriately distributed demographically. The government has made it very clear that we are intending, over time, to build up services in the Northern Adelaide Local Health Network. In terms of the local health networks, it is that network which has the lowest level of self-sufficiency.

In terms of the services the honourable member refers to, it was the subject of consultation in the preparation of the new Women's and Children's Hospital business case. There will be further consultation with stakeholders and time frames will be notified at the appropriate time.

QUEEN ELIZABETH HOSPITAL

The Hon. C. BONAROS (14:37): Supplementary: to confirm, when the minister says 'consultation', is that consultation with frontline clinicians at the existing QEH as well as the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:38): Obviously, the focus was on the Women's and Children's Hospital team. I think it is also useful for the council to remember that there has been an ebb and flow of services between the Women's and Children's Hospital and The QEH in particular. My recollection was that the Women's and Children's Hospital ceased doing abortion services and they were fully transferred to the pregnancy advisory service.

Likewise, the new Women's and Children's Hospital gives us the opportunity to transfer the Helen Mayo House mental health facility from the Glenside campus into the co-located facility. So we are taking the opportunity to have a more appropriate cluster of services for women and children.

QUEEN ELIZABETH HOSPITAL

The Hon. C. BONAROS (14:39): Further supplementary: does that include broader plans to centralise obstetrics?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): As I said, we are committed to a statewide service, both statewide in the sense that the Women's and Children's Hospital is a statewide service and also from the fact that local health networks provide a range of women's services. The government is working on a statewide women's and children's strategic plan, clinical services plan, or words to that effect. That is the document that will address the broader provision of these services.

HOVE LEVEL CROSSING

The Hon. C.M. SCRIVEN (14:39): My question is to the Minister for Human Services regarding housing. After her denial in this place yesterday that Housing Trust residents went through hell over the debacle that was the Hove crossing backflip, what does the minister have to say to Michelle Grobel who said on ABC TV last night that there was no doubt the stress contributed to her mother's death?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40): Can I repeat the remarks that I made yesterday that we do apologise as a government for any distress that has been caused to any tenants and their families through this process. We made every attempt, in terms of relocations, to provide people with—and we did allow ourselves a reasonably lengthy time. The rationale for that means that people were given as many options as possible. As we know, we have relocated several tenants and they will have the option of returning home.

HOVE LEVEL CROSSING

The Hon. C.M. SCRIVEN (14:41): Supplementary: how many tenants were in this sort of situation, where they were left in the lurch, being asked to move or having moved only to find that it was all for nothing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:41): I am not sure that the contents of the honourable member's question is internally consistent in that there are separate groups of people and I did outline yesterday that we had had seven tenants who had relocated and seven who had not. In terms of her language use 'in the lurch', I would just repeat that throughout this process the Housing Authority staff have been in close contact with tenants. Under the circumstances where relocation—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order, the deputy leader! The deputy leader has asked the question.

Members interjecting:

The PRESIDENT: Order, on both sides!

The Hon. J.M.A. LENSINK: I disagree with the characterisation of how the Housing Authority undertook the relocation process in that they did work closely with tenants in a sensitive way—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. J.M.A. LENSINK: —in a sensitive way to find appropriate accommodation—

The Hon. C.M. Scriven: You weren't sensitive, you'd known for several weeks.

The PRESIDENT: Order!

The Hon. C.M. Scriven: You let it continue. How sensitive is that?

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! If you want the answer from the minister, then let her answer it, otherwise we will move on.

The Hon. J.M.A. LENSINK: —appropriate accommodation and some people have availed themselves of that and it will be their choice as to whether they return to where they were residing previously at Hove. From the information I have received, between the decision of cabinet not to proceed with the Hove crossing and the budget announcement, there was only one relocation.

DISABILITY SERVICES

The Hon. N.J. CENTOFANTI (14:43): My question is to the Minister for Human Services regarding support for children with disability. Can the minister update the council on state budget initiatives that complement NDIS services, enabling children with disability to receive out-of-home supports?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I thank the honourable member for her question. Indeed, as I did remark yesterday in relation to the disability access and inclusion directorate and the important work that it does on interface matters including health and mental health matters, we are really pleased that there is continued funding for what's known as the voluntary out-of-home care program, which provides $1.1 million per annum to meet our commitments under the VOOHC program.

This is complementary to the National Disability Insurance Scheme, which funds support costs for children, including 24/7 staffing supports, home modifications and support coordination. In regard to the state's responsibilities, this is broadly described as board and lodging, so it essentially meets accommodation and living costs.

The group of children who are most likely to avail themselves of these services—and they generally do have very high support needs—are typically adolescent males who once they reach that stage in their puberty can exhibit some very challenging behaviours and can be very difficult for their parents to continue to manage them in the home.

So this is an important program for a small number of South Australian families to assist them to continue to be able to provide that contact with their families of origin and also get support through the National Disability Insurance Scheme.

MURRAY-DARLING BASIN PLAN

The Hon. T.A. FRANKS (14:45): I seek leave to make a brief explanation before addressing a question on the topic of the basin plan to the minister representing the Minister for Environment and Water.

Leave granted.

The Hon. T.A. FRANKS: Earlier today, we have seen the Nationals' talking points about the amendments that they want for the Murray-Darling Basin Plan come to light, including the lines:

> The Science no longer supports SA needing fresh water.

And:

> Rising sea levels will mean the SA Lower Lakes system will not need environmental water…

Other wacky headings include, 'Remove the 450 gigalitres' and 'Remove water buybacks'. My question to the minister representing the minister is:

1. How can the National Party remain in charge of water policy in their federal Coalition when they have talking points that not only are a nonsense, they are downright dangerous to our state?

2. Will the Marshall government call for the removal of the National Party from water policy at a federal level?

The PRESIDENT: I will allow the minister to answer, but a lot of that is obviously out of the jurisdiction of this minister or the one she represents. I will call the Minister for Human Services.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46): On behalf of the honourable minister in another place, who has clearly made comments, as have all parties representing South Australia at a federal level—have expressed our concern about the federal Nationals' comments or potential policy direction in relation to the Murray-Darling Basin Plan.

Those of us who are at the end of the river system have fought hard for reform to the Murray-Darling Basin Plan. The South Australian government remains committed to it. I am not sure whether it is within—I will leave the comments in relation to the federal agreements for the minister himself to bring back some remarks on. I'm not sure whether that's something that he is able to comment on, but I certainly can reiterate that the Marshall Liberal government remains committed to implementing the basin plan in full.

HOVE LEVEL CROSSING

The Hon. E.S. BOURKE (14:47): My question is to the Minister for Human Services regarding housing.

1. Can the minister explain why there was time to design, prepare, approve, print and deliver a glossy Liberal Party pamphlet about the cancellation of the Hove crossing project, but it was apparently impossible to tell housing tenants that the project was cancelled?

2. Why did the ABC report last night that the public housing residents still hadn't heard from the minister or the Housing Authority?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): In relation to the Housing Authority, my understanding is that they were attempting to contact residents as soon as possible; they were either attempting to contact people in person or on the phone as soon as possible. I'm not familiar with the brochure that the honourable member is referring to.

The Hon. E.S. Bourke: Here—it looks a bit like this.

The PRESIDENT: No props.

HOVE LEVEL CROSSING

The Hon. E.S. BOURKE (14:48): Supplementary arising—

The PRESIDENT: You do realise we don't allow props in the house? Supplementary, the Hon. Ms Bourke.

The Hon. E.S. BOURKE: I retract the prop that I may have shown about Corey Wingard sending out a flyer.

The PRESIDENT: No, you are on your feet to ask a supplementary question; please do so.

The Hon. E.S. BOURKE: The supplementary was: how many people did the department attempt to call?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): My understanding is that the Housing Authority was attempting to contact all of the remaining residents. I am not sure exactly what that number was, but I know that they were attempting to contact—

The Hon. E.S. Bourke: How about an apology from you.

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —all of the existing tenants at that site.

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

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens is on his feet and will be heard in silence.

VACCINATION PROGRAMS

The Hon. T.J. STEPHENS (14:49): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding public health.

Leave granted.

The Hon. T.J. STEPHENS: The COVID-19 pandemic has brought vaccinations to the forefront of people's minds and conversations, but the COVID vaccine is only one of many vaccines available to prevent infectious disease. Will the minister update the council on vaccination programs in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): I would like to thank the honourable member for his question. The Marshall Liberal government has a strong record of protecting public health through enhanced vaccination programs. We introduced legislation to implement no jab no play, protecting our children and our early childhood centre staff by requiring compliance with the national vaccination schedule for all children below school age. We introduced free flu vaccines for under five year olds, and we have recently announced the establishment of an expert advisory group to investigate the potential for free flu vaccines to be distributed through pharmacies under the National Immunisation Program.

But one of our most significant achievements in the area of vaccine-preventable diseases was when, in 2018, we established a meningococcal B vaccination program for children under the age of four, a national first, shortly followed afterwards in February 2019 by a program for adolescents, an international first. Meningococcal B is a deadly disease. It causes deaths and it leaves survivors with serious and permanent injury. Vaccines save lives and they protect lives.

Between October 2018 and March 2021, over 320,000 doses of Bexsero meningococcal B vaccine have been distributed, protecting tens of thousands of South Australians in vulnerable cohorts. In 2018, when the Marshall Liberal government first introduced the free meningococcal B vaccination program, there were 27 cases notified. In contrast, there have only been two cases to date this year compared to seven in 2019.

Building on the success of this program, Tuesday's budget delivered by the Hon. Rob Lucas committed an additional $3 million this year to move from a three-year trial to an ongoing program, with $5.3 million annually over the forward estimates. This will enable our vaccination program to continue to protect lives and save lives.

The COVID-19 pandemic demonstrates the fundamental importance of public health and maintaining a focus on vaccine-preventable diseases. I take this opportunity to encourage all South Australian families to take advantage of the free meningococcal B program to keep their children, their young people and their communities safe from the devastating effects of this disease.

COVID-19 VACCINATION ROLLOUT

The Hon. C.M. SCRIVEN (14:52): Supplementary: how can the minister claim to have such a positive rollout of meningococcal B vaccinations and yet stuff up so badly the COVID-19 vaccine program?

The PRESIDENT: Order! That was full of opinion and the language of the opinion wasn't great. The minister can respond, if he wishes.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): I certainly will. I find that an offensive remark considering the hard work being done by thousands of—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —SA Health staff. It's a particularly—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Ridgway is out of order. The Minister for Human Services is not helping. The Minister for Health and Wellbeing has the call.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —particularly untimely question considering that today is the day that the hardworking SA Health team has gone past half a million doses.

Members interjecting:

The PRESIDENT: Leader of the Opposition!

The Hon. S.G. WADE: Half a million doses.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: So it's fantastic to see so many South Australians rolling up their sleeves—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —when it's their turn—

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke!

The Hon. S.G. WADE: —to have the vaccination. I thank each and every one of them for playing their part in protecting the community. Earlier today, I was advised that the tremendous rollout in South Australia means that we have almost two-thirds of South Australians over the age of 60 who are vaccinated against COVID-19. That is the target group that is most at risk, so in a targeted cohort approach, consistent with the national rollout, we have targeted the oldest—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order, the deputy leader!

Members interjecting:

The PRESIDENT: Order! The minister has the call.

The Hon. S.G. WADE: So half a million vaccines have been delivered by the SA Health team and, to be frank, in partnership with our GP networks. About half of the doses delivered so far have been delivered by the GP network. The SA Health work is extremely important, particularly for people who are not, shall we say, connected to their GP.

That's why we are continuing to ramp up the rollout with new strategies to reach hard to reach groups. That's why this government was the first government in Australia to commit to engaging all regional and rural pharmacies that are registered with the commonwealth for the vaccine program to activate their vaccines. That will be happening shortly. Again, Rob Lucas's Tuesday budget invested even more in that vaccine program.

The PRESIDENT: The Hon. Mr Lucas.

The Hon. S.G. WADE: Sorry, the Hon. Mr Lucas. That budget in itself invested another $86 million, money that will be extremely important to make sure that SA Health can continue the flexible approach, the nimble approach. We have already had two major recalibrations because of clinical advice. We have to make sure we have the resources and the flexibility to be agile and nimble. It's only through that agility and nimbleness that South Australia continues to have the second highest vaccination rate.

Admittedly, we have slipped behind Victoria, but Victoria, of course, had a surge in vaccinations because of the outbreak there. The fact of the matter is that we compare extremely well to other—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —mainland states, and I think it is rather churlish of the opposition to reflect on the hard work of SA Health's workforce and the GP network.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION INVESTIGATION

The Hon. F. PANGALLO (14:56): I seek leave to make a brief explanation before asking a question of the Treasurer, representing the Attorney-General and the Premier, about the failed investigation and prosecution of two senior public servants.

Leave granted.

The Hon. F. PANGALLO: Yesterday, I asked questions about the ICAC probe into Renewal SA's former chief executive, John Hanlon, and another executive, Georgina Vasilevski. On Thursday 29 August 2019 at approximately 21:50, a former staff member of Renewal SA and her partner attended Ms Vasilevski's son's restaurant with the intention of causing harm and distress to her, her son and ancillary staff.

At the time of this incident, Ms Vasilevski had been forced to stand down as General Manager People and Place Management at Renewal SA as a result of a vexatious allegation against her instigated by this and other Renewal SA staff who had approached ICAC in 2018. This person had previously been involved in unsatisfactory behaviour at work, which included bullying a 22-year-old woman in the workplace. She was investigated about her conduct and disciplined for misconduct.

Others who approached ICAC had also been involved in shameful behaviour towards the young staff member.

Whilst in the restaurant, the person's male partner allegedly told Ms Vasilevski's son that ICAC was going to rape her and that when that was completed he would 'finish her off'. The matter was all the more upsetting because at the time, despite the provisions of the ICAC Act, a blunder made by the former minister informing the press in late 2018 that two senior executives from Renewal SA had taken extended leave resulted in Ms Vasilevski's name being broadcast as a person under investigation by ICAC. At that stage, she had not been charged.

The behaviour by the former staff member and her partner at Ms Vasilevski's son's restaurant caused her to fear for her safety and the safety of her family. Although statements were provided by Ms Vasilevski's son and by Ms Vasilevski, nothing was done to protect or assist her in dealing with these issues.

The PRESIDENT: I hope the questions are coming soon.

The Hon. F. PANGALLO: They are coming. No branch of the public sector made any effort to check on her wellbeing or showed any concern for her safety. After reporting the incident to a former acting chief executive, she was offered the option of EAP services. As I said, she was not charged at the time. My questions to the Attorney-General and the Premier are:

1. When they became aware of Ms Vasilevski's allegations, what did they do about it, and did they ever follow up the matter with Ms Vasilevski and all the relevant agencies?

2. Should it be acceptable practice that any individual who has been threatened with serious criminal assault should have their complaints ignored just because they are subject to an ICAC investigation?

3. Has the Attorney-General discussed with the Director of Public Prosecutions future or prospective actions the DPP may be considering?

4. Why would the Attorney-General publicly raise the prospect of an ex officio information action before the DPP has even considered the matter?

5. Can this be perceived as a breach of the separation of powers between her office and the DPP?

The Hon. R.I. LUCAS (Treasurer) (15:00): I will refer the honourable member's questions, but I repeat the cautionary note that I gave yesterday in response to the honourable member's questions. I think the honourable member is treading on very dangerous ground in the nature and the way he is using extended explanations to questions to, by direct suggestion yesterday, make an accusation against a minister in another place, and today make accusations in relation to the alleged knowledge by both the Premier and the Attorney-General of certain events and circumstances.

They are allegations or claims made by the honourable member under parliamentary privilege. Those ministers and members are not in a position to be able to directly respond to those claims that he is making under parliamentary privilege in this particular chamber by way of an explanation to a question.

With that note and concern that I express on behalf of my colleagues in another place, I will say that I have absolute confidence in the integrity of the Premier and the Deputy Premier and my colleagues in another place. If by inference or smear or innuendo the Hon. Mr Pangallo is seeking to cast doubt upon the integrity of my colleagues, I take offence at that, particularly, as I said, as they are not in a position to be able to respond to the honourable member's questions. If he wants to raise these questions, perhaps he might like to ask them in the public forum and see what response he gets.

The Hon. F. PANGALLO: Point of order, Mr President.

The PRESIDENT: Point of order, the Hon. Mr Pangallo.

The Hon. F. PANGALLO: I take umbrage at the Treasurer's comments in relation to my supposed inferences.

The Hon. R.I. Lucas: What is the point of order?

The PRESIDENT: Order! Just let the Hon. Mr Pangallo finish, and be brief.

The Hon. F. PANGALLO: I take umbrage at the Treasurer's—that I am inferring conduct about the Premier and the Attorney-General. I have not done that. I have just simply asked questions. I have simply asked questions.

The PRESIDENT: Resume your seat. The Treasurer on a point of order.

The Hon. R.I. LUCAS: Mr President, I ask under what standing order he is taking a point of order? The mere response to a statement that I made in my view is not a point of order. A point of order is that, under a standing order, he is seeking clarification from you or a ruling from you. If he wants to claim at a later stage that he has been misrepresented, he can do so at a later stage or some appropriate occasion, but in my view, my humble submission to you, it is not a point of order.

The PRESIDENT: In ruling, I would say that the Treasurer was completely within his realm as the representative of both the Premier and the Attorney in the response that he gave. The Treasurer is accurate in saying that if the Hon. Mr Pangallo wants to seek a personal explanation at the conclusion of this question time he can do that.

HOMELESSNESS

The Hon. I. PNEVMATIKOS (15:03): My question is to the Minister for Human Services regarding housing. Given that funding ceases for dozens of crisis beds at Vinnies next week, can the minister advise why there have been just two hours allocated to work out re-accommodation services for 47 homeless people at Vinnies? Is this just another case of the sort of disregard experienced by residents who were forced out of their homes for the Hove crossing project?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:04): I thank the honourable member for her question. I often say in this place that, when it comes to Labor Party questions, allegations and accusations, one needs to rush to the fact checker. Our homelessness reforms have been proceeding. I get regular updates from the team as to how those matters are progressing. I have said before that the number of crisis beds across the system needs to continue.

Also, for those organisations that weren't part of the successful alliance group, there have been negotiations with those organisations to see how they may continue to provide similar or modified services going forward. Some of those are to be endorsed by boards. That process has been proceeding well.

HOMELESSNESS

The Hon. I. PNEVMATIKOS (15:05): Supplementary: where exactly will people at Vinnies go, and will any new accommodation have specialist onsite support the same as that which has been available at Vinnies?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): My understanding, and I may stand to be corrected, is that Vinnies was considering operating a different model to the one that it has been. Anybody who needs assistance can contact Homeless Connect, which was formerly known as the Homelessness Gateway, and the new alliance will provide the full suite of services. There are a number of services that operate around the CBD, including Baptist Care, which was part of the successful alliance. Their site is quite well known, particularly to those people who are rough sleepers. The full suite of services will be available going forward.

HOMELESSNESS

The Hon. C.M. SCRIVEN (15:06): Supplementary: is the minister saying she doesn't know where the people who are currently at Vinnies will go, despite those beds closing next week?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): My understanding is that Vinnies will be operating a different model, so there may well be people in terms of—

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order, the deputy leader!

The Hon. J.M.A. LENSINK: There may be people, if it was going forward to be a different model, who may well actually decide to become resident rather than go there for overnight stays. That's a decision for Vinnies, but people can always, within and around the CBD, use Street Connect or they can contact what was the Homelessness Gateway.

The Hon. C.M. Scriven interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Mr President, I can provide a 1800 number for the honourable member, if she likes. It is pretty easy to google Homeless Connect. I have already outlined that Baptist Care, which operates at Millers Court in the city, is one of the services that is part of the old system that is continuing under the new system.

EARLY LEARNING STRATEGY

The Hon. D.W. RIDGWAY (15:08): My question is to the Treasurer. Can the Treasurer please outline details of the government's Early Learning Strategy and also any responses that the government may have received to that wonderful strategy?

The Hon. R.I. LUCAS (Treasurer) (15:08): I am sure all members who listened in with great interest to the Treasurer's budget speech on Tuesday, and those who didn't, will note that I said one of—to me, anyway—the most exciting aspects of the government's vision for the future outlined in the budget speech was the early learning strategy to be led by Minister Gardner and the team in the education and children's services department.

This is a $50.1 million commitment. All parents and grandparents with littlies will be familiar with the CaFHS Blue Book, which all new parents get. In that, parents record major milestones, but of course they are developmental checks in the Blue Book. We currently have four developmental checks. The sad reality is that, whilst 90 per cent of parents with their children undertake the first developmental check at the period between one and four weeks, it drops off and drops off markedly for the next two developmental checks, where as few as 18 per cent of children actually have their developmental check. That is a shame. It's something that Minister Gardner and the government have committed to reversing. We have looked at the model in Western Australia.

The new Blue Book, the new strategy, will actually have six developmental checks: new ones at 12 months and three years, together with the one to four week, and the final one at preschool age. Parents, maybe with the assistance of grandparents—says he, the proud grandparent of four littlies—will ensure, hopefully, that a much greater percentage of those children have undertaken for them those particular developmental delay checks.

Then, more importantly, that the interventions and supports are provided, hopefully before they arrive at preschool but also importantly when they arrive at preschool they have either had the developmental delay addressed through the health system or through other supports, or when they arrive at preschool the preschool teacher is in a position to be able to say, 'We have already identified what the developmental delay is; these are the issues; this is the sort of support'—speech pathology, occupational therapy or whatever it is that the preschool child requires at school.

It is an exciting initiative and I was delighted to see that amongst many people who have supported it is someone who would be very familiar to the opposition, former South Australian Premier Jay Weatherill, who said:

> We congratulate the South Australian Premier Steven Marshall and his team on this crucial investment in future generations that recognises the importance of the early years on children's future health, happiness, growth and development.
>
> Now we need to see reform across the country. SA can play a leadership role in bringing early learning to the top of the agenda for National Cabinet.
>
> With early learning and child care already on the National Cabinet agenda for July, we look forward to seeing ambitious proposals from state and territory leaders that will ensure early learning is high-quality, affordable and accessible to every child and family across the country.

This proposal has been warmly endorsed by a number of South Australian based stakeholders. Of course, former Premier Weatherill is now the CEO, I think, of the Minderoo Foundation operating out

of Western Australia, but they will be familiar with the groundbreaking work that the Western Australian system and governments have done in the past.

We unashamedly have looked at what they have done in Western Australia and we are seeking to replicate and improve on that particular model in terms of the early identification of developmental delay and hopefully trying to provide the intervention and support that will seek to assist those children before they arrive at school and, as I said, if they arrive at preschool at least being aware of what those issues are so that we can endeavour to do something about it.

EARLY LEARNING STRATEGY

The Hon. T.A. FRANKS (15:12): Supplementary: will this developmental information be also captured in the My Health Record of these children? Will any legislative reform or current legislative supports be made to facilitate this—the data sharing act, for example?

The Hon. R.I. LUCAS (Treasurer) (15:12): I am happy to take the detail of that question on notice. I am not aware of any legislative reform which is required but in relation to the first question about whether it will be incorporated into the My Health Record, I am happy to take that question on notice and bring back a reply for the honourable member.

CLIMATE CHANGE

The Hon. R.A. SIMMS (15:13): My question is to the Treasurer regarding the budget, but before I ask my question I seek leave to make a brief explanatory statement.

Leave granted.

The Hon. R.A. SIMMS: South Australia is in the midst of a climate emergency. Over the last few years we have seen bushfires and drought ravage our state. My question to the Treasurer therefore is: given the climate crisis faced by South Australians, why did he fail to mention climate change even once in his budget speech?

The Hon. R.I. LUCAS (Treasurer) (15:14): Because this government is already well renowned for being one of the leaders in terms of recognising the importance of climate change. It is just implicit in our DNA here in South Australia. We live and breathe it every day.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: We don't have to parrot it at every particular public occasion. As I said, it is within our DNA. We live and breathe it every day—

Members interjecting:

The PRESIDENT: Order! I am sure the Hon. Mr Simms would like to listen to the answer.

The Hon. R.I. LUCAS: —and no-one needs to convince the Premier—

The Hon. J.E. Hanson interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —the Minister for the Environment or me as the Treasurer—

The Hon. J.E. Hanson: It's a disgrace!

The PRESIDENT: Order, the Hon. Mr Hanson!

The Hon. R.I. LUCAS: —of the critical importance of climate change and we are active leaders in many environmental issues.

Members interjecting:

The PRESIDENT: Order, the Hon. Ms Bourke!

The Hon. R.I. LUCAS: There are a number of very significant environmental initiatives outlined in the budget speech—

The Hon. J.E. Hanson: You lead on the environment like Napoleon going backwards!

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and as all members would know, I am just such an unashamed supporter of the environmental lead that our Premier and our Minister for Environment have taken over the last three years.

CLIMATE CHANGE

The Hon. R.A. SIMMS (15:15): Supplementary: noting the Treasurer's reply and his reference to this being so integral to the Marshall government, can he explain why in the budget overview of all three highlights, the Treasurer's speech and the budget paper, the three priorities, etc., and Budget Paper 5, there is no reference to climate change? What is he going on about?

The Hon. R.I. LUCAS (Treasurer) (15:15): Because it is so inbred, because it is so much part of our DNA—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —we don't have to parrot on every occasion how important it is. We just accept that it's important. We get on with the business of actually implementing the policies, which are consistent with our fervent belief that climate change is critical to our state and our nation and our world's future. We sing almost from the same hymn sheet—

The Hon. C.M. Scriven: Even your own backbench are laughing.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —I say advisedly—almost the same hymn sheet as the honourable member in relation to this issue.

The Hon. D.W. Ridgway: We are laughing at you on the other side.

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

The Hon. R.I. LUCAS: As I said, 'almost' is my slight caveat, just in case the honourable member seeks to encapsulate me in some of his wilder ideas in relation to environmental reform. But sensible environmental reform, based on a recognition, nevertheless, a shared recognition with the honourable member and the Greens that climate change is a critical issue to the state and the nation. We don't have to say it every day of the week; we get on with practical actions. We implement the policies consistent with that innate belief that we have that this is an important issue.

COUNTRY HEALTH

The Hon. R.P. WORTLEY (15:16): My question is to the Minister for Health and Wellbeing regarding health. What does the minister have to say to his Liberal Party colleague the member for MacKillop, who enthusiastically responded to Labor's commitments for additional country health spending by saying, 'I'd like to see better medical infrastructure in the regions than we're currently seeing', and, 'I'd welcome [the funding]'?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I must admit, I haven't read all the news out this morning, but—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: My understanding of what the Leader of the Opposition has said is that the $600 million he says we are spending on the arena—

Members interjecting:

The PRESIDENT: Order! Order on both sides! The Hon. Mr Wortley has asked a question. I presume he—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, leader! I presume the Hon. Mr Wortley would like to listen to the answer.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, leader!

The Hon. S.G. WADE: Apparently, the member for—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —the Leader of the Opposition in the other place is talking about $100 million going into health. As the Treasurer has pointed out, in the next two years there is $10 million allocated to that project. So let's look at what this government has done in the last four years. In the last four years, in relation to country capital works, we inherited—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —a former Labor government capital works backlog of more than $100 million.

The Hon. E.S. Bourke interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: From opposition, we promised a $150 million investment program over 10 years.

Members interjecting:

The PRESIDENT: The deputy leader and the Hon. Ms Bourke will cease interjecting, as will the leader!

The Hon. S.G. WADE: Three years in, we are ahead of schedule. We have invested $40 million. But we are going beyond those promises. The Marshall Liberal government, in partnership with the federal government, has announced a series of standalone capital works projects, investments in country hospitals totalling almost $100 million—not one hundred million promises in the distant future. This is money that the state government is investing in aged care in Strathalbyn and Snowtown; emergency departments in Gawler, Victor Harbor, Whyalla, Mount Barker and Murray Bridge; renal services in Whyalla and Mount Gambier; an MRI for the Riverland; ambulance stations for Port Augusta and Strathalbyn—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —and more than $4 million for volunteer—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —ambulance upgrades. So let's compare that with the record of the former Labor government. In the last four years of Labor's term—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hanson!

The Hon. S.G. WADE: —they spent $14 million on country capital works. Fourteen divided by four is about—I don't know; I am not a treasurer.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: What this government has spent in three years—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson will cease shouting across the chamber.

The Hon. S.G. WADE: Because he is embarrassed to hear the truth of an appalling government.

The PRESIDENT: And the minister will cease pointing.

The Hon. S.G. WADE: I don't think that's the worst offence that happens in this chamber.

The Hon. K.J. MAHER: Point of order: is it within the standing orders for a member to be speaking when you are on your feet, sir?

The PRESIDENT: I would have a look at that one, Leader of the Opposition. Has the minister concluded his answer?

The Hon. S.G. WADE: I haven't, sir, because I have been asked a question.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I have been asked a question and I think the council deserves to be informed. So let's look at it. What so offended the Hon. Mr Hanson was that in the last four years of Labor's term they spent a mere $14 million on country capital works.

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

The PRESIDENT: Order! Resume your seat. The Leader of the Opposition.

The Hon. K.J. MAHER: A point of clarification: ought the minister continue pointing at people in the chamber?

The PRESIDENT: The minister, I am sure, is going to conclude his answer fairly soon.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: In the last four years of Labor's term they spent a paltry $14 million on country capital works.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: In the first three years of the Marshall government, we have already spent $60 million.

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

The Hon. S.G. WADE: We have outspent them four to one.

The PRESIDENT: Resume your seat, minister. The point of order?

The Hon. K.J. MAHER: The minister has been going on that long that question time has finished. It seems that he is not actually answering the question but still trying to continue.

The PRESIDENT: Resume your seat. The minister started his answer with two minutes and 16 seconds to go. I suspect we have been a minute since the numbers in front of me said 00:00. I am sure the minister will conclude his answer soon.

The Hon. S.G. WADE: I will indeed and I do apologise to the opposition for causing them such embarrassment. It is a meagre record that you have every right to be ashamed of.

The Hon. T.A. FRANKS: Point of order.

Members interjecting:

The PRESIDENT: Order! Point of order, the Hon. Ms Franks.

The Hon. T.A. FRANKS: I draw your attention to standing order 199 and I ask that you rule whether or not you have control of this council.

The PRESIDENT: I will ask you to repeat that because I didn't hear most of it because of the front bench.

The Hon. T.A. FRANKS: Which emphasises my point of order. Under standing order 199 the President must maintain the order of the council. I draw your attention to standing order 199 and I ask you to rule whether you have control of this council.

The PRESIDENT: The Hon. Ms Franks, the demeanour of this council is of great interest to me and I think members have observed that since I have been in the chair. I think this works on both sides of this chamber, on all sides of this chamber, as to the way in which we operate and I think generally, having watched other places in Canberra very recently, the demeanour of this place is far better than most; however, there are times when I think people on both sides and throughout the chamber need to recognise that we can all work on that to make it better.

I was very generous in allowing this to continue after the time had expired. I think there has been some reference here to time limits on questions. There has never been any discussion with this President about any time limits, but I keep a close eye on that and will continue to do so.

Personal Explanation

MEMBERS' REMARKS

The Hon. F. PANGALLO (15:23): I seek leave to make a person explanation.

Leave granted.

The Hon. F. PANGALLO: I rise to object to the Treasurer's flailing attempts to beat me up and some sneering attempts from one of the other—

The PRESIDENT: You can make a personal explanation without debate.

The Hon. F. PANGALLO: I will. I will point out in relation to that, the Attorney-General has—

The Hon. T.A. FRANKS: Point of order: when one seeks to make a personal explanation one must simply state where one has been misrepresented and then sit down.

The PRESIDENT: And I am asking the honourable member to do so without debate.

The Hon. F. PANGALLO: Okay. I would just like to point out that in my question I made no inference reflecting on the character of both the Premier and the Attorney-General, and it was wrong for the Treasurer to state that. I raised a serious issue, and I simply asked questions.

The PRESIDENT: I call on the business of the day. The Treasurer has the call.

Members interjecting:

The Hon. R.I. LUCAS: Hell will freeze over before I apologise for that. I move:

That Orders of the Day, Government Business, Nos 1 to 3 be postponed and taken into consideration after Orders of the Day, Government Business, No. 4.

The PRESIDENT: I will put that question. I do reflect on the fact that the last person I heard in a parliamentary sense use the term 'Hell freezes over' is no longer in that position, but I would not want to—

The Hon. R.I. Lucas: Who is that?

The PRESIDENT: The former Deputy Prime Minister.

Motion carried.

Bills

LEGISLATION INTERPRETATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 June 2021.)

The Hon. R.I. LUCAS (Treasurer) (15:25): I thank honourable members for their contributions to the second reading. On behalf of the government, I make a second reading reply. I would like to take this opportunity to make some comments in response to the second reading contribution from the shadow attorney-general to hopefully provide some further explanation for why the government has taken the approach it has in relation to clause 18.

As members would be aware, clause 18 provides that all material is taken to be part of the act or legislative instrument, aside from administrative information such as editorial notes. A key aspect of this change is that section headings will now form part of the act or instrument. Historically, sections in an act did not have headings, and when section headings were introduced they were inserted administratively to make reading legislation easier.

Currently at common law, section headings constitute extrinsic material and so can be used to interpret a provision where there is ambiguity. This is the current situation in South Australia. What the government is seeking to do in clause 18 is to make headings relevant in all cases and no longer require legal argument to use headings in the interpretation of an unclear clause.

The natural assumption of a person picking up an act or instrument and reading it would be that all the material that appears in the act is part of it. So it is the view of the government that we should accept that reality and be as clear as possible about it.

If in the end it is the will of this parliament to apply the new rule to headings only enacted after the passage of this bill, that will be a step forward but will create other issues. In the government's view, the reality of lawyers, self-represented persons and courts having to research when a heading was inserted to determine its status is an unnecessary complexity in the legal process.

Examination of when a heading was enacted would be required to determine whether the heading can be automatically considered as part of the act or instrument in the interpretation of a clause. Alternatively, it would need to be specifically argued that the meaning of the clause is unclear and that the heading should be introduced as extrinsic material.

It would be far more helpful for the users of legislation if there was a single rule covering all headings. Whilst other state jurisdictions have decided to treat headings differently depending on when they were enacted or inserted, this should not be our approach. It is the government's view it is better to follow the commonwealth's equivalent provision, which applies both retrospectively and prospectively for ease of legislative interpretation.

I hope this further explanation is of assistance to members and clearly illustrates the reasons for the government's approach to clause 18.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: I move:

That progress be reported.

The Hon. R.I. Lucas: Can you explain why?

The Hon. C. BONAROS: I can explain why, if the Treasurer would like.

The CHAIR: No, there is no debate.

Members interjecting:

The CHAIR: No, there is no debate. If someone moves that progress be reported, I have to put that question.

The committee divided on the motion:

Ayes.....10
Noes 11
Majority 1

AYES

Bonaros, C. (teller)	Bourke, E.S.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Scriven, C.M.
Wortley, R.P.		

NOES

Centofanti, N.J.	Darley, J.A.	Franks, T.A.
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I. (teller)	Ridgway, D.W.	Simms, R.A.
Stephens, T.J.	Wade, S.G.	

Motion thus negatived.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

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

Amendment No 1 [Treasurer–1]—

Page 12, table, entry relating to 'enrolled nurse', column 2, paragraph (a) [clause 5(1)]—Delete 'and midwifery'

Parliamentary counsel has advised that amendments Nos 1 to 4—they are all consequential; they should stand or fall together—are required due to the commonwealth making amendments to the Health Practitioner Regulation National Law (the national law). Clause 5 of the bill replicates the definitions of various health practitioners who are registered under the national law. Since the drafting of the bill commenced, the commonwealth has updated definitions relating to nurses and midwives due to some changes in the registration requirements for midwives. Therefore, amendments Nos 1 to 4 are required to update these definitions in clause 5.

Amendment carried.

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

Amendment No 2 [Treasurer–1]—

Page 12, table, entry relating to 'midwife', column 2 [clause 5(1)]—Delete the contents of column 2 and substitute:

a person registered under the *Health Practitioner Regulation National Law* to practise in the midwifery profession as a midwife (other than as a student)

Amendment No 3 [Treasurer–1]—

Page 12, table, entry relating to 'nurse', column 2 [clause 5(1)]—Delete 'and midwifery'

Amendment No 4 [Treasurer–1]—

Page 13, table, entry relating to 'registered nurse', column 2, paragraph (a) [clause 5(1)]—Delete 'and midwifery'

Amendments carried.

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

Amendment No 5 [Treasurer–1]—

Page 13, after line 3—After subclause (2) insert:

(3) If a regulation is made under section 4(4) of the *Health Practitioner Regulation National Law (South Australia) Act 2010* that modifies the *Health Practitioner Regulation National Law (South Australia)* text, the Governor may, by regulation under this Act, make any amendments to the table in subsection (1) that are considered by the Governor to be necessary to ensure that the modification has proper effect under the law of South Australia.

I am told that this is a very close relative of the last four, although not directly consequential. This amendment is closely related to the previous government amendments. It will allow the definitions in clause 5 that mirror the definitions in the Health Practitioner Regulation National Law to be updated by regulation. As South Australia has no control over the timing and frequency of updates to the definitions, as they originate from the commonwealth, allowing amendments by regulation will be a more efficient, faster process to make sure the definitions are accurate.

Amendment carried; clause as amended passed.

Clauses 6 to 15 passed.

New clause 15A.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 15, after line 27—Insert:

15A—Use of extrinsic material in interpretation

(1) In the interpretation of a provision of an Act or a legislative instrument, if any material not forming part of the Act or instrument is capable of assisting in the ascertainment of the meaning of the provision, consideration may be given to that material—

(a) to confirm that the meaning of the provision is the ordinary meaning conveyed by the text of the provision (taking into account its context in the Act or instrument and the purpose or object underlying the Act or instrument and, in the case of a legislative instrument, the purpose or object underlying the Act under which the instrument was made); or

(b) to determine the meaning of the provision—

(i) if the provision is ambiguous or obscure; or

(ii) if the ordinary meaning conveyed by the text of the provision (taking into account its context in the Act or instrument and the purpose or object underlying the Act or instrument and, in the case of a legislative instrument, the purpose or object underlying the Act under which the instrument was made) leads to a result that is manifestly absurd or is unreasonable.

(2) Without limiting the effect of subsection (1), the material that may be considered in accordance with that subsection in the interpretation of a provision includes the following:

(a) all matters not forming part of the Act or instrument that are set out in the document containing the text of the Act or instrument as printed or published by the Government Printer or as published under the *Legislation Revision and Publication Act 2002*;

(b) any relevant report of a Royal Commission, Law Reform Commission, committee of inquiry or other similar body that was laid before either House of the Parliament before the provision was enacted or made;

(c) any relevant report of a committee of the Parliament or of either House of the Parliament before the provision was enacted or made;

(d) any treaty or other international agreement that is referred to in the Act;

(e) any explanatory memorandum relating to the Bill for the Act, or any other relevant document, that was laid before, or furnished to the members of, either House of the Parliament by a Minister or other member of Parliament introducing the Bill before the provision was enacted or made;

(f) the speech made to a House of Parliament by a Minister or other member of Parliament on the occasion of the moving by that Minister or member of a motion that the Bill for the Act be read a second time in that House;

(g) any document (whether or not a document to which a preceding paragraph applies) that is declared by the Act to be a relevant document for the purposes of this section;

(h) any relevant material in the Minutes of Proceedings or the Votes and Proceedings of either House of Parliament or in any official record of debates in Parliament or either House of Parliament.

(3) In determining whether consideration should be given to any material, or in considering the weight to be given to any material, regard must be had, in addition to any other relevant matters, to—

(a) the desirability of persons being able to rely on the ordinary meaning conveyed by the text of the provision (taking into account its context in the Act or instrument and the purpose or object underlying the Act or instrument and, in the case of a legislative instrument, the purpose or object underlying the Act under which the instrument was made); and

(b) the need to avoid prolonging legal or other proceedings without compensating advantage.

I note that I covered this quite extensively in my second reading. This amendment allows for the use of extrinsic material in the interpretation going forward, should it pass. I draw to the attention of members of the council that, since my second reading speech, the Law Society's correspondence of 21 June to the Attorney-General has also, I believe, been circulated to all members of this council, and in that the Law Society expresses their strong support for this particular amendment.

The Hon. R.I. LUCAS: The government indicates that it will be supporting this amendment. The blue-green alliance strikes again! During the development of the bill the issue of whether to include an extrinsic materials clause was carefully considered by the Attorney-General's Department and the Office of Parliamentary Counsel.

The government also received very thorough research from the Solicitor-General and his office on the issue of the use of extrinsic materials. The research indicated common law is sufficient to allow for the consideration of every type of extrinsic material that is covered in the amendment. The other advantage of relying on common law is that common law can adapt over time to new situations or new types of extrinsic materials, as necessary.

For these reasons, the conclusion was reached that including an extrinsic materials clause was not necessary. In saying this, the government acknowledges that there were some differences of opinion from some stakeholders as to whether it was necessary to include such a clause in the bill, and in particular that the Law Society is supportive of including an extrinsic materials clause in the bill. As the clause is closely based on the commonwealth provision and does no harm by being included in the bill, the government is happy to support the amendment.

New clause inserted.

Clauses 16 and 17 passed.

Clause 18.

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

Amendment No 1 [Maher–1]—

Page 16, line 2 [clause 18(1)]—Delete 'subsection (2)' and substitute 'this section'

This was spoken about at some length in the second reading contributions. I outlined then that in our briefing from the Attorney's people on this bill it was said that headings form a part, and

retrospectively so, in the interpretation of acts in all other jurisdictions. That was not actually the case, when we looked at this a little deeper. In fact, we crafted an amendment, and it is the amendment now before us, that headings would only be part of the interpretation of the bill if they were inserted in acts after this bill commenced; that is, there would not be that retrospective effect of the administrative act of putting headings into bills, and not having been considered by the members of parliament who passed that bill would not form part of the bill, and that is the case in a number of other states.

The Treasurer might have mentioned that it would be difficult to go back and look at all the acts and work out when headings were put in. We are not suggesting that you go back to a point in time in the past to look at whether that is the cut-off point for headings. What we are suggesting is that it be any headings that are put in after the commencement of this new bill. It is a point in time looking forward. You would know if you are putting headings in a bill from this point onwards. You would not need to go back, as the Treasurer might have suggested, and do volumes of research. In effect, that is what other jurisdictions do.

I point to section 14 of the Queensland Acts Interpretation Act, which only includes headings if they are in the bill after 30 June 1991. In Victoria, section 36(2A) of the Interpretation of Legislation Act only provides for headings to be interpreted for interpretation purposes if they are in a bill after 1 January 2001. Similarly, in the relevant provision in the NT Interpretation Act, section 55 provides that headings are only to be considered from 1 July 2006. In the ACT Legislation Act, section 126 provides that their headings are only to be considered in such a manner if they are inserted after 1 January 2000.

It is not as we were told in the briefing, that this is in all other jurisdictions. In fact, the ones I have mentioned have that cut-off date, and headings are to be interpreted as part of the act only if they were inserted after the dates that I have given. It is not as I think was represented when this bill was put forward. In quite a number of jurisdictions—Victoria, Queensland, the NT and the ACT—headings only form part of the bill for interpretation purposes from a point in time. This clause merely says that that would be the case here from the passing and commencement of this legislation.

The Hon. R.I. LUCAS: As I indicated in the second reading reply, but given the fact that this particular amendment, whichever way it goes, will be of great interest to legal scholars and counsel going forward, I will place on the record again the government's position in relation to opposition to the amendment and the reasons why.

The government indicates that it will oppose the amendment. In doing so, I refer to my second reading reply on behalf of the Attorney and the government. We believe clause 18 of the bill as currently drafted is the preferable way of dealing with the inclusion of section headings in the act or instrument. In the government's view, the reality of lawyers, self-represented persons and courts having to research when a heading was inserted to determine its status is an unnecessary complexity in the legal process.

A search of when a heading was enacted would be required to determine whether the heading can be automatically considered as part of the act or instrument in the interpretation of a clause. Alternatively, it would need to be specifically argued that the meaning of the clause is unclear and that the heading should be introduced as extrinsic material under common law.

It will be far more helpful for the users of the legislation if there was a single rule covering all headings. Whilst other state jurisdictions have decided to treat headings differently depending on when they were enacted or inserted, the government believes this should not be our approach.

In the government's view, it is better to follow the commonwealth's equivalent provision, which applies both retrospectively and prospectively for ease of legislative interpretation. This would be a much clearer and simpler approach to the inclusion of section headings. The opposition's amendment, if successful, would unnecessarily complicate the interpretation of legislation by lawyers, the courts and persons interacting with the legal system.

Further advice from government advisers that I have been provided with is as follows. To mitigate against this complexity that I have just referred to, should this amendment pass the parliament, parliamentary counsel will likely have to add a schedule to each amendment bill as they come to parliament and make all headings a part of that act. Accordingly, as parliament considers

bills, those amended acts would have headings considered a part of an act. Of course, this would not assist those acts that never change. Those headings would never be a part of the act.

If this amendment were to pass, an additional consequence would be a significant extra workload for parliamentary counsel and especially for the publication staff, as each heading change will need to be separately indexed, as each is a separate legislative event. For those reasons, the government is opposing the amendment.

The Hon. C. BONAROS: I rise to indicate our position on this clause but also to refer, as I understand it, to the most recent advice that has been provided by the Law Society of South Australia in relation to these changes. The Law Society has noted that, amongst other things, in relation to the concerns that were raised by the Leader of the Opposition, the proposed amendments remove the retrospective nature of clause 18 and understand that the practical effect of this change would be that the headings would form part of all acts made after the commencement of clause 18.

They note in the case of amendments to existing acts that headings inserted as part of any amendment would form part of the act, but headings elsewhere will not. They go on to point to those other jurisdictions—Victoria, Queensland, the Northern Territory and the ACT—that have this approach.

In relation to the concerns that have been raised by the Leader of the Opposition, the society notes that, while clause 18 presents a significant change, it is potentially not as significant as has been stated on the record in this place. In this regard, they note that courts can presently and do consider headings when determining the meaning of provisions.

Specifically, they have regard to Onody v Return to Work Corporation of South Australia, where the Full Court of the Supreme Court of South Australia referred to headings of provisions in order to determine the meaning of the relevant provision of subsidiary legislation. They noted that the concern expressed above may be further alleviated in any event, given the amendment proposed by Ms Franks. The Hon. Tammy Franks has already dealt with her amendment, which was successful.

They noted that clause 15A(2)(a) provides for further consideration of material as follows, which has already been dealt with. So given the potential interrelation between the amendment proposed by Ms Franks and clause 18 generally, it appears likely that headings will be considered by courts when interpreting legislation into the future and in any event. I thought that was important to place on the record.

There is further information that has been provided specifically in relation to this amendment as it relates to another issue raised by the Hon. Mr Maher about the Commissioner for Legislation Revision and Publication being able to add or omit headings. Those issues are well articulated in this letter, as are the grounds that the Treasurer has just outlined in relation to what parliamentary counsel will or will not be able to do as a result of this amendment passing.

The society ends by reiterating the importance of the bill and the potential for it to have wideranging implications for the courts, the legal profession and the general public. I think that is overwhelmingly our concern as well. While they do not express a view in relation to the amendment specifically, they have pointed out the issues that I have just alluded to. On the basis of that advice and the advice that we already have before us, I indicate for the record that we will not be supporting the amendment that has been proposed for this particular provision.

The Hon. T.A. FRANKS: The Hon. Connie Bonaros pretty much read from the same paragraphs of the Law Society's letter that I was about to, and so I will note particularly point 11. It is not that we will not be using the materials that the Hon. Kyam Maher has proposed to be used, in fact I believe that the Law Society has indicated that with the passage of that last amendment to this bill the issues raised by the Hon. Kyam Maher are addressed by that extrinsic material more fully.

I note also on the final page of the Law Society's paper 2, set 22, that they do not hold a particular position on this amendment. Given that the ground is covered by the previous amendment that has now been incorporated and supported by the Legislative Council we will not be supporting this particular amendment, but recognise that in fact the issues that the Hon. Kyam Maher brought to this council are indeed being given that support.

Amendment negatived; clause passed.

Remaining clauses (19 to 59), schedule and title passed.

Bill reported with amendment.

Third Reading

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

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (DRIVING AT EXTREME SPEED) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 June 2021.)

The Hon. C. BONAROS (15:55): I rise to indicate SA-Best's support for the Criminal Law Consolidation (Driving at Extreme Speed) Amendment Bill 2021. While SA-Best patiently awaits more sweeping reforms to the Road Traffic Act, something the minister has assured us are on their way, this bill immediately deals with the serious circumstances and consequences of what is commonly referred to as hoon driving. As we have seen in recent times, this has become more prevalent, often with very tragic outcomes.

SAPOL statistics reveal 3,174 drivers were caught travelling at least 30 kilometres above the limit, including 637 clocked speeding 45 km/h or more on the state's roads last year. I am sure others in this chamber and the broader community were as sickened and outraged as I was watching the confronting vision of a motorcyclist who filmed himself doing a staggering 267 km/h as he weaved his way in and out of traffic on a busy metropolitan road at night earlier this year, before crashing into the back of a stationary truck at 140 km/h.

The rider was in a coma for two months and now has permanent brain damage. He is unable to communicate clearly and has two full-time carers. His family has agreed for SAPOL to publicly release the vision in the hope it might discourage other road users from driving so recklessly, posing a danger not only to themselves but, of course, to other innocent road users.

These idiotic—I think is the only word that comes to mind—drivers seem to be in a special category all of their own with their blatant disregard for their, or anybody else's, safety. I appreciate that in this particular instance this gentleman has sustained what can only be described as debilitating injuries, which he and his family will have to live with for the rest of their lives. That is a sad outcome, but it is the reality of the sort of behaviour that was undertaken by the individual involved. As police commissioner Grant Stevens said in the media around the time:

> This is not a re-enactment. These are not actors. This is real-life video of someone making incredibly stupid decisions on our road and paying a very high price for that.

These reckless actions effectively turn their vehicles into lethal weapons—lethal to them and unsuspecting innocent members of the public. So I welcome the creation of a new offence targeted specifically to their particularly irresponsible and, as police minister Tarzia has described, often 'moronic' behaviour.

The bill introduces a new offence into the Criminal Law Consolidation Act of driving at excessive speeds by over 55 km/h in a 60 km/h zone, or 80 km/h in an above 60 km/h zone. I understand ordinarily this would be a minor indictable offence, prosecuted by police in the Magistrates Court. Conviction carries steep penalties of up to three years' imprisonment and a minimum licence disqualification of two years for the first offence or five years for subsequent offences.

If the offence is deemed to be aggravated—defined by a comprehensive range of circumstances, such as causing harm or death to another, escaping police, having passengers in the car, not holding a full licence or any licence at all, driving a stolen car, or driving while under the

influence of alcohol or drugs—then that penalty is up to five years' imprisonment and a mandatory loss of licence for five years.

This last aggravated element in the provision that these are forfeiture offences, along with the ability for police to impose an immediate licence disqualification, are entirely consistent with what SA-Best has been calling for in regard to drug driving for some time now. I am pleased to see the government finally get on board with the need for these stronger and more immediate penalties to protect us and to act as a deterrent to keep these drivers off our roads. Of course, that will not happen in every single instance, but our laws need to, as much as possible, act as a deterrent.

The often trotted out spurious argument that drug drivers should be given the benefit of the doubt to be able to hold onto their licence until their secondary forensic test results have been received seems to have been finally put to bed. The driving public deserves and are entitled to have these drivers removed from the roads immediately. I strongly support the government for including these provisions.

While I appreciate the expert opinion of the Law Society of South Australia, I disagree that the current provisions of the Road Traffic Act are sufficient to deal with hoon driving because clearly they have failed to do so to date. I also reject the claim that it will be confusing and the courts can already fix a longer period of licence disqualification. That may very well be the case, but this new offence is actually very simple and is in addition to the provisions in the Road Traffic Act. Like all of those charged under the Criminal Law Consolidation Act, there will be the usual common law defences available to defendants.

I also do not accept that the offence will be difficult to prosecute because SAPOL will have difficulty measuring the excess speed. I suppose only time will tell whether that actually transpires or not. That does not mean that we should not be trying to implement these laws to see what deterrent effect they can have. In the meantime, if problems arise I suggest we deal with them as those problems arise. It is up to SAPOL to ensure its officers have the tools they need to accurately record speed to prosecute offences under the Criminal Law Consolidation Act and under the Road Traffic Act. If that is a matter of resourcing, then that is one that the government will have to consider separately to the merits of this legislation.

As members in this place know, we have advocated strongly for SAPOL to ensure their tools are properly calibrated and verified so that they can be relied upon. More needs to be done to discourage hoon driving on our roads to ensure the safety of all road users and I think this bill goes some way towards addressing those issues. I note again that we are still waiting patiently for those other changes from the government that I have commented on in this place several times now, which I am told are not very far off.

Again, we indicate our strong support for the proposal before us and look forward to not only the passage of this bill but that further piece of legislation that is to follow, which will deal specifically with drug driving offences. With those words, I indicate our support for the second reading of the bill.

The Hon. R.I. LUCAS (Treasurer) (16:03): I thank honourable members for their contributions and for the second reading indication.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:05): 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 22 June 2021.)

The Hon. C. BONAROS (16:06): I rise to speak on SA-Best's behalf in support of the Unexplained Wealth (Commonwealth Powers) Bill 2021. As we know, the bill seeks to adopt certain laws of the commonwealth in regard to unexplained wealth and information sharing. Given New South Wales is the first cab off the rank, it is the lead jurisdiction and it will be the referring jurisdiction and will be an adopting jurisdiction.

The bill also amends the Criminal Assets Confiscation Act and the Serious and Organised Crime (Unexplained Wealth) Act in South Australia, with commonwealth and state laws operating concurrently. Thus far New South Wales, the Northern Territory and the ACT have enacted their legislation to harmonise commonwealth and state laws.

In practical terms it means where there has been a joint operation between the commonwealth and the state police there will be a sharing of the unexplained wealth seized. The arrangement, as I understand it, is that it will be a fifty-fifty split. Joint operations will also benefit from improved information and data sharing to close off as many loopholes as possible to apprehend major crime and drug syndicates.

The bill is very timely given the recent joint operation between the FBI, the AFP and SAPOL, which saw more than 800 suspected criminals arrested worldwide after being tricked into using an FBI-run encrypted messaging app called ANOM. The operation, jointly conceived by Australia and the FBI, as members would no doubt be aware, saw devices with the ANOM app secretly distributed among criminals, allowing police to monitor their every move, effectively, concerning drug smuggling, money laundering and even murder plots.

I think from what we have read in the press it was used very openly. There were photos. There were very blunt messages about the sorts of criminal activities that were targeted as part of this operation. Drugs, weapons, luxury vehicles and cash were seized in the operation, which was conducted across more than a dozen countries, I think. It included a staggering eight tonnes of cocaine, 250 guns and more than $48 million in various worldwide currencies and cryptocurrencies.

In South Australia 40 people have been arrested, I think, to date as part of a national sting codenamed Operation Ironside, the largest number of arrests for organised crime in one day in the state's history, according to SAPOL. SAPOL's Assistant Commissioner Peter Harvey said 460 police searched 80 premises, mostly in connection with the Comanchero outlaw motorcycle gang. The accused were charged with offences including conspiracy to murder, drug trafficking, firearms trafficking and possession and money laundering. Another 33 people had already been arrested since the underworld joint operation with the AFP began in February 2020, as I understand it.

Items seized during SAPOL's sting include $1.9 million in cash, luxury cars, boats, motorcycles, jewellery, wines, watches, accessories and guns. The drugs seized include 90 kilos of methamphetamine, 50 litres of fantasy, 350 kilos of cannabis and 10,000 ecstasy tablets. Police said that one of the industrial-level clandestine drug labs discovered as part of the sting had the potential to produce $25 million worth of methamphetamine a week. I do not need to tell anyone in here what $25 million worth of methamphetamine a week would do to our communities.

While most of the assets seized will be seen as criminal assets, given that they were acquired through criminal offending, some will be unexplained wealth and caught by the provisions of this bill, I presume. If those charged are convicted, it is easy to see that this will be a most unexpected but now potentially legislated windfall but, more importantly, as an aside, it means that these products are no longer available in the underworld and on the black market, so at least as far as those products are concerned they do not continue to pose a risk to vulnerable community members and indeed the community at large.

It is my understanding that the proceeds will be directed to the Victims of Crime Fund, but I am waiting for clarification from the minister on this, with some of the funds potentially to be distributed to the Justice Rehabilitation Fund. I will touch on that a little bit further shortly, but these operations, I think, also show how vital the information sharing provisions of this bill are and will be in the future. Sifting back for information obtained via the app will give police across the country the ability to share information about criminal activity and potentially the ability to act on crimes that have been unsolved until now.

We know crime is often electronically committed or at least electronically enabled or assisted these days, which in effect removes all the geographic boundaries that previously confined crime to one jurisdiction. It is important that we take the bigger view and deal with these criminals not just within Australia and not just within our own state boundaries. I think the police have shown very clearly that they need to be innovative and tech savvy these days to keep up with criminals and to keep ahead of them, which means operating effectively across all jurisdictions. There is no question that this bill goes towards that end. It acts as an enabler in terms of that approach.

Before closing, I will flag the discussion that I had with the minister's office during our briefing. I intend to seek some further clarification on the information that I have received regarding the Justice Rehabilitation Fund specifically. As some members in this place will recall, one of the purposes of that fund, which was negotiated in this place several years ago now—I think it was about five or six years ago—was to provide drug rehabilitation services, particularly to those who are incarcerated.

I do not need to remind members of the over-representation of individuals with drug and mental health issues in our detention setting. At first glance, though, it appears to me, based on the information that I have received—and I have only just received it today—that $200,000 of the $250,000 in the fund has already been committed to keeping victims who register with the domestic violence register aware of charges relating to perpetrators, to bail conditions, custody status, parole conditions, etc.

In addition, the funds are being allocated to the Supporting Parents' and Children's Emotions program—a program aimed at supporting young people who are pregnant or parenting and who perpetrate or experience domestic and family violence, with a specific focus on addressing the effects of violence on their children. These are obviously very important programs and services, but I note that they deal predominantly with victims, perhaps the first more than the second program that I alluded to.

I have not seen yet, based on what has been provided, the funding that has actually been targeted towards drug rehabilitation services, as was the intent when those provisions were passed by this parliament five or six years ago. That information is not in what has been provided to me. I do question why victim services were being funded via the Justice Rehabilitation Fund as opposed to the Victims of Crime Fund and how much of the total money in that fund has actually gone towards the drug rehabilitation services.

I might have this completely wrong, because again I am speaking from information that has only just been given to me, and I think it is important to note that that information exists, if you like, in what can only be described as a complicated legislative structure, which I also have before me. Notwithstanding any of that, we know that under the Criminal Assets Confiscation Act 2005 there is a requirement for prescribed drug offender confiscations to be divided in terms of where it will go.

There is no question that there is a proportion of that money that is supposed to go towards justice rehabilitation, to that fund, and there is also no question in my mind that the intent of this parliament was to ensure that money from that fund went towards drug rehabilitation services. I do not see that on the information provided and would seek further clarification from the minister in relation to that as we proceed through this debate. With those words, I indicate our support for the second reading of this bill.

The Hon. F. PANGALLO (16:16): As indicated by my colleague the Hon. Connie Bonaros, SA-Best is supporting this bill. It comes at the time—and the Attorney-General was well aware of this—that the Crime and Public Integrity Committee is looking closely at the Serious and Organised Crime (Control) Act and the Serious and Organised Crime (Unexplained Wealth) Act.

The reason for this bill, in taking a national approach to crack down on unexplained wealth arising from criminal activities, is that the state legislation has been so ineffective. The Northern Territory and the ACT have already moved in this national direction. Since 2009, there has not been one application prosecuted through our courts on an unexplained wealth order, and our law enforcement agencies have been reluctant to enforce the act because of procedural issues with establishing proof and the enormous costs involved in carrying out the investigations.

The way the act works—or has not worked—here is that it shifts the burden of proof to the respondent, who then must prove a legitimate source for their wealth, and the proceedings are instituted against that person rather than against the property. The one matter police did carry out was a six-year investigation into one person between 2013 and 2018. It cost SAPOL $2.4 million. When the hefty volume that ran into thousands of documents was provided to the office of the Crown Solicitor, it was found to be so complex and so many resources required—including the potential length of the trial, which was estimated to be 100 weeks for one FTE alone—that it was not in the public interest when compared to the prospect of a successful recovery.

So the law has never been used, although one saving grace was that police indicated that it did disrupt the activities of their target and the target's associates. Retired District Court judge David Smith conducted a review of the unexplained wealth act and the Serious and Organised Crime (Control) Act, and he recommended that South Australia should follow a national approach to recovery. He pointed out to the committee that, while the control act seemed to be effective in restricting the movement and association of organised crime gangs, there was no focus on how these individuals were making their seemingly buckets of money.

As we know, organised crime and money laundering in this country runs into the tens of billions of dollars. However, the state considered to have the most effective confiscation laws, New South Wales, collected just $15 million in one year. Mr Smith concluded that the reason for that was that New South Wales has the Australian Crime Commission working under its unexplained wealth act. The ACC has enormous coercive powers.

Mr Smith also pointed out the difficulty of police in various jurisdictions being able to get information on their targets from banks and the tax office because of privacy provisions, making the act in effect a civil one. Data collection and sharing would obviously change under this bill. Interestingly, Mr Smith said (and I will quote him from the *Hansard* transcript of his appearance on 12 May this year):

> It is clear that the Australian Crime Commission, as it was then called, has very strong coercive powers and uses them. We need a body like that, a national body like that, and I think that would be the way to go forward for unexplained wealth.

I believe Mr Smith is of the view that Australia is calling out for a national crime-fighting body, much like the FBI and DEA agencies in the United States—a beefed up Australian crime commission that can work with law enforcement and regulatory agencies in all states.

The New South Wales model enables the use of coercive powers and the ability to require the person to answer questions about their wealth. Police Commissioner Stevens told the committee that you would be playing catch-up with unexplained wealth under the South Australian laws. As he told the committee last year:

> You could use it and use it effectively against a lot of low-level people who aren't really your concern. The higher-level people will have all kinds of legal means of distancing themselves from their wealth. So it's not just a simple matter of asking questions with an investigation. Cross-examination quickly comes unstuck when they just say, 'Well, that's not mine; it's controlled by a corporate body which is the trustee for', and then on you go—and you've nothing in your armoury. So the reverse onus is not of the greatest assistance. The confiscation legislation has far greater potential.

Under this bill, assets seized would be distributed evenly between the states and the commonwealth. In closing, I point out that the Crime and Public Integrity Policy Committee is still awaiting a response from the Attorney-General for the large report canvassing this and other crime and integrity recommendations, which I filed in this place nearly eight months ago. With that, I indicate our support for the legislation.

The Hon. R.I. LUCAS (Treasurer) (16:23): I thank honourable members for their contributions to the second reading and for their indications of support for the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: I would follow up with the questions that I asked during my second reading in relation to those funds from the Criminal Assets Confiscation Act and the Justice Rehabilitation Fund. I just point again to the advice that I received, which indicates the balance of the Justice Rehabilitation Fund as at 30 June this year is expected to be approximately $250,000.

However, $200,000 of this is committed to the expenditure below. That expenditure applies to keeping victims informed and the Supporting Parents' and Children's Emotions program, which, as I indicated, were victim-centric, if you like, in terms of what they deal with. My question is: how much of the funding from that fund has actually gone towards drug rehabilitation services for those incarcerated with drug offences?

The Hon. R.I. LUCAS: My understanding is the information the honourable member has been provided with is similar to the information that I have available to me here; that is, there is nothing specific in the allocations to which the honourable member refers, which is drug rehabilitation.

I am further advised, as I am sure the honourable member would be aware, the clause does not require funding for drug rehabilitation. It is a broad clause, which is at the absolute discretion of the Attorney-General. It does include the purposes for which the member has been provided information. It could include grants or allocations for the purposes to which the honourable member has referred, but on the basis of the advice I have, for 2020-21 and indeed for the proposal for 2021-22, there is nothing specific to the particular issue the honourable member has referred to.

If the honourable member was wanting the government to seek what funding is made available by health or other agencies for those particular purposes, we could follow that up, but I as I understand it that is not the question the honourable member is raising. The honourable member is raising how much of this particular pot of money is going to this particular purpose. My understanding of the advice I have is that there is nothing specific that is going to that particular purpose out of this particular fund at this particular stage.

The Hon. C. BONAROS: I am testing my memory here in terms of those provisions that did pass some five or six years ago in relation to the Justice Rehabilitation Fund and the funding of drug rehabilitation services.

The Hon. R.I. Lucas: Do you want me to read them?

The Hon. C. BONAROS: I will in a second. My next question specifically is: can we confirm that the funds that go into the Justice Rehabilitation Fund are coming from prescribed drug offender confiscations?

The Hon. R.I. LUCAS: In relation to the second question, that is the money that is paid into the fund is the source that the honourable member has indicated, which is money paid into the fund under subsection (4). It could also be any money appropriated by parliament for the purpose of the fund, any money paid into the fund at the direction or with the approval of the Attorney-General, any income from investment of money belonging to the fund, and any money paid into the fund under any other act. They are the broad provisions. The purposes for which it can be used are under subsection (5):

> The Fund may be applied by the Attorney-General (without further appropriation than this subsection) in the absolute discretion of the Attorney-General as additional government funding for the provision of programs and facilities, for the benefit of offenders, victims and other persons, that will further prevent crime prevention and rehabilitation strategies.

So it is a very broad ambit. I am sure the honourable member will acknowledge that the list of purposes for which the fund is being used come within the ambit of subsection (4), but I acknowledge the particular purpose to which the honourable member has raised would also come within that particular ambit but at the absolute discretion of the Attorney-General. They are the decisions she has taken and is proposing to take.

The Hon. C. BONAROS: I just raise this point because, again, if I hark back to the debate that was had in here those years ago, there was an extensive debate on the issue of drug rehabilitation services and where that funding would come from. That was termed in the way that it was because it was anticipated that funds would come into that fund for this purpose. I am curious

to know, of the balance of that fund, how much was actually directed into that fund by the Attorney-General from elsewhere, or was it purely from prescribed drug offender confiscations?

What I cannot see is a direct—and I know there does not have to be, but the point I am making is that there is no direct link, as I see it, necessarily between prescribed drug offender confiscations and the actual services that have been provided, albeit it is able to be done the way that the Treasurer has outlined.

The Hon. R.I. LUCAS: We do not have all the information but our understanding is that there is no other funding that has been allocated by the Attorney-General from other sources into the fund, so it is coming from the source the honourable member has indicated. Again, the provisions of subsection (5) do make it clear that the Attorney-General can use it for all of these purposes.

I am not privy to her decision-making process in relation to that but if I was in her position it may well be her view that there is considerable funding or sufficient funding being provided in that particular area by health or various other agencies of government in relation to drug rehabilitation services, and she has seen greater priority in terms of the purposes to which she has allocated the funding in 2020-2121 and 2021-22.

The Hon. C. BONAROS: Is the Treasurer able to provide a reason why those programs would be funded from this pool of money and not from the Victims of Crime Fund directly, given that we are again talking about, in both categories, victims of crime? I note that the second one also deals with perpetrators but the first one specifically relates to victims. Why is it funded from the Justice Rehabilitation Fund and not the Victims of Crime Fund?

The Hon. R.I. LUCAS: The frank answer is, no, I cannot. This provision makes it clear that it is at the absolute discretion of the Attorney-General. Broadly, the Victims of Crime Fund can fund a range of programs. Clearly, this particular fund can fund anything that comes within the ambit of subsection (5), and I think we both agree that the Attorney's decisions are consistent with subsection (5).

As to why this particular purpose has been selected by the Attorney-General, that is really a decision for the Attorney and she has, as I said, at her absolute discretion made those particular decisions. At some stage in the many meetings that the Hon. Ms Bonaros has with the Attorney-General over a variety of issues, she might like to inquire of the Attorney-General as to her decision-making processes in relation to this particular fund.

The Hon. C. BONAROS: I note these discussions are ones that I have had previously with the Attorney. In fact, I had a quick look at the debate from 2018, so they stretch back some time now. I suppose the only reason I make this point, and I think it is an important point to make, is that we have a Victims of Crime Fund which is, to all intents and purposes, a healthy fund, if you like, unfortunately.

Quite rightly, we expect that the funds from that be directed towards victims of crime. Overwhelmingly, that is the intent. But we know, at the same time, that the level of funding towards drug rehabilitation services in this jurisdiction, particularly in terms of those who are incarcerated, who overwhelmingly are likely to suffer from a drug addiction or mental health and drug addiction combined, is woefully inadequate.

The point that I am trying to make is that we have a Justice Rehabilitation Fund, the funds of which could go towards, and indeed were discussed in here as being earmarked to go towards, these sorts of programs, which would assist those in prison with drug rehabilitation services. But instead, we are using those funds towards other services when those funds could equally come from the Victims of Crime Fund, which without question would not be negatively impacted if the funds in question were coming from there.

I am just making the point. I will pursue those conversations further with the Attorney. I am just trying to make sense of the rationale, if you like. But I would also like to know—and perhaps this is something that has to come back to me between the houses—precisely what figure we are spending on drug rehabilitation services, specifically when it comes to those who are incarcerated.

The Hon. R.I. LUCAS: I do not know that I can offer much more clarity. I think the Hon. Ms Bonaros has summarised the issues well. It is a conversation she will obviously need to

have with the Attorney-General in relation to her decision-making processes and I will leave that to the Hon. Ms Bonaros and the Attorney.

The Hon. C. BONAROS: This is my final question on this point: will we undertake to provide the figures based on drug rehabilitation services provided to those who are incarcerated?

The Hon. R.I. LUCAS: I will seek that information. I suspect that will be information we will need to seek through the Minister for Health or maybe corrections, or maybe both, and we will undertake to have me, on behalf of all of my colleagues, write you a letter summarising whatever it is that I have been able to gather from my colleagues, says he who looks at the Attorney's office. They will be responsible for coordinating that for me and I will correspond with the honourable member on behalf of the government.

Clause passed.

Remaining clauses (2 to 12), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:40): I move:

That this bill be now read a third time.

Bill read a third time and passed.

OATHS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:41): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Oaths (Miscellaneous) Amendment Bill 2021.

This Bill amend the *Oaths Act 1936* to permanently expand the category of persons who can take statutory declarations, to further consolidate the laws governing who can take affidavits and to provide for a Code of Practice to be followed by declarants, deponents and witnesses when making and taking both statutory declarations and affidavits.

In response to the COVID-19 pandemic, the *COVID-19 Emergency Response (Section 16) Regulations 2020* were made under the *COVID-19 Emergency Response Act 2020* to expand the category of persons who can take statutory declarations. This was expanded to include those persons who can witness Advance Care Directives made pursuant to the *Advance Care Directives Act 2013*, which in turn were based on the persons authorised under the Commonwealth *Statutory Declarations Act 1959*.

This expansion was due to concerns about limited availability of Justices of the Peace during the pandemic and to bring South Australian into line with the majority of other jurisdictions, in which the range of authorised persons was already broader. The temporary expansion has been welcomed and there is benefit to the community in making the expansion permanent.

The Bill amendments will have the effect of:

- increasing the ease with which South Australians can make statutory declarations;
- clarifying and simplifying the law relating to the making of statutory declarations and affidavits; and
- safeguarding the integrity of the process.

In this way the Bill will contribute to a key priority of the Government's Justice Agenda in 'Keeping the Law and Our Policies Current and Relevant'.

The proposed expanded list includes persons licensed or registered to practise in particular professions, members of particular professional bodies, employees of particular government organisations and persons with five or more years of continual service in specified employment. It can be expected that each of these persons will have attained a sufficient level of education to enable them to properly understand and execute the task to be undertaken and will likely be persons of good character who can be entrusted with that task.

Aligning the list of who can take statutory declarations with that under the Commonwealth Statutory Declarations Act (as currently pursuant to the Section 16 Regulations) would remove any confusion there may be amongst South Australians as to who may take State statutory declarations, wherein currently declarations made pursuant to State legislation must be declared before one group of persons, while declarations made pursuant to Commonwealth legislation must be declared before another.

In addition to permanently expanding the class of persons authorised to take statutory declarations, the Bill will remove the requirement that a police officer be proclaimed pursuant to s 33 of the Oaths Act in order to witness affidavits or statutory declarations.

This change arose from a submission from the Deputy Commissioner of Police, who argued that the requirement for police officers to be proclaimed under the Oaths Act before being able to take affidavits and statutory declarations is unnecessarily onerous and also gives rise to concerns about inadvertent publication of the names of police working in covert or surveillance areas.

The Deputy Commissioner argued that there ought to be an automatic method of approval, concurrent with SAPOL ensuring that officers complete the appropriate training.

The Bill will allow all police officers, other than probationary constables, to take statutory declarations or affidavits. It is intended that this change be accompanied by a requirement making confirmation of appointment as a police officer dependent upon satisfactory completion of the course relating to the taking of affidavits, or by prohibiting, through SAPOL General Orders, the taking of affidavits without having first completed the course. This will maintain benefits for everyday policing, as often it will be preferable for witness statements in the form of affidavits to be taken contemporaneously by police when attending the scene of a crime. In some cases, if a statement is not taken from a victim at the initial police attendance, it may be very difficult to obtain later and will jeopardise the prosecution (for example, in the case of many instances of offences of domestic violence).

Consequent on the permanent expansion of the class of persons authorised to stake statutory declarations, the Bill would insert an immunity provision in the Oaths Act, equivalent to section 15 of the *Justices of the Peace Act 2005*, which provides that a person authorised to take statutory declarations 'incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out functions under the Act'.

Most of the expanded categories of persons authorised to take statutory declarations, namely those listed currently in the 'Section 16 Regulations' under the COVID-19 Emergency Response Act, are to be included in regulations rather than in the Oaths Act itself. This is to more easily accommodate changes to the names of professional bodies and to the equivalent Commonwealth list of authorised persons, to which the expanded list is intended to conform.

It is proposed that registered conveyancers be included as a separate category in the Act to those persons listed in the regulations. Registered conveyancers are permitted to take statutory declarations in Western Australia, Victoria, Queensland and the Northern Territory. They are also currently permitted to take some statutory declarations under the South Australian *Real Property Act 1898.* As with the other core authorised persons to be included in Schedule 1 clause 1 of the Act, conveyancers will be required to take statutory declarations in the ordinary course of their employment, therefore it is appropriate that they be listed in the Act rather than the regulations.

Currently, no one Act prescribes who may take an affidavit in South Australia. Rather, the relevant provisions are contained in the Oaths Act, the *Evidence (Affidavits) Act 1928* and the *Notaries Public Act 1996.* The Bill would consolidate the list of persons authorised to take affidavits into the Oaths Act and consequently repeal the Evidence (Affidavits) Act.

The Bill provides for offences of falsely holding oneself out as an authorised witness, and witnessing a statutory declaration or affidavit if not authorised to do so, as contained in the equivalent legislation in a number of jurisdictions, including Victoria, Queensland and Western Australia.

To safeguard the integrity of the processes for making and taking statutory declarations and affidavits, the Bill provides for a Code of Practice to be gazetted under the Act, intended as a step by step 'how-to' guide to making and taking affidavits and statutory declarations. The Code is intended to be based on relevant parts of the existing Justice of the Peace Handbook. The need for clear guidance as to the procedure to follow is all the greater if a more expansive list of authorised witnesses is to be adopted.

As in Western Australia, Victoria and the Northern Territory, the Bill inserts a 'saving' provisions to ensure that an oath, affirmation, statutory declaration or affidavit is not invalid merely because of an inadvertent and minor non-compliance with a requirement imposed under this Act that does not materially affect the nature of the oath, affirmation, statutory declaration or affidavit.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Oaths Act 1936*

4—Amendment of long title

This clause amends the long title to ensure that provision is made for affidavits.

5—Substitution of section 25

This clause substitutes section 25.

25—Taking statutory declarations

Proposed section 25 sets out the manner in which a declaration may be made and provides for the persons before whom a declaration may be made.

6—Amendment of section 27—False declaration

This clause makes a related amendment to ensure there is a reference to the requirements of section 25 (as inserted by clause 5).

7—Substitution of heading to Part 4

This clause substitutes the Part 4 heading.

8—Insertion of section 27A

This clause inserts proposed section 27A.

27A—Taking affidavits

Proposed section 27A sets out the requirements that must be complied with when taking an affidavit and provides for the persons authorised to take affidavits.

9—Amendment of section 28—Commissioners for taking affidavits etc

This clause amends section 28 to substitute a reference to a Commissioner with a reference to a person specified in Schedule 1 clause 2.

10—Substitution of section 30

This clause substitutes section 30 of the principal Act.

30—False statement by affidavit

This clause creates an offence of intentionally making a false statement in an affidavit.

11—Substitution of Part 5

This clause substitutes Part 5 of the Act.

Part 5—Miscellaneous

32—Minor non-compliance does not affect validity

This clause provides that an oath, affirmation, statutory declaration or affidavit is not invalid merely because of an inadvertent and minor non-compliance with a requirement imposed under this Act that does not materially affect the nature of the oath, affirmation, statutory declaration or affidavit (as the case requires).

33—Codes of practice

This clause provides for a code of practice in relation to statutory declarations and a code of practice in relation to affidavits.

34—Requirements of other Acts taken to be complied with

This clause provides that if another Act requires that a declaration must be made before a specified class of person or authority or an instrument must be signed or executed in the presence of, or attested by, a specified class of person or authority, the requirement will be taken to have been complied with if the declaration is made before, or the instrument is signed or executed in the presence of or attested by (as the case requires), a person specified in Schedule 1 clause 1.

35—Offence of taking affidavit, affirmation or declaration without authority

This clause creates an offence for knowingly taking an affidavit, affirmation or declaration without being authorised to do so.

It also provides that a person who is not authorised to take an affidavit, affirmation or declaration must not represent that the person is authorised to do so.

36—Immunity

Proposed section 36 provides that a person authorised under Schedule 1 incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out functions under this Act.

37—Regulations

This clause facilitates the making of regulations by the Governor.

Schedule 1—Authorisation of persons

Schedule 1 clause 1 sets out the persons before whom a statutory declaration may be made for the purposes of proposed section 25(2).

Schedule 1 clause 2 sets out the persons authorised to take an affidavit for the purposes of section 27A(3).

Schedule 1—Repeal of *Evidence (Affidavits) Act 1928*

1—Repeal of *Evidence (Affidavits) Act 1928*

This clause repeals the *Evidence (Affidavits) Act 1928*.

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

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:42): I move:

That this bill be now read a second time.

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

Leave granted.

The Rail Safety National Law (South Australia) (Alcohol and Drug Offence) Amendment Bill 2021 clarifies that a rail safety worker will be taken to be carrying out *rail safety work* when he or she has arrived at their place of work and has signed on and is available, or is otherwise on duty.

The Rail Safety National Law establishes a co-regulatory system under which rail safety operators assess the risks associated with their railway operations, and then establish a safety management system to manage those risks.

A worker who has been subject to alcohol and drug testing under sections 126 and 127 of the National Law can only be prosecuted for an alcohol or drug offence under section 128 if they are carrying out or attempting to carry out *rail safety work*.

It is not always clear when a worker has begun rail safety work. If there is any ambiguity in relation to establishing if the worker is carrying out or attempting to carry out rail safety work, this can impact the Regulator's ability to prosecute.

There is no intention for this proposed amendment to cover workers who have arrived at work, but not signed on – that is, those who may be regarded as about to carry out rail safety work. The *Rail Safety National Law (NSW) 2012* and the *Victorian Rail Safety National Law Application Act 2013* both define 'about to' carry out rail safety work.

The proposed amendments align with similar provisions in the Civil Aviation Safety Regulations 1998, which include offences for workers if they are present in the aerodrome testing area and are performing, or available to perform, a safety-sensitive activity.

The National Law Maintenance Advisory Group was consulted on the drafting instructions for the Bill in September 2020. The Group comprises rail industry representatives, as well as Commonwealth, State and Territory governments. No issues were raised and the Bill was endorsed by the Infrastructure and Transport Senior Officials' Committee in October 2020. On 30 March 2021, Infrastructure and Transport Ministers agreed to these amendments.

As South Australia is the lead legislator for the National Law, Parliamentary Counsel has drafted the Amendment Bill on behalf of the national Parliamentary Counsel's Committee. I commend the bill to the house.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Rail Safety National Law*

4—Amendment of section 128—Offence relating to prescribed concentration of alcohol or prescribed drug

Section 128(1) of the Act provides that it is an offence for a rail safety worker to carry out or attempt to carry out rail safety work while the worker has the prescribed concentration of alcohol present in their blood, or a prescribed drug present in their blood or oral fluid, or is under the influence of alcohol or drugs such that they are incapable of effectively discharging a function or duty of a rail safety worker. The proposed amendment inserts new subsection (1a) which provides that, for the purposes of this offence, a rail safety worker will be taken to be carrying out, or attempting to carry out rail safety work if the worker has arrived at work and has signed on or is otherwise on duty, for the purposes of carrying out rail safety work.

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

VOLUNTARY ASSISTED DYING BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council to the House of Assembly's amendment No. 3 without any amendment.

At 16:44 the council adjourned until Tuesday 20 July 2021 at 14:15.