

LEGISLATIVE COUNCIL

Tuesday, 7 September 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.

Members

SENATE VACANCY

Her Excellency the Administrator, by message, informed the Legislative Council that the President of the Senate of the Commonwealth of Australia, in accordance with section 21 of the Constitution of the Commonwealth of Australia, has regretfully notified His Excellency the Governor that, through the death on 29 August 2021 of Senator Alex Gallacher, a vacancy has happened in the representation of this state in the Senate.

The Administrator is advised that, by such vacancy having happened, the place of a senator has become vacant before the expiration of his term within the meaning of section 15 of the constitution and that such place must be filled by the houses of parliament sitting and voting together, choosing a person to hold it in accordance with the provisions of the said section.

The PRESIDENT (14:19): I inform the Legislative Council that, having conferred with the Speaker, I have arranged to call a joint meeting of the two houses for the purpose of complying with section 15 of the Commonwealth of Australia Constitution Act on Tuesday 21 September 2021 at 10am. A formal notice will be distributed to all members of parliament.

Bills

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

Assent

Her Excellency the Administrator assented to the bill.

OATHS (MISCELLANEOUS) AMENDMENT BILL

Assent

Her Excellency the Administrator assented to the bill.

Condolence

GALLACHER, SENATOR A.M.

The Hon. R.I. LUCAS (Treasurer) (14:20): By leave, I move:

That the Legislative Council expresses its deep regret at the death of Senator Alex Gallacher and places on record its appreciation of his distinguished public service and that, as a mark of respect to his memory, the sitting of the council be suspended until the ringing of the bells.

It is with sadness that we speak to this particular motion. I am sure more members, in particular of the Australian Labor Party, will speak to the motion at the sad passing of Senator Alex Gallacher. From my perspective, he was a relatively young man, having been born in 1954. Others who are younger may well see it slightly differently.

He was born in 1954 in Scotland. He came to Australia and worked in a variety of occupations prior to joining the union movement. He was a labourer and a truck driver. He was then employed as a ramp services operator for a period of 12 years with the old TAA (Trans Australia Airlines). In 1988, his long career and association with the labour movement commenced with his involvement in the Transport Workers' Union of Australia, SA/NT branch.

He worked his way up from an industrial officer, which was a position he held for four years from 1988 to 1992. He was then an organiser from 1992 to 1996. He then became state secretary of the TWU for a long period, from 1996 to 2010. He also served as federal vice-president for two years from 2005 to 2007 and then president for three years from 2007 to 2010.

In 2010, he was successful in achieving preselection for the Australian Labor Party to go into the federal Senate and served there for a period of approximately 11 years, from 2010 through to 2021. I think his initial term actually began on 1 July. As one of those vagaries of the Senate, you are elected but you sometimes have a delayed start date. His delayed start date was not until 1 July 2011. He was subsequently re-elected in 2016 and 2019.

In his first speech—and we are going to enjoy a first speech of a new member in our chamber later on today—he listed his three main priorities, two of them unsurprising: transport and road safety. The third one, which was of great interest to him through his career, was superannuation. He did, and I guess it was a product of the times, warn his own party, the Labor Party, against becoming a captive to a new Green agenda.

He did speak at length in his first speech and a number of other speeches in relation to the impact of a carbon tax on the trucking industry, the transport industry and what impact there might be. In particular, he talked about the potential impacts on self-employed truck drivers and the like. His interests were very much about the transport and trucking industry.

I am sure that, as I said, members of the Australian Labor Party may well speak in greater detail about his active engagement in the Transport Workers' Union and some of those important issues to truckies and the trucking industry. With my finance hat on as Treasurer, I did note his interest in his first speech and in a number of other speeches in terms of superannuation.

In his first speech he talked about the main threat, from the worker's viewpoint, in terms of superannuation, being the level of uncertainty about share markets. That is, I am sure, an accurate reflection of many of his members but also an accurate reflection of many others who invest in superannuation in terms of the vagaries of the national and international share markets in terms of impacts on superannuation balances.

He went on to argue, in his first speech, about alternative opportunities in terms of superannuation investments and fund investment, and let me quote him:

The things you drive on, work in or fly out of—you can see them and they cannot disappear in a global financial meltdown. They generally behave in a predictable way and should deliver a higher return than cash.

He went on to argue that there needed to be an awareness campaign, but his argument then was—and this has been a growing argument over the last 10 years or so, and I guess it probably pre-existed 2011 as well—an argument about investment in infrastructure, things you can touch and feel, things you can see, and the increasing importance of funds management, industry, investment of superannuation funds in infrastructure investments.

We have seen a number of superannuation funds pivot towards infrastructure investment as a solid buffer in terms of balancing both the cash balances in a fund and also the exposure to share markets, whether they be domestic or international share markets. Senator Gallacher, in his first speech, was certainly reflecting the views of his members in terms of certainty of returns. He highlighted the fact that the priority, or the major, investment probably for most of his members was the purchase of a house.

After the purchase of a house, their major investment, present and future, was going to relate to their superannuation and so it was important that they were educated about superannuation investments and about what the best returns might be. In his own way, he argued that superannuation funds should be looking at spreading the risk amongst a variety of investment options within the portfolio interests.

I did meet Senator Gallacher on a number of occasions, generally at industry functions and the like. Messages of condolence were sent from federal senators on all sides of the political fence—I note from our side Senator Simon Birmingham as the Leader in the Senate, from the Labour side Senator Penny Wong and a variety of other federal labour senators, and also members of the Senate crossbench who had worked with Senator Gallacher.

All of these messages had a constant theme of acknowledging his hard work on behalf of working Australians, in particular members of his particular industry sector but generally a capacity to try to work together with other senators across the political divide on matters of shared interest. That was, as I said, a constant message or theme that came through all the public condolence messages.

With that, can I speak on behalf of government members in this chamber to publicly acknowledge his contribution to the community, to his political party, to the trade union movement and to the federal parliament, and pass on our condolences to his family, his friends and acquaintances.

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): I rise to support the motion before us. As the Treasurer has outlined, Senator Gallacher was born in Scotland in 1954 and came to Australia as a 12 year old with his parents. He passed away at the age of 67 at the end of last month after a battle with lung cancer.

Senator Gallacher was a man who loved life and lived it to its fullest. He was a fierce and uncompromising advocate for workers, especially in the transport industry, and a loyal and committed member of the Labor Party, who always served his constituents, his union, his industry and his state with passion.

He joined the Labor Party in the late 1980s and has served as a delegate to state council, right up to a delegate to the ALP national convention. A former truck driver and a unionist, Senator Gallacher joined the TWU in 1988 and eventually became secretary and treasurer of the SA and NT branch. He was, as has been outlined, an industrial officer and organiser, and served in a national capacity with the union. Senator Gallacher was first elected to the Senate in 2010, and subsequently re-elected in 2016 and 2019.

In his first speech to parliament, Senator Gallacher listed transport, road safety and superannuation as three particular priority interests. In his first speech he said:

I've been involved in the transport industry all of my life. In my humble opinion there is no better place to work. There is no smoke and mirrors, just plain talking, hard working employees and employers alike in a tough competitive industry, which works harder than most people imagine and continues to work while most people are asleep.

At the conclusion of Senator Gallacher's first speech he quoted former President Roosevelt in a line sent to him by his daughter, which he strived to emulate in life and in work. He said, 'Far and away the best prize life has to offer is the chance to work hard at something worth doing.' For all those who knew Senator Gallacher, they would attest that he did strive to emulate that quote.

I got to know Senator Alex Gallacher a little on a trip to Eyre Peninsula in late 2018. Senator Gallacher was a very good and dear friend of WA Labor senator, Patrick Dodson, and Senator Gallacher accompanied Patrick Dodson and myself to the unveiling of a monument at Elliston, the first monument that spoke to massacres that occurred during the early colonisation of South Australia. As well as those policy areas that were to do with his industry and working people, I know Senator Gallacher had a deep passion for Aboriginal people in South Australia, and Senator Patrick Dodson very much appreciated his wise counsel in many areas.

Senator Gallacher also served as chair on several parliamentary committees, including foreign affairs and trade and economics, and as deputy chair on the Joint Select Committee on Road Safety. Federal Labor leader, Anthony Albanese, has described Senator Gallacher as a conscientious, no-nonsense man who knew what he stood for. Our thoughts and sympathies are with Senator Gallacher's family and friends at this time.

The Hon. R.P. WORTLEY (14:32): It is with sadness that I get up today to say a few words on the passing of Senator Alex Gallacher. I first met Alex Gallacher in 1996, during our negotiations with the Federated Gas Employees Industrial Union and the Transport Workers' Union for amalgamation. I had spent months negotiating with the previous secretary and turned up one day to a room where Alex Gallacher was heading the negotiations. I had a few concerns at the time that the quite good conditions that we had negotiated—conditions for the union amalgamation—were not going to go ahead as I was hoping.

But those concerns were ill founded, because Alex showed that he respected the work that had been done and he abided by and supported the agreement right until I left the union. Unbeknownst to me, within a few months of the amalgamation I was embroiled in quite a hard fought union election, as the previous secretary to Alex got up a team and took him on. I threw my support behind Alex and we won and won well. Lo and behold, four years later we had another election, and people who understand union elections know they can be pretty tough. There is no middle ground: you either win and go and represent the members, or you lose and you go and look for another job—a little bit like being a member of parliament, I suppose.

I then worked with Alex from 1997 to 2006, and I went on many a picket line with Alex. I served on the national conference with Alex over many years and I saw the way Alex operated, and he was held in very high regard by everyone who knew him. He was a tough negotiator, but he also understood that, at the end of the day, you have to negotiate an outcome, so he never dug a hole so deep for himself that he could not get out.

He was a down-to-earth sort of person, no airs and graces, but once you got an understanding with Alex that was his bond. His word was his bond and he took great pride in sticking to any agreement he would make. Alex stood up consistently and passionately for the rights of his fellow Australians at work and for their right to come home safely from work. There was no stronger advocate of the Safe Rates campaign than Alex Gallacher. It was his driving force, and he took that into the Senate with him when he went there in 2010.

He served on a number of committees, but the one that he really made an impact on was the Senate Standing Committee on Rural and Regional Affairs and Transport. He rejected the notion that Labor should only campaign in the cities and spent a significant amount of time in the regions, supporting the regions. On many of the trips I did on the Natural Resources Committee, we would go into a community and they all knew Alex Gallacher. Alex spent a lot of time out there, and he was a very tough and strong supporter of the regions. He understood the challenges that they had and he did what he could to help make life a little bit easier.

It is a great sadness that he has passed away. I had the pleasure of being invited to his COVID-restricted service last week and it was very sad. I then went to the celebration of his life, where the people who were there and the experiences they had had with Alex showed that he had a very productive life and the world was a better place when he left.

The Hon. E.S. BOURKE (14:36): I also rise today to share my condolences on the passing of my federal Labor colleague Senator Alex Gallacher. Alex dedicated his life to the labour movement and the interests of working people. As a proud trade unionist and as a senator, Alex put South Australia and South Australian working people first.

When Alex was diagnosed with cancer at the end of 2019, he approached it with the same courage and determination to face this challenge as he had with many other challenges. He fought this until the very end. I remember stories of my federal colleagues saying that he was still travelling to Canberra to be part of the sittings at the start of last year during the pandemic because he felt that if there were other people who were working and unwell and they had to go to work so would he.

Since his passing, we have heard from his colleagues on both sides of the house about Alex's reputation for being a straight shooter, a no-nonsense man who stood for what he believed in. We have heard about his second to none work ethic, his humble nature and his selfless commitment to support and mentor others.

I remember that Alex was elected when I was in my 20s. I did not think Alex would have my phone number, but he called me and I was so honoured to receive a phone call from him. He then said, 'I want you to come into my office and help set it up, and get us on track about what we should be focusing on, which communities we should be getting in contact with and reaching out to.' I really appreciated the opportunity to be a part of his team at the very beginning.

From his family, we have heard that he was a dedicated father, grandfather and husband, and he will be missed by his brothers and sister and his family and friends in Australia and overseas. Alex was a family man who will be fondly remembered by everyone he crossed paths with. To his wife, Paola, his children and grandchildren, and to the TWU family and his friends, I share my deepest sympathies.

We are all very privileged to be in these roles in this place and in the other place, both state and federal. One of the greatest privileges is to share these stories and for them to be in our *Hansard*, our state's history book, forever. As we will see today, your first speech will mean something forever. It will be there for others to reflect on and to see if you are able to stay true to what you were saying in your first speech. Alex sure did that.

During his first speech, we have heard time and time again today that he had those true commitments of putting workers first but also of thinking about not just the instant future but the broader future, looking at superannuation to make sure we had those mechanisms in place so that we can have a secure and healthy future.

The other significant thing is that when Alex walked in the door for the first time he had two staff members, Peter Gonis and Matt Marozzi. They were also there the last time he walked out of the office. That is a significant thing when you are in parliament for 10 years: to start with your staff and end with your staff. That is a true sign that he was a dedicated man, a family man, and he made everyone around him his family. With those words, I would like to say thank you to Alex for standing up for what he believed in, never changing his course and always staying true to his values.

The PRESIDENT: I ask honourable members to stand in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:41 to 14:51.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Park Lands Lease Agreement between the Corporation of the City of Adelaide and Prince Alfred College

By the Treasurer (Hon. R.I. Lucas)—

Corporation By-laws—

City of Marion—

- No. 1—Permits and Penalties
- No. 2—Moveable Signs
- No. 3—Local Government Land
- No. 4—Dogs
- No. 5—Roads
- No. 6—Cats
- No. 7—Animal Management

City of Whyalla—

- No. 1—Permits and Penalties
- No. 2—Local Government Land
- No. 3—Roads
- No. 4—Moveable Signs
- No. 5—Dogs
- No. 6—Cats
- No. 7—Caravans and Camping
- No. 8—Boat Harbors and Facilities

Regulations under Act—

- Planning, Development and Infrastructure Act 2016—General Time Periods
- Primary Industry Funding Schemes Act 1998—
 - Adelaide Hills Wine Industry Fund—Miscellaneous
 - Apiary Industry Fund—Contributions to Fund
 - Barossa Wine Industry Fund

Clare Valley Wine Industry Fund
 Langhorne Creek Wine Industry Fund—Miscellaneous
 McLaren Vale Wine Industry Fund—Miscellaneous
 Riverland Wine Industry Fund—Miscellaneous
 SA Grape Growers Industry Fund
 Return to Work Act 2014—Self Insured Employers
 Superannuation Funds Management Corporation of South Australia Act 1995—
 Prescribed Public Authorities
 Electoral Commission of South Australia State Election Report 2019 Corrigendum
 South Australian Commercial Abalone Fisheries Management Plan dated 1 October 2021
 Summary Offences Act 1953—Dangerous Area Declarations under section 83B for the
 period from 1 April 2021 to 30 June 2021
 Summary Offences Act 1953—Road Blocks under section 74B for the period from 1 April
 2021 to 30 June 2021

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

Regulations under Acts—
 Botanic Gardens and State Herbarium Act 1978—General
 Disability Inclusion Act 2018—NDIS

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

Question Time

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:56): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

The Hon. K.J. MAHER: In response to a recent question about reporting of daily ramping statistics and how that worked in the chain of command, the Chief Executive of the SA Ambulance Service said, and I quote, 'We do, Health do, the LHNs do' and, 'They are distributed across the health system' and, 'They are sent out through Health, so I guess each part of Health does what it needs to do with that data.' That was in relation to daily reports of ramping statistics.

When asked about whether there was any operational reason why the statistics can't be released immediately, the Chief Executive of the South Australian Ambulance Service said, and I quote, 'Not from an ambulance point of view, no.' My questions to the minister are:

1. With the results of ambulance ramping known on a daily basis and being reported up the chain, why are they not released on a regular basis?
2. Why are they not even released monthly?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I thank the honourable member for his question. It would be fair to say that every day in the health system SA Health and its various entities produce mountains of data—mountains—and we don't release it all, but certainly I don't disagree with the honourable member. The public is entitled to a steady flow of information—periodical information and real-time information—in terms of the operation of the health system. That's exactly why we run a series of dashboards that provide real-time information. If the honourable member was wanting real-time information about the Ambulance Service, I would suggest he have a look at the Ambulance Service dashboard.

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:58): Supplementary: minister, are you aware of any operational reason why ambulance ramping figures can't be released at least weekly?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): The honourable member is raising an interesting suggestion. I do notice that his party never did it.

Members interjecting:

The PRESIDENT: Order!

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:59): Further supplementary: minister, will you commit to ensuring that ambulance ramping figures are released monthly?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): That was not the practice of the former government. It's not the practice of this government.

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:59): Final supplementary.

The PRESIDENT: You just got in. One more supplementary.

The Hon. K.J. MAHER: Minister, when exactly did you first receive the ramping figures for August?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I don't have that information.

The PRESIDENT: The Hon. Ms Bourke.

The Hon. R.P. Wortley: That was a terrible answer.

The PRESIDENT: The Hon. Mr Wortley will be quiet, because I want to hear the Hon. Ms Bourke.

MINISTER FOR HEALTH AND WELLBEING, STAFF

The Hon. E.S. BOURKE (15:00): My question is to the Minister for Health and Wellbeing regarding health.

1. Are any of the minister's staff currently restricted in their duties due to allegations of bullying or other misconduct?
2. Are any members of the minister's staff facing investigations or allegations linked to bullying or other misconduct?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): Not that I'm aware of.

PUBLIC HOUSING

The Hon. I. PNEVMATIKOS (15:00): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. I. PNEVMATIKOS: On 5 September, *The Advertiser* reported on a new public housing policy:

Public housing will be thrown open to a 'first in, best dressed' system of open inspections, after the state government lost patience with fussy prospective tenants...

My questions to the minister are:

1. How, exactly, is a prospective tenant being fussy if they can't live near their abuser or another serious threat to their safety?

2. How, exactly, is a prospective tenant being fussy if a home doesn't meet their medical or disability needs?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): I thank the honourable member for her question. It gives me an opportunity to outline what the implications of the Housing Authority allocation trial mean. I think I probably have addressed a number of these issues on the public record, as I have done a couple of radio interviews, but I'm happy to go through them again. Indeed, we have initiated a trial for public housing allocations in the space of what we call our difficult-to-let properties, which generally speaking include walk-up flats and cottage flats.

Walk-up flats can be seen as less desirable because they are often in larger numbers. Some of them have some notorious histories, which we have been working on turning around through improving the amenity by reducing the outdoor laundries, or demolishing the outdoor laundries and internalising those; removing spaces where people can squat and get up to nefarious activities; improving lighting, landscaping and the like; and also initiating night-time patrols for customers. So we think that's going to improve the amenity of a number of those.

In relation to cottage flats, I suppose a lot of people consider that they are suitable property for older people, so younger people may not be interested. Indeed, I do note that overall with our public housing profile, the stock is generally geared towards two to three-bedroom properties. The profile of tenants going forward, which I think reflects the general population, is that there tend to be more people who are single person households, and then we have some larger families, so that can be harder to match the dwellings.

We do have fewer people on the category 1 list than we had under Labor. That has gone down to something in the order of 3,300 from 4,400, it might have been, under Labor. So we are certainly improving the allocation process for people on the highest list. The allocation process, as it operates for people, is that somebody will have an appointment with Housing SA. Housing SA will determine their needs.

I think the honourable member, in her line of questioning, was either misunderstanding the policy or misrepresenting it in that anybody who does have specific needs, whether that be some form of mobility limitation or they need a more secure property in a particular location, all of those factors are taken into account at the point of the interview. People select the areas in which they are prepared to look at a property. Clearly, I think it goes without saying that the larger the number of areas that somebody is prepared to look at, the greater the likelihood that they will be allocated a property. We do take into account, for instance, that somebody may have the need to be closer to a particular hospital, so those things are all part of the intake process.

What the trial will mean is that rather than the current process, which means that it's quite extended, where somebody can be offered a property, they will then go and look at it and they may then take some time to decide whether they want to accept it or not; if they don't accept that property, then another party will look at it, and so that process can be repeated for some time. This is much more of a targeted approach for those hard-to-let properties. People are provided with 48 hours to view it. If there is more than one party, then it will go to the people who are on the most urgent list, who have been on the waitlist the longest.

We think that this is going to reduce the amount of time that some people stay on the waiting list and the amount of time that any potential properties are vacant. Bear in mind that at any one time a third of properties are under offer or about to be offered to someone, or else somebody has vacated and the property needs to be repainted. There is then another third that either might need more work or are on the list of properties that we have decided we are not going to retain because they are too old or something of the like.

The PRESIDENT: The minister ought to bring her answer to a conclusion.

The Hon. J.M.A. LENSINK: I am sorry, Mr President; I will wrap up. It is interesting, however, that the Labor Party has already chosen to oppose this particular policy, although they have made some, I think, fairly unfair criticism of vacant properties. I am not sure what their proposal is to address these particular issues, but we do await their policy. We hear the crickets from the Labor Party in terms of their housing policy, but I think the entire South Australian community will be interested in knowing what they intend to propose within the next less than 200 days before the election.

PUBLIC HOUSING

The Hon. I. PNEVMATIKOS (15:06): Supplementary: can the minister appreciate that vulnerable people, whose only crime is being poor and having a tough life, may feel somewhat under attack by the minister's language?

The PRESIDENT: That is a long bow as a supplementary, but I will allow you to respond, if you wish.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): I haven't been attacking anybody. We are just trying to improve the system for people who are on the waiting list.

BUSINESS SUPPORT GRANT PROGRAM

The Hon. D.G.E. HOOD (15:07): My question is to the Treasurer. Can the Treasurer update the house on the level of support provided by taxpayers to businesses in South Australia to assist in the recovery of COVID-19?

The Hon. R.I. LUCAS (Treasurer) (15:07): I am pleased to be able to report to the house that in total approximately almost \$73 million of taxpayers' money has now been distributed to businesses that were deemed to be eligible for the various Business Support Grant schemes which have been announced since the lockdown a couple of months ago and then the two weeks of extended restrictions, which occurred soon after the seven-day lockdown period.

The initial Business Support Grant has provided a total of approximately \$65 million in support grants to primarily small businesses, employing small businesses, but also a new category, which was commenced in the second grant round, I think it was, last year to non-employing businesses—sole traders and the like. As a result of that, a significant increase in the number of eligible businesses have been able to find taxpayer support from the two most recent grant rounds.

As I said, there was almost \$65 million in the first Business Support Grant, and then the additional support grant, which was a more targeted level of follow-on assistance, has provided further support of almost \$8 million for the total of \$73 million. Treasury have advised me that, I think, approximately 28,000 businesses, both employing and non-employing businesses, have made applications.

I am pleased to be able to report also that as of this morning, 7 September, the earliest unassessed application was a mere seven days ago, which was 30 August. In essence, all the applications that have been received prior to 30 August have been assessed. There are a small number that have had to be queried in terms of whether or not they are eligible, and a small number where further information is being sought to ensure the bona fides of the particular business, that the ABN is a valid ABN and that it is a valid operating business, and those small number of applications are still to be assessed.

The overwhelming number of applications have now been processed, and cash grants in particular flowed through to those many thousands of small and medium-sized businesses in South Australia to help them cope with the implications or ramifications of COVID-19.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before calling the Hon. Ms Franks, can I acknowledge the presence in the gallery of the Hon. Joan Hall, former minister and member of the lower house.

Question Time

YADU HEALTH ABORIGINAL CORPORATION

The Hon. T.A. FRANKS (15:10): I seek leave to make a brief explanation before addressing a question on the topic of health buildings in Ceduna to the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.A. FRANKS: Last month, concerns were raised by the Yadu Health Aboriginal Corporation in Ceduna by that Aboriginal community-controlled organisation's leaders regarding their

health clinic. They stated that their 50-year-old building had already reached the end of its life and now posed a safety threat for patients and staff alike. The Yadu Health Aboriginal Corporation in Ceduna say that between 30 and 40 per cent of the building from which it operates has been deemed unsafe due to water damage, asbestos and mould. It has been described as catastrophic damage by Senator Marielle Smith and, not to be partisan about this, it has been described as beyond redemption by the Liberal federal member for Grey.

My question to the South Australian minister is: what actions has South Australia Health taken on this issue? I understand that a survey was done and reported to InDaily that there was not a problem. What was the status of that survey and why did it not find mould, asbestos and water damage to be a danger to those patients and staff?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I thank the honourable member for her question. I note that it is a primary question. In an earlier session another member thought that that was a supplementary on a completely irrelevant matter.

In relation to the Yadu facilities, I agree with you that they are unacceptable, and I know that because I have toured them. On 27 April 2021, I toured the facility, and it certainly is ripe for redevelopment. I think it is important to appreciate that the Yadu Health Aboriginal Corporation is an Aboriginal community-controlled health service, is funded through the Indigenous Australians health program and receives more than 70 per cent of its funding from the commonwealth government.

SA Health currently provides facilities for the operation of the Yadu Health Aboriginal Corporation. It is on the same grounds as the Ceduna Health Service. Yadu is seeking assistance to cover the costs associated with the demolition of the existing building and building a new bespoke health centre, which will provide greater care for clients in the community. Yadu has previously applied for grants to construct a new building; however, they have not been successful. One of the factors in the past has been the lack of security of the title to the land.

I am proud of the fact that it is this government that dealt with that longstanding issue, and the grant of a 99-year lease to the land has now been finalised, which will assist the organisation in attracting funding to replace the building, and I, too, would hope that the commonwealth government would favourably consider grant applications.

YADU HEALTH ABORIGINAL CORPORATION

The Hon. K.J. MAHER (Leader of the Opposition) (15:14): Supplementary: when the minister says the 99-year lease has been finalised, is that finalised in SA Health's point of view or has that been accepted and executed with Yadu Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): I will seek the current status. I thought that it had been completely finalised, but I will certainly clarify that.

YADU HEALTH ABORIGINAL CORPORATION

The Hon. T.A. FRANKS (15:14): Supplementary: in my question I asked why SA Health had said that the building was fit to live in. The minister actually, having toured the building, has disagreed with that assessment, so my question was what assessment did SA Health undertake to provide that commentary to media?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): Sorry, what was the phrase again?

The Hon. T.A. FRANKS: It was reported in InDaily, where SA Health actually said that, 'It can be safely occupied and there are no serious health risks.'

The Hon. S.G. WADE: I suspect that that is true. The fact that it, if you like, continues to be safely occupied doesn't mean it is not ripe for redevelopment. My recollection from my visit is that significant parts of the building have actually been decommissioned, in the sense that they are not occupied. Parts of the building are occupied, but I don't believe that the facility is a suitable long-term home for a key partner to a vulnerable community.

Some of the issues that I understand the current building has is it has a deteriorating roof. Regularly there are ceiling collapses, and there are also issues with asbestos and ageing mechanical

and electrical plants. I am certainly not aware of any voice within SA Health that is saying to me that this building doesn't need to be redeveloped.

YADU HEALTH ABORIGINAL CORPORATION

The Hon. K.J. MAHER (Leader of the Opposition) (15:16): Is the minister aware of, or has his department done any work on, what the cost would be to the state health system should Yadu Health stop providing services that I believe are provided to somewhere around 4,000 people a year with somewhere in the order of 70 staff from that facility? What would it cost the SA Health system if that failed?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17): I certainly don't see how that is supplementary to my original answer.

Members interjecting:

The PRESIDENT: You have asked the question.

Members interjecting:

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

The Hon. S.G. WADE: Let's be clear: SA Health has been a long and strong partner with Yadu, and we look forward to that continuing for many years.

PUBLIC HOUSING

The Hon. T.T. NGO (15:17): My question is to the Minister for Human Services about housing. Exactly how many extra public housing properties will be delivered under the minister's two recent policy announcements about asset tests and open inspections for prospective tenants in public housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): I am not sure that I understand the honourable member's question, but I will attempt to answer what the benefits will be to people who are on our public housing waiting list. The honourable member I think refers to the reduction in the income and asset test as well. That was the other recent announcement.

In terms of public housing, we inherited a complete basket case. One only needs to examine the triennial report, which I tabled here in July 2018, which speaks to the unsustainability of the public housing system, which had really been left to rack and ruin under Labor. There has been a huge number of reforms that have taken place in our public housing system.

These two policies speak to transparency in the system and ensuring that we are delivering public housing to people who need it most. I am not sure whether Labor wants to try to defend that a single person who has assets of half a million dollars could still place themselves on the public housing waiting list. Quite frankly, I don't think that passes the community interest test. I think most people, as I was, were shocked to learn that people could have assets of that level and still register for public housing. So it was out of kilter with all of the other states around Australia.

The asset test still remains more generous than most jurisdictions around Australia and has come down to 10 per cent of what it was previously. We recognise, and I think a lot of people who reside in public housing and indeed people in the community recognise, that we should be providing public housing as efficiently as possible and to those people who need it most. That is what the policy settings are about. Labor just chose to leave it—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: They sold off 7½ thousand properties—

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

The PRESIDENT: Point of order. The Minister will resume her seat.

The Hon. K.J. MAHER: The honourable member of the opposition asked about the number of new properties and after minutes of talking about many other things that hasn't even been touched upon, sir

The PRESIDENT: Well, 2½ minutes, but the minister will continue.

The Hon. J.M.A. LENSINK: Under Labor there were 7½ thousand properties—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: One point five billion dollars—

Members interjecting:

The PRESIDENT: Order! The minister will resume her seat. The opposition complains that the minister is not answering the opposition's question but they won't listen to it. The minister will continue and be heard in silence.

The Hon. J.M.A. LENSINK: Labor chose to cannibalise public housing stock.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: All their pet projects.

Members interjecting:

The PRESIDENT: Order! The minister will continue.

The Hon. J.M.A. LENSINK: And it was completely unsustainable. We are—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: We are bringing the organisation—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter is risking the next question for the Labor Party.

The Hon. J.M.A. LENSINK: We are setting our public housing system on a far more sustainable footing, which means that we don't need to keep cannibalising the stock in the way that Labor did, where they just came up with one budget and I don't know where Tom Koutsantonis would put it—I think at the last election they were promising a—

The PRESIDENT: Do you mean the member for West Torrens?

The Hon. J.M.A. LENSINK: Sorry, Mr President. The member for West Torrens was promising a tram to Norwood at \$300 million, so that presumably would have come out of the assets of the Housing Trust. I will not be lectured by the Labor Party. I will not be lectured about managing public housing when we have undertaken so many sensible reforms to get our housing—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —back into circulation and—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —get it on to a sustainable footing, which Labor could never do.

DISABILITY SERVICES

The Hon. N.J. CENTOFANTI (15:22): My question is to the Minister for Human Services regarding safeguarding people with disability. Can the minister please update the chamber on how the Marshall Liberal government is expanding its CCTV pilot in state-run disability homes following a successful South Australian first three-month trial?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:22): I thank the honourable member for her question and for her interest in this very important area, as we all do want to ensure that we are providing the safest possible environments for vulnerable people who are living in our accommodation services.

In terms of the extension of a CCTV trial, as members would be aware, we undertook a trial with two properties that are part of the supported accommodation services in Adelaide's south. That is 10 residents across those two houses, and we needed to ask both the residents themselves and their guardians permission in order to install those.

What we have found since the trial has taken place is that there were no incidents at all in those two properties and so we are looking to extend this trial to up to six sites across our accommodation services, so we will be going out to ask people if they are interested. We will be communicating that to people shortly. There has been another \$120,000, which will be invested in the trial cameras.

In terms of the initial homes, they were just in the common areas, and we do know that the people who were engaged in that did feel safer. The footage was retained and was not able to be accessed unless there was an incident, so that protected the privacy of people in those areas. We will be going out shortly to ensure that we are asking people where they would like these cameras installed, and so need to obviously consult with the people who live in those homes that will be selected and with their guardians. It is just one of the many tools in which we are providing safeguards to people.

I think it is worth reminding the chamber that we have done several reviews of our critical client incident process. As I have said before, I am always notified of anything that is declared a critical incident. We have lowered the threshold so that anything which—for instance, a staff member may grab a client's arm—will be declared a CCI is then investigated. They may have done it for safety purposes or they may have done it inappropriately.

We are very proud of the work we have done. We have a zero tolerance approach to any incidents or alleged incidents that take place across our services, and continue to ensure that the clients, their families and staff know that they need to report anything at all, how to report it, and that those things will be appropriately followed up, including, if appropriate, by the police.

COVID-19 HOSPITAL RESPONSE

The Hon. C. BONAROS (15:26): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about COVID-19 hospital transfers.

Leave granted.

The Hon. C. BONAROS: As of noon today, in New South Wales another 1,222 new COVID cases and nine further deaths have been reported. That brings the total number of current active cases in that jurisdiction to 25,747, or thereabouts. According to NSW Health statistics, 1,143 of those people are in hospital, including 189 in ICU with 75 on ventilators.

In Victoria, there were, as I understand it, another 246 cases today, bringing the total of that jurisdiction to 1,786, with 140 in hospital, 30 of which are in ICU and 14 on ventilators. Obviously, the public hospitals in both jurisdictions are under incredible and increasing pressure, which medical experts warn will worsen as the pandemic continues to spread in those jurisdictions.

My questions to the minister are: has the government been approached by New South Wales and/or Victoria to determine if patients in those states can be transferred to South Australia, should the hospitals become overloaded or run out of ICU beds? If so, when and where have those discussions been held, and have any contingency plans been established for when those hospitals

reach capacity? Lastly, is the minister aware of any discussions that have taken place at the national level in relation to the same issues that I have outlined?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:28): I thank the honourable member for her question and share her concern at the situation in New South Wales. It is very distressing to see fellow Australians struggling at such a significant level with the COVID pandemic.

Right through this pandemic, SA Health and the Marshall Liberal government have had a key operational principle that, wherever possible, we want to maintain the normal medical retrieval patterns of our partners; for example, it is common practice for us to receive people from Broken Hill, north-west Victoria and the Northern Territory when they need higher levels of care. There was actually a COVID-positive case at Broken Hill that was brought into South Australia, I suspect it was about two weeks ago, and that was, if you like, part of our commitment to maintain stable medical referral patterns during this pandemic.

It is also not uncommon for patients to be transferred interstate for the purpose of essential specialist care or treatment, and South Australia will always provide health assistance to other states where there is a need and where we are able. Right from the beginning of this pandemic, SA Health and health authorities right around Australia have been doing pandemic plans, and they have always included surge capacity in terms of demand for ICU beds and ventilators.

Those plans are reviewed from time to time and, most significantly, in the context of the real-world experience. What we learnt from the first Victorian wave was that the biggest constraint on having a large number of ICU beds and ventilators is having a workforce that can safely operate the equipment. So those plans have been revised from time to time through the pandemic and there is certainly work being done at the interjurisdictional level in terms of what capacity Australia needs and each of the jurisdictions need.

I think it's important to appreciate that in the immediate future we've got two significantly different periods. We've got the period up until the vaccination target, where we've got three jurisdictions in an outbreak and we need to be ready for the scenarios that face our state in the context of, if you like, the not fully vaccinated status of our population. Then, secondly, once Australia reaches the 80 per cent vaccination rate and national cabinet considers it's appropriate to move to the next phase of the road map, there will be challenges on the health system as, if you like, we learn to live with COVID. So there are two quite different periods of challenge.

I do want to yet again thank the hardworking staff of SA Health and its partners such as the Ambulance Service, the private hospitals, SA Pathology, private pathology firms and the like. This pandemic has been with us now for 18 months. Those staff have worked tirelessly. I think it is important to appreciate that the fact that we haven't had outbreaks to the extent of some of the other states and territories, and have certainly had less than some of our overseas comparable jurisdictions, does not mean that our staff haven't been working very hard. When you've got 24/7 COVID testing clinics, when you've got—

The PRESIDENT: The minister should bring his answer to a conclusion.

The Hon. S.G. WADE: I did think these were important matters to address in response to the honourable member, but I will just indicate that the South Australian COVID situation is the result not only of the hard work of the South Australian community but the tireless work of thousands of health personnel.

COVID-19 HOSPITAL RESPONSE

The Hon. C. BONAROS (15:33): Can the minister just confirm from his answer: have there been direct and targeted discussions about taking patients from New South Wales and/or Victoria if they become overloaded in the current crisis, and has there been any request by those jurisdictions for staff from South Australia in those jurisdictions?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:34): We have certainly provided contact tracing support to New South Wales in recent times. There are certainly discussions going on about the response to COVID both amongst the professional college—the intensivists, I know, are discussing these issues—but also the health ministers and national cabinet.

The health system readiness is a matter of active consideration, particularly at that interjurisdictional level. I would be surprised if there hadn't been direct conversations between New South Wales and South Australian clinicians, but other than the lady who came from Broken Hill I am not aware of any request to transfer COVID patients in the current phase.

COVID-19 RESTRICTIONS

The Hon. T.A. FRANKS (15:35): With the relaxing of restrictions at the 70 and 80 per cent levels federally, can the minister clarify whether or not all jurisdictions will be needing to be above that 70 and 80 per cent for the restrictions to be relaxed or whether, in fact, only one jurisdiction or two jurisdictions might be above that level?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:35): I will try to be careful in how I express this. My understanding is that the nation as a whole needs to be at 80 per cent and that all jurisdictions need to be at 80 per cent at each of the milestones, but if I am mistaken on that I will advise the honourable member.

I think it's important to appreciate that even if every jurisdiction reaches that threshold there will be communities within that won't. The honourable member asked a question about Aboriginal health services earlier today, and one of the things that we are seeing amongst Aboriginal communities is that there is a large disparity in terms of hesitancy from some communities compared with another.

These are communities which already have vulnerabilities in terms of health issues. So earlier in the pandemic both the commonwealth used the Biosecurity Act to protect vulnerable communities, and certainly the Aboriginal communities themselves activated their access restrictions entitlements under relevant state legislation also.

So I think the honourable member raises an important point, that we are a very large, diverse nation and that as the nation comes out of the current lockdown situation, in terms of international and interstate borders, that doesn't mean that we won't need to continue to have what I might call shielding mechanisms.

PUBLIC HOUSING

The Hon. R.P. WORTLEY (15:37): My question is to the Minister for Human Services regarding housing.

1. Will the prospective public housing tenants be required to bid against each other for homes under the new policy for open inspections after they've already spent years proving their eligibility and waiting for an offer of housing?

2. Exactly what safeguards are in place for the mental health of people who may attend dozens of open inspections for public housing and never be offered a home?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:37): I think I have already responded to a number of elements of this question. The reference to bidding is curious. I'm not sure if the honourable member is implying that people will be bidding up in terms of how much rent they pay. Is that—

The Hon. R.P. Wortley: No.

The Hon. J.M.A. LENSINK: Okay. I'm not quite sure what the substance of the question is at all, then, but that's Labor for you. I have already explained that at the interview process, where people meet with Housing SA to let them know what the parameters are in terms of where they would like to live and the sorts of properties that are either suitable for them or not, all of those elements are taken into consideration.

There continue to be allocations which are made separate to these hard-to-let properties, which is the normal allocation process, and a number of people that he would be referring to, who have mental health challenges, continue to be serviced by those. This is merely a supplementary process, because we've got some hard-to-let properties which we think that people, if they were given more opportunity to view them, may well decide to accept rather than the existing process, which applies across the board to every single property and which is quite arduous.

COVID-19 VACCINATION ROLLOUT

The Hon. T.J. STEPHENS (15:39): My question is to the Minister for Health and Wellbeing. Will the minister update the house on the progress of the COVID-19 vaccine rollout in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:39): I would like to thank the honourable member for his question. The Marshall government is committed to ensuring that South Australians continue to have access to opportunities to be vaccinated. In doing so, every South Australian is helping ensure that South Australia continues to enjoy relatively low levels of restrictions and helps prepare us for the next stage of the pandemic and hopefully the easing out of some of the current international and interstate restrictions.

South Australia has seen a number of firsts in the nation in terms of the vaccine rollout. South Australia administered the first AstraZeneca vaccine in the nation, in Murray Bridge. We were the first Australian jurisdiction to open up eligibility to those over 16 in our regions. We were the first to broaden the eligibility to allow those aged between 16 and 39 in our metro areas to book at state vaccination clinics and also the first to allow those in the 12 to 15 age bracket to book in for their jab on Kangaroo Island, when ATAGI recommended that Pfizer was safe for use in 12 to 15 year olds.

Australia's first dual-stream vaccination clinic was opened in Adelaide at Wayville, delivering both Pfizer and AstraZeneca vaccines. Since the opening of Wayville, we have opened further mass vaccination clinics—in the north at Elizabeth, in the south at Noarlunga—to help South Australians who want to be vaccinated, access closer to home.

More than 1.3 million doses of the vaccine have been delivered in South Australia, with over half the population having received a first dose and over 36 per cent now fully vaccinated. This figure is only set to increase as we work in partnership with the commonwealth government, where South Australia is set to receive at least a further 280,000 doses of the Pfizer vaccine as part of the UK vaccine swap. We have continued to make it easier for South Australians to access the vaccine so we can move forward to keeping our state safe both economically and in health terms.

Those in the regions are getting greater access to getting a jab. Pharmacies are an integral part of our plan to get the vaccine delivered to where it's needed. Rural, remote and regional pharmacies have been delivering the vaccine in South Australia since July. We would urge all South Australians to take the earliest opportunity they can to be vaccinated, to protect themselves, to protect those they love and to protect the wider community.

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (15:42): Supplementary: in relation to the question asked, do the western suburbs of our city have a lower vaccination rate than the state and for the rest of the metro area? If that's the case, why is there no mass vaccination clinic in the western suburbs?

The PRESIDENT: The minister has the call, if he wishes to answer. I am not sure that that related to the answer, but the minister can answer, if he wishes.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:43): I think it is important to appreciate that there are clinics, both AstraZeneca and Pfizer, at the Women's and Children's Hospital, which is accessible on transport routes from parts of the western suburbs. There are only three mass clinics in the metropolitan area. Obviously, we can't have a mass clinic in every region. Certainly, people in the western suburbs would be much closer to the Wayville clinic than, I think, most parts of metropolitan Adelaide would be to their closest vaccination clinic.

I would remind honourable members of the comments that the government made when we had the first notification of the additional Polish doses. Since then, we have had further notifications of additional doses sourced from Singapore, and now we have even more sourced out of the United Kingdom. What we said in the context of those additional doses is that it would give us the opportunity to start to roll out even more of the targeted outreach services.

Up until this point, much of the initiative has been at mass vaccination clinics and GPs expecting people to come to mass vaccination clinics and GPs. We've made it clear that we are going

to utilise additional vaccines to bolster our efforts in terms of pop-up vaccination clinics and mobile vaccination units. Mobile vaccination units will be running out of the three mass vaccination clinics. A particular focus in terms of those outreach services is to reach out to areas which have lower vaccine rates. That will be a key focus in terms of mapping where those services are deployed.

COVID-19 VACCINATION ROLLOUT

The Hon. K.J. MAHER (Leader of the Opposition) (15:45): Final supplementary: is the minister aware from his own knowledge or from his department whether there has been any consideration at all for a mass vaccination clinic in the western suburbs?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:45): I know there is active consideration of outreach services, pop-up vaccination clinics, mobile—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! You asked the question, listen to the answer.

The Hon. I.K. Hunter: Well, he's not answering the question, he's avoiding the answer as usual.

The Hon. K.J. Maher: I think he misunderstood the question.

The PRESIDENT: Order! Laughter doesn't help either. Minister, please continue.

The Hon. S.G. WADE: As I was saying, certainly we will continue to look at pop-up vaccination clinics, mobile—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: Order! Minister, move to the conclusion of your answer, please.

The Hon. S.G. WADE: So if the honourable members are asking me, 'Will there be a mass vaccination clinic in terms of the size of Wayville?', no, there won't be because that service is designed to cover, if you like, the whole central region. The clinic at the Women's and Children's Hospital, for example, I do not regard as a mass vaccination clinic. There may well be community clinics in the western suburbs. They could be site based, they could be a pop-up, they could be mobile. There is active consideration of areas of lower vaccination coverage and that certainly does include some areas of the western suburbs that have lower vaccination rates.

COVID-19 VACCINATION ROLLOUT

The Hon. T.A. FRANKS (15:47): Supplementary: where a South Australian is now overdue for their second dose but had AstraZeneca for their first dose, will they be able to avail themselves of a Pfizer shot for that second dose at these clinics?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:48): My understanding is the advice continues to be that dose rounds should not be mixed, although I do hesitate on that because my understanding is—

The Hon. T.A. Franks: The Prime Minister said.

The Hon. S.G. WADE: —there might be advice in relation to pregnant women—

The Hon. I.K. Hunter: It would be a very brave person to take the Prime Minister's advice.

The PRESIDENT: Order! I'd put that mask back on.

The Hon. S.G. WADE: My understanding is that in normal circumstances SA Health does not advise that a vaccine course started with one vaccine should be finished with another.

COVID-19 VACCINATION ROLLOUT

The Hon. T.A. FRANKS (15:48): Supplementary: it has been noted, of course, that many people who have had AstraZeneca and are of a certain older age group have not turned up for their second dose. What is SA Health doing to encourage them to get vaccinated?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:48): The first thing that we are doing is urging them to do so and that was done—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I'm not sure whether the opposition is laughing at people over the age of 60 or—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —SA Health. I'm not sure what they are laughing at. I'm not really sure if they know what they are laughing at. The point being that it is very unfortunate about the reputation—the concerns in relation to AstraZeneca. AstraZeneca side effects are incredibly rare. The AstraZeneca vaccine (forgive me for not knowing its latest rebadged name) continues to be a very important weapon in our arsenal to vaccinate the nation. The fact that AstraZeneca has been particularly provided to people over the age of 60 is because of the supply constraints in relation to Pfizer and the fact that younger people have greater clinical risk, as demonstrated by advice from ATAGI.

COVID-19 VACCINATION ROLLOUT

The Hon. R.A. SIMMS (15:50): I seek leave to make a brief statement before addressing a question without notice to the Minister for Health on the topic of the COVID-19 vaccine rollout for those experiencing homelessness.

Leave granted.

The Hon. R.A. SIMMS: Back in July, the government announced its trial COVID-19 vaccination clinic for South Australians experiencing homelessness in the city as part of its outreach program. With an estimated 6,000 people in South Australia currently experiencing homelessness, organisations that support homeless people are calling for them to be prioritised as part of the rollout. My questions to the minister are:

1. How many people experiencing homelessness have received their first and second vaccination?
2. What is the process for ensuring that follow-up appointments for full vaccinations are kept?
3. What is the time line for moving beyond a trial phase that is confined simply to the city?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:51): I thank the honourable member for his question. The Marshall government is determined to ensure that every South Australian has access to the COVID-19 vaccine as soon as possible to keep our state safe and our economy strong. We have a particular focus on vulnerable people in our community.

SA Health has been working with the new homelessness alliances to ensure that service providers are engaged in the planning for the delivery of the vaccine in the homeless sector. The alliances include providers who deliver services to homeless people, from those sleeping rough, couch surfing or sleeping in cars, to those suffering domestic and family violence.

The rollout will continue in partnership with the sector, SA Health and SA Ambulance, with a tailored approach to the vaccination of people experiencing homelessness. It was my privilege, on 9 July 2021, to launch the rollout for people sleeping rough at Westcare in Wright Street. It was particularly my privilege because my father was the superintendent at Westcare for some years.

South Australia's vaccine rollout program continues to gather momentum as vaccine supply increases. Some of the points I was making in my previous answer are directly relevant here too. We have been working with different service providers to work out what would work best for their particular service group. For example, in relation to one service we provided specific clinics at the Women's and Children's Hospital. In the northern suburbs a dedicated Aboriginal clinic has been established, and we continue to look at opportunities to expand service provision to the Aboriginal community.

In relation to the point the honourable member makes about second doses, one of the strategies to facilitate the completion of the vaccine cycle is for an outreach service to come back at the relevant time after their first visit. Also, SA Health does continue to provide a call-back service through the local health networks to promote the need for a second dose. In our regions, SA Health is working with local providers of services and offering the vaccine across several sites.

On the point the honourable member made in terms of coverage, it is difficult to determine how many homeless people have been vaccinated as it is not an identifier used for recording purposes in the Australian immunisation register. The Marshall government will continue in our efforts to ensure that it is widely available.

Homeless people continue to be a priority for this government during the pandemic. Members would recall that during the first wave the honourable Minister for Human Services facilitated hotel accommodation to protect homeless citizens. We are all in this together, and none of us are safe from the virus until we are all safe from the virus.

The honourable member expressed concern first of all that it was a pilot and secondly that we were being city focused. This issue was raised on 9 July. It was never a pilot in the sense that we were seeing whether we liked the idea. The fact is we are committed to outreach services, as I said in my previous answer. It was a pilot in the sense that, there being an outreach service from the mass vaccination clinic at Wayville, did this model work?

The fact that the model does work is reflected in the fact that we are continuing to deliver these types of services. For example, last week our mobile vaccination clinics visited a range of sites, including sites at which homeless people would often be engaged. We had mobile vaccination clinics at Central DASA, the Hutt St Centre, Westcare Day Centre, Common Ground, Aldinga Community Centre, the Noarlunga Aboriginal Family Clinic, the Hackham West Community Centre and the Christies Downs Community House.

I am delighted that we are now moving into the period where supplies of the vaccine are significantly increasing, because that will give us even more opportunities to reach out to vulnerable communities or vaccine hesitant communities.

COVID-19 VACCINATION ROLLOUT

The Hon. R.A. SIMMS (15:56): Supplementary: I thank the minister for his comprehensive response. I note his statement that it is difficult to—

The PRESIDENT: Question, please.

The Hon. R.A. SIMMS: I note his statement that it is difficult to get data on people who are experiencing homelessness and those who have received the vaccination.

The PRESIDENT: Question, the Hon. Mr Simms.

The Hon. R.A. SIMMS: Will he give an undertaking, however, that he will share the information that he does have with this place?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:57): I certainly will see if I can get further information. As I said, the AIR data doesn't record immunisation, so we would have to be using other means.

*Parliamentary Procedure***VISITORS**

The PRESIDENT: Before calling the Treasurer, I acknowledge the presence in the gallery of Senator Alex Antic.

*Members***GIROLAMO, HON. H.M.**

The Hon. R.I. LUCAS (Treasurer) (15:57): By leave, I move:

That this council welcomes the Hon. Heidi Girolamo, elected by an Assembly of Members of both houses on 24 August 2021 to replace the Hon. D.W. Ridgway (resigned).

Before inviting the Hon. Ms Girolamo to make her first speech to this chamber, can I indicate—and I know I speak on behalf of all my colleagues—how delighted I am and we are to welcome her to this chamber to make her first speech.

I said at a function, I think it was late last week, that the Hon. Ms Girolamo was attending, that my decision to sail off into the political sunset was reinforced by the fact that so many friends and school colleagues of my children are now joining the parliament. It has only reinforced my decision to sail off, as I said, into the political sunset, because the friends and school colleagues of my children are taking over the place and are going to be running the party and, we hope, the government for many years to come.

I am delighted to welcome the Hon. Ms Girolamo to this particular chamber. As I said during her preselection, I know she will be an outstanding member of the Legislative Council and I also believe she has the capacity, if given the opportunity, to serve with distinction in higher office in the future. I want to take briefly the opportunity to say that she does have the advantage that many do not: she has an outstanding family.

Her parents, Peter and Julie, have been outstanding supporters of her, and the family, over many years, has made a wonderful contribution to small business and various other non-government organisations, support in terms of school contributions and the community and also to the Liberal Party. I know she will thank her family, I am sure, but I also want to acknowledge the wonderful support that her parents have given her during her formative years and latter years as well. I invite the Hon. Ms Girolamo to make her first speech to the chamber.

The PRESIDENT: Before calling the Hon. Ms Girolamo, I remind members that this is her maiden speech and she should be heard in silence.

The Hon. H.M. GIROLAMO (16:00): Thank you, Mr President. Having the opportunity to deliver my maiden speech today in front of my parliamentary colleagues, our Premier, Steven Marshall, my family and my friends is an incredible privilege. As a fourth-generation South Australian I feel a deep connection to our state, its history and the pathway ahead.

I truly believe that we live in the greatest state in the greatest country in the world, and to be elected as a member of the Legislative Council is an incredible honour, allowing me the opportunity to represent all South Australians. The Liberal Party's fundamental values are what inspired me to join and lay the foundation of my values to this day: values including freedom of thought, speech and choice, equality of opportunity, along with the reward for effort for all Australians.

Our party values small government and a hand up rather than a hand out, and these are the values that I have been raised to believe in. I was raised in Adelaide and grew up with both sides of my family, who were living between the Yorke Peninsula and the Barossa Valley. My mother's side settled in the Barossa Valley after moving from Germany four generations ago. My name, Heidi, is a tribute to my German heritage. Unsurprisingly, I am particularly organised and structured.

When my grandfather, Ray Black, returned from World War II he did what many South Australians did at this time: he married, started a family and worked hard every day to provide for them. Over his life he had multiple businesses, including Black's Deli in Kadina, a small deli that sold everything from milk, bread, fruit and veg to Tim Tams. My dad would work in the shop in the

morning before school and would often take a packet of Tim Tams with him to school to keep the bullies at bay.

My grandfather also owned the Kadina Ford dealership, coincidentally while former Premier John Olsen's family owned the Mitsubishi dealership. My grandfather never borrowed from a bank; he managed to purchase his multiple businesses with cash he earned through genuine hard work and determination.

My parents, Peter and Julie Black, worked hard every day to provide my sister, Katie, and I with incredible opportunities whilst remaining humble, positive and engaged parents. They provided us with a sense of community and a duty to contribute back. People often say they have the greatest family—I truly believe I do. I am so grateful for the support that I have here today and every day.

To my husband, Lee, for over a decade you have been by my side, supporting and encouraging me. We have had an incredible journey, living both here in Adelaide and in Darwin, raising our beautiful children, Max and Olivia, and both pursuing our careers and dreams. My married name of Girolamo often confuses people, who assume that I am of Italian descent. My father-in-law, Joe, migrated to Australia as a seven year old with his family from Molinara, a small village near Benevento in Italy.

Both my family and my husband's family have a long history of small business ownership right across our state, including a pub, post office, deli, bakery, ice-cream shop and more recently cafes run by my brother-in-law, Mark. My uncle, Ross Giorgio, who is also here today, runs a very successful family business, IJF Australia, the leading commercial joinery and furniture company in Australia, based right here in Adelaide, that started over 55 years ago.

I have the utmost respect for individuals willing to take a risk and put their house and reputation on the line for business opportunities. This not only benefits small business owners but benefits our state with opportunities to employ and provide goods and services to all.

I am one of those people. My husband and I are small business owners and know and understand what it takes, challenges faced and opportunities gained. In small business you learn to be productive and resilient. Small business is the backbone of our community. It is in my blood and I believe we should do our utmost to support our small business community. It will be an area I will always champion.

Growing up, many of my friends dreamed of being a doctor, a nurse, a teacher or the next Kylie Minogue. For me my pathway was always clear: to be a parliamentary representative, to have the opportunity to represent all South Australians. Having been born and raised in Adelaide, I completed much of my schooling at Loreto College. Loreto instilled in me the importance of community service to improve the world for others, leadership, determination and that if you set your mind on something you can achieve it. It has also provided me with an incredible group of lifelong friends. I would like to thank them for their everlasting support.

My family and my schooling taught me the importance of giving back to our community. My mother, Julie, has worked in the not-for-profit space for over 30 years. She is currently Executive Officer of Ronald McDonald House, an incredible organisation that supports regional families in their most challenging times. I understand the challenges faced by many not-for-profit organisations over the past 18 months, a time when these services are more important than ever. As a government we value the importance of community-based organisations and the key benefits they provide.

I have had the privilege of being on the board of Kid Safe for more than seven years. Kid Safe is an independent not-for-profit organisation focused on child accident and injury prevention for children aged zero to 15 years. Each year, over 150 children are killed as a result of unintentional injury and a further 68,000 are hospitalised. Furthermore, in Australia, injuries remain the leading cause of death and disability in babies and children, and transport incidents are the number one cause of injury-related deaths.

My involvement in Kid Safe as the treasurer and an active board member has led to my strong interest in early intervention support for children. Prevention is the best cure and education is key in ensuring parents, carers and educators have the right tools to support our children. This includes support across our education system for early education support in schools to allow

teachers to identify developmental delays, tailor education plans and help our next generation to thrive.

Our children are being raised in a vastly different era with challenges we never faced, such as cyberbullying and the distractions of technology. We must do what we can to help our children, our teachers and parents across our state to ensure they have the support and resources needed to navigate such challenges. As we enter National Child Protection Week, the slogan 'Every child in every community needs a fair go' is something that will be front and centre for me as a mother and as a member of the Legislative Council. We have a duty to protect and support our children.

My sister, Katie, and my aunty, Jan Giorgio, who are both here today, are both exceptional primary school teachers and most definitely have the patience in our family. They have highlighted to me the importance of a strong and robust education system as well as support for teachers to manage their ever-changing workload and challenges. Our education system must be futureproof and focus on training our next generation for the jobs and opportunities of tomorrow, such as cybersecurity and IT, within both our schooling and higher education sectors.

This is why it is absolutely vital to make sure the programs we implement in education systems prepare for the future from now. To achieve the best from learning, children must feel that they are safe, healthy and have access to the right supports as needed. I believe that good education starts early. I am very pleased the Marshall Liberal government is looking to provide additional early education support. This is an area I will always champion.

I have always worked outside politics, as a chartered accountant, with much of my career at Deloitte. Over the past 16 years I have developed skills and experience, focusing on good governance and risk management. The training provided by a global firm like Deloitte has been invaluable. Working for such a community-minded organisation has been a privilege. I would like to thank office managing partner Hendri Mentz, who is here today, and the team at Deloitte for their support and guidance.

Deloitte's recent announcement of the expansion of the consulting practice and a 500-person Adelaide-based centre for innovation in technology is incredible. This is a great tribute to Hendri's leadership and a sign of the positive economic climate we find ourselves in as firms like Deloitte, PwC and Accenture are expanding and setting up national hubs in South Australia for the first time in recent history.

I had the opportunity to work in Adelaide and Canberra followed by London during the global financial crisis, providing an insight to the challenges faced by organisations, including significant going concern issues. I also spent time working in Darwin, providing consulting services to the territory government. Most recently, working in professional services in Adelaide during the recent pandemic has further highlighted to me the resilience and capability of my colleagues, clients and our community.

Seeing firsthand how our state bounced back and worked through challenges makes me enormously proud to be South Australian. Australia, like the rest of the world, is still managing through the effects of the COVID-19 pandemic, and we are working as a country to repair those devastating consequences. South Australia is particularly unique, as we have seen the impressive economic bounce back and the return of many skilled people to South Australia.

Where other states have seen an increase in unemployment, we have seen a decrease. Our unemployment rate has fallen to the lowest in almost seven years, at 5.3 per cent, averaging a full percentage point lower than our previous 10-year average of 6.4 per cent, helping to make us the most livable city in Australia.

There is, however, still more work to be done. My key priority as a member of the Legislative Council is to focus not just on our economy but on the small, hardworking businesses that contribute a hefty \$35 billion dollars annually to our economy. Not only is it important to support small businesses because of their economic contribution, it is important to support them because they make up an incredible 98 per cent of our state's businesses and hold 36 per cent of South Australia's workforce. They deserve protection, support and assistance from our government, and they truly are the foundation of our economy and are the key drivers to our state's growth and development.

As I mentioned before, travelling between the Yorke Peninsula and the Barossa Valley while growing up has embedded in me a strong appreciation and understanding of the importance of our regions in South Australia, along with the significance of their economic and social contribution. South Australia's unique landscape, agriculture and billion dollar wine industry have been attracting larger numbers of local tourists while still facing economic challenges over recent years. It is vital that we ensure we are providing top quality regional services, focusing on road safety, access to water, close health facilities and good mobile phone and wi-fi coverage, services that are often taken for granted in Adelaide.

My parents moved to Adelaide for university and employment opportunities in the seventies. One of the first things they did together was to join the Young Liberals. I grew up hearing stories of their time in the Young Liberals, including campaigning, performing pantomimes and forging long-term friendships with people, many of whom are still involved in our party and provided great support for me during my recent preselection.

Thank you to Sir Lynton and Lady Dawn Crosby and their daughters, Emma and Tara. I have had the privilege of knowing the Crosby family my entire life. My dad and Lynton started primary school together when they were five years old in Kadina, over 60 years ago. Kadina has a long tradition of strong Liberals, many of whom have gone on to contribute greatly to our state and our country. Lynton has been a wonderful role model for me as someone who has had such great success in the political world, both here in Australia and abroad.

I would also like to specifically thank former Senator Baden Teague and Kathy for their ongoing support, counsel and friendship. Baden has always been there to support me throughout my political journey.

I have been lucky enough to have been surrounded by family friends such as the Crosbys, Teagues and Halls, who had a positive impact on my political journey. I would like to pay specific tribute to Joan Hall and former Premier Steele Hall: Steele, a stalwart of our party, leader of our state, and one of life's absolute gentlemen. Steele Hall is the only Australian member to have served as premier of our state, as a senator and as a member of the House of Representatives, all over three decades.

As a premier, Steele was labelled as one of the more progressive members of his time and introduced legislations to reform the House of Assembly to be the more equitable system that we see today. His vision for the state laid the foundation for key infrastructure projects such as the O-Bahn and Festival Centre. Steele's qualities and values are what former Prime Minister John Howard labelled as strong values of the Liberal Party. He outlined this in his address in 1996. Prime Minister John Howard stated:

Australian Liberalism has always been evolving and developing. It always will be. We are constantly relating Liberalism's enduring values to the circumstances of our own time—enduring values such as the commitment to enhance freedom, choice and competition, to encourage personal achievement, and to promote fairness and a genuine sense of community in Australian society.

This is something I find particularly relevant to this day and I hope we continue to remember these values for many years to come.

During my time campaigning with both Joan and Steele in the seat of Morialta, I learned so much from them both. I particularly liked how Steele would photocopy maps directly from the street directory, ready for us to letterbox and doorknock. Joan, Steele and their children, Alexia and Ben, majorly drove my interest in politics and my decision to join the Liberal Party when I turned 16, more than 20 years ago.

Having been involved in supporting our party as a grassroots member, campaigning and supporting our party has been a huge part of my life. I would like to pay special thanks to Sam Duluk MP, Stephan Knoll MP and Travis Munckton, who have supported me through thick and thin, my longest friends in our party. I truly value your support and guidance.

Part of what I have loved most about my journey is the support and encouragement I have received right across our party. I would like to thank state council for electing me to this privileged position. Special thanks to former senator Alan Ferguson, former senator Grant Chapman,

Caroline Rhodes, Jocelyn Sutcliffe, Ben Hood, Marg Westmore, John and Lyn Nitschke, Anthea Kennett, Courtney Nourse, Emma Godfrey, Lachlan Haynes and Sam Telfer.

I thank all of my parliamentary colleagues for their support along this journey. Special thanks to Speaker Josh Teague MP, member for Heysen; Treasurer the Hon. Rob Lucas; the Hon. Nicola Centofanti; the Hon. Terry Stephens; the Hon. Dennis Hood; Paula Leuthen, member for King; Minister Rachel Sanderson, member for Adelaide; and Carolyn Power, member for Elder. I also thank my federal parliamentary colleagues for their support: Minister the Hon. Anne Ruston, member for Barker Tony Pasin, member for Boothby Nicolle Flint, Senator Andrew McLachlan and Senator Alex Antic.

I would also like to acknowledge and thank my predecessor, David Ridgway. David's connection to the South Australian community, passion for rural affairs and connection with farming communities shone through during his time in parliament. I first met David along with the Hon. Terry Stephens when they were both newly elected MLCs and I was a very new member of our party, almost two decades ago. It surprised me to meet such down-to-earth, relaxed politicians. David was always a positive, inclusive and engaging MLC and especially supportive of our next generation, and I thank him for his service to our party and our state and I wish him all the very best for his new role as Agent General in the United Kingdom.

I am a proud wife, mother, small business owner, business professional and very passionate South Australian. I am here to make a difference, to contribute to the direction of our state and to help our community. I will do whatever I can to ensure that the voices of small businesses and our diverse communities from right across our state are heard here in the Legislative Council, so we can work together to ensure a bright, vibrant future for our children. Thank you, Mr President.

Honourable members: Hear, hear!

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

Bills

COVID-19 EMERGENCY RESPONSE (EXPIRY) (NO 3) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 August 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:20): I rise to speak on the bill and indicate that I will be the lead speaker for the opposition. This bill seeks to extend the temporary emergency powers, particularly those related to directions given by the State Coordinator, until 1 December this year. The original bill had sought to extend these arrangements until 30 April next year, but this was amended in the other place. If there is a need for further extension, then parliament can consider this in its final weeks of sitting for this year.

As I have stated before when we have had bills before us that deal with COVID, the opposition has supported all of the government's legislative agenda in relation to making sure that people who need to have the powers to handle this pandemic, but it is disappointing that we find ourselves where we are and the manner in which we got here once again.

Like the shop trading hours debate in the last sitting week, it does feel somewhat like groundhog day. Firstly, the expiration of emergency powers approaches. Secondly, the government introduces a bill at the last second with virtually no notice. Thirdly, the opposition and crossbench question yet again why the government has not provided proper notice and proper briefings. Fourthly, the opposition and crossbench question why they still have not seen a bill to reform the emergency management laws that the Premier promised last year would be reformed to better handle pandemics. Finally, there is dead silence, and then we repeat the process all over again and again.

When this bill was brought into the other place, it was introduced so late that it was not even on the legislation website so that members of the public could read it before it was going to be debated in the other place. This is not a way to govern and it is certainly not a way to govern properly during a pandemic.

With those words, I indicate that the opposition will support the bill as it was amended sensibly in the other place and look forward to passing this bill. The opposition does hope that the government may have learnt some lessons and that, as we approach the end of this year and the end of the parliamentary sittings this year, if the government wishes to further extend this legislation it might give more than one or two days' notice and respect and courtesy to other members of this parliament.

The Hon. T.A. FRANKS (16:22): I rise on behalf of the Greens to support the COVID-19 Emergency Response (Expiry) (No 3) Amendment Bill before us today. I note that the Greens have, as the opposition has, by and large supported all of the COVID emergency provisions, be they standalone acts or amendments to acts or suspensions of the usual way of doing things. We know that we are in a pandemic. The world is facing quite particular challenges and South Australia, while we have been fortunate, I believe in many ways we have made that luck through a good, strong public health system, by listening to the science and following the advice of the experts.

I do believe there has been great leadership across the board. I also note that there have often been mistakes. This is the nature of a pandemic, and I think it is to be expected and accepted to a certain level. However, we can always do things better. We can learn as we go. While we are so far into this pandemic, I do not believe that we need to continue to accept last minute or rushed or non-consultative arrangements.

I have tabled and filed two amendments. One seeks to specify that the nature of the debate in the other place was to ensure that, with regard to the Transition Committee—which I note is not a statutory authority, as was noted in the debate in the other place, but that that committee, which was originally called the restoration committee but is now called the Transition Committee, in essence is a bureaucratic committee but charged with transitioning us and easing restrictions where they have been applied and seeing us come through this pandemic—the regional representative that the other place has ensured sits on that body be someone who has knowledge of and interest in matters affecting the communities close to the South Australian border.

We know that we are a federation, we know that more than ever. I remember studying at various levels civics education and learning about the history of federation and never knowing just quite how important those state and territory borders would become at the time of such a challenge as now to our family lives, to our professional lives and to our lives in general. As we know, the border closures or the border restrictions have kept family members away from other family members, have restricted employment opportunities and have had some quite distressing outcomes for some individuals and groups of people.

We know that we have an exemption committee, as well as a need to ensure that our state keeps those within its borders safe, so having someone on the Transition Committee with an expertise, a knowledge and a connection to the border communities, which I believe have done it pretty tough in a way that often they have found unfair. Certainly, when usually you can go to work across the border, some of your family live on one side and others live on the other side of a border and it is simply a line on a map that is largely theoretical and it suddenly becomes a hard border, is quite a shake up to those people's lives.

I commend the member for Mount Gambier and the member for MacKillop for raising these issues. They provided information, both in that debate in the other place and the member for MacKillop to the select committee that was established by this upper house, with regard to the impact those restrictions have had on the border communities.

I well recall the number of tests some people living in those border communities had in the early days to pass those borders, bringing out nose bleeds and other health flow-ons, and the lack of ability for people to go to school or to undertake work. They were losing business. Certainly, the bubbles have been a welcome addition as this pandemic has unfolded, but having somebody there at that border connection will go some way to improving the deliberations of the Transition Committee.

Further, I have also sought an amendment with regard to those meetings of the Transition Committee that the minutes be made available to the COVID-19 Response Committee of this Legislative Council within 10 days after the meeting. I note that in the previous debate on this bill

there had been some media talk that they would start to release those minutes more regularly to the upper house select committee charged with oversight of this pandemic.

That has not come to fruition, and some six months later, after those few words in the media and in the debate in this chamber specifically from government ministers that those minutes would become more available, we are still waiting for them. I will have more to say on that when I move that amendment, and I know that my colleague the Hon. Robert Simms will have much to say with regard to the extension of the eviction moratorium, one of the other protections we have seen South Australia do quite well in in terms of our response to this emergency.

The reality is that in a public health emergency South Australians have been very compliant, South Australians have listened to the advice and South Australians have wanted to do the right thing, but it is very difficult to do the right thing if you do not know where you are going to be living next week, if you do not know whether you are going to have work next week and if you do not know—if you lose your house or your job—whether you will be able to pay your bills and put food on the table. That certainty is part of the social contract that this government needs to understand in that fine balance.

We also know that the physical health and mental health of South Australians has taken a real pounding under this pandemic, and those measures, I think, need to be cognisant of the mental, physical and spiritual health of South Australians. We will have all grieved loss in this time, we will all have had missed opportunities or unexpected outcomes. Many of us who were told, 'We are all in this together,' will know that those of us in this place are probably in a far more sturdy boat on the ocean that is the pandemic than many who are in life rafts or, indeed, clinging to little bits of metaphorical wood in this large flood.

With those few words, I commend the bill. We understand that in the other place it was amended for that December time frame rather than the anticipated April one that the government originally put forward. Possibly I would have gone for a January time frame, but I am happy to accept the December decision of the other place and to get on with this today.

The Hon. C. BONAROS (16:31): I rise also to speak very briefly on the bill. As we know and other members have mentioned, the act is due to expire on 17 September. According to health authorities, the threat of another outbreak in South Australia is still very real, and that is not about to change. I think it is against this backdrop that we are all trying to navigate a path forward. We all know that there are varying and even diverging views as to what that path should look like, even amongst the various states and territories.

As far as this bill is concerned, most of the provisions, as we know, of the original act have now expired or been dealt with through permanent measures, which leaves us only with the extension of the powers of the State Coordinator to make directions for the most part. In that regard, I echo the sentiments of the Leader of the Opposition and the Hon. Tammy Franks, noting our support in the past for the measures that have been introduced to date.

It has been the commissioner's ability to respond swiftly and decisively to previous outbreaks that I think everyone agrees has kept us so well protected in SA. Given the continued threat of the COVID-19 virus, it is sensible to extend those powers until the first day of December. Like the Hon. Tammy Franks, whether it was December or January would have made little difference to us, but we certainly were reluctant to support a measure that would have seen it through to April because we know, should yet another extension be required, that a fourth bill can come to this place and indeed will need to come to this place at the end of October.

We have no problem with that. That is what we are here for but, as other members have pointed out, I think it is only fair that we have ample opportunity to consider those proposals. I think the original proposal for a 225-day extension, which was rejected by the lower house, was an overreach and a more palatable date has been substituted in its place.

The bill before us also contains special provisions relating to the Transition Committee, the inclusion of a regional representative and prompt briefing requirements following changes to directions or requirements. It also specifies a response time for SA Health to deal with exemption applications. I am sure we have all done our fair share of supporting constituents to navigate the SA Health exemption pathway, within the boundaries, of course, of what is allowed.

Delays do seem to be a matter of course. I can absolutely appreciate how frustrating it has been for many people who have been and continue to be stuck at the border with no reply, with no idea when they can return home or relocate to South Australia or see their loved ones again.

Twenty-one days is a sensible and realistic time frame, I would have thought, but, again, I will probably have more to say on that during the committee stage of this debate. I note the Hon. Robert Simms has introduced amendments that more or less mirror those he had on file in relation to the previous bill, and we are conscious and remain conscious that the Residential Tenancies Act already contains hardship provisions which would continue to act as a safety net in any event. That said, we are also conscious of the fact that the mover has provided us with ample evidence of a very real need for continued protection.

On the flipside, we continue to have concerns for landlords, especially mum-and-dad landlords, who have also been hit hard by the impacts of COVID-19, not to mention all the businesses that have been hit extraordinarily hard, but in this regard we are talking specifically about landlords. This is difficult for everybody and the reality is that we are yet to see any real dataset from the government in relation to those cases despite having asked for them previously, so we have effectively been left to take them at their word that the numbers are very low, when the issues that seem to come into our offices paint a very different picture.

Given the continued threat of a new outbreak leaking from interstate, and we know that is a very real reality, we are again open to a compromise in the short term with a view to considering what the long-term measures will be. We have not given our rubber stamp to indefinite measures but we are certainly open to reconsidering those again when we are back here in December reconsidering this.

In terms of the other amendments that are on file—and I will do this now, I will not do it during the committee stage—the Hon. Tammy Franks has sought, as I understand it, to clarify criteria for the regional representative of the Transition Committee to ensure that they are truly representative, and is also looking to compel openness and transparency from the Transition Committee through the provision of minutes of the meetings of the COVID-19 Response Committee. I am also a member of the COVID-19 emergency response committee, and I think it is fair to say that these amendments seek to address the frustrations that the committee has had in terms of accessing those documents.

Again, we are supportive of those amendments in principle. With those brief words, we look forward to the next stage of the bill, noting that the next 10-day time frame until the expiry requires us to deal with it this week, and I understand preferably today. With those words, I indicate my support on behalf of SA-Best for this bill.

The Hon. R.I. LUCAS (Treasurer) (16:38): I thank honourable members for their contributions to the second reading and broad support for the further consideration of the bill and the consideration of various amendments that have been filed during the committee stage of the debate.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: My questions are around exemptions in particular. In terms of applications for exemptions, how many currently are in play with SA Health of South Australians who are unable to return to South Australia due to the current restrictions?

The Hon. R.I. LUCAS: I do not have that information. I would have to take that on notice.

The Hon. T.A. FRANKS: I understand to apply for exemptions that a 1800 or a similar number is given and that there are various ways of contacting the exemptions committee to apply for exemptions. Can the Treasurer outline how somebody calls that number or makes that contact if they are overseas?

The Hon. R.I. LUCAS: Again, I do not have that sort of detail. My advice is that the operations of the exemptions process to which the honourable member is directing questions are not

directly impacted by the legislation that we have before us. I am happy to take the honourable member's question on notice and see what answer I can provide to her.

The Hon. T.A. FRANKS: I would imagine extending the powers that we currently have in this pandemic are indeed directly related to those who seek these exemptions to come back to South Australia for one reason or another. In terms of the Transition Committee, how many meetings has there been and on what dates in the last six months?

The Hon. R.I. LUCAS: Again, I do not have that information here, but on that particular one we can certainly get, as I understand it, information in relation to the dates of the meetings. By public revelation they appear to meet generally once a week, sometimes twice a week, but generally once a week and on most occasions, I think, they or one of them makes a public statement after the meeting in relation to what, if anything, might have transpired at the meeting. In terms of listing all of the meetings in the last six months and the precise dates of those, that is not something I have current advice on.

The Hon. K.J. MAHER: The Treasurer, I suspect, will have to take this on notice, but are there—is a number of about 4,500 applications for travel exemptions back to SA at this current time approximately correct, and what extra resources has the Treasurer offered or made available to process travel exemption applications?

The Hon. R.I. LUCAS: Again, as I said to the Hon. Ms Franks, I do not have the advice in relation to the number of exemptions, either exactly or an approximation, so I cannot help the honourable member in relation to that. My understanding is, I thought a number of these questions were pursued in the parliamentary oversight committee of the COVID exemptions committee where officers who manage these particular issues are directly able to respond to questions from members of parliament. I am not in a position to guess or estimate the number of exemptions that might be currently being processed.

In relation to resources, again as I have answered on a number of previous occasions, we provide an overall budget—that is, we being the taxpayers—of about \$7.4 billion to the health department and they manage the competing priorities in the health system within that particular budget. On occasions over the last 18 months they have come back to the budget and asked for additional resources, again for a generic nature—occasionally for a specific purpose but generally for a generic nature.

We have tended to manage most of those at the time of the budget or the Mid-Year Budget Review. There have been occasional circumstances in between the budget or the Mid-Year Budget review that we have been asked for additional resources. I think the general answer to resourcing all of the COVID-related expenditures within health is that we provide an overall budget.

We provided an aggregate sum, which I think was identified in the budget papers as additional COVID-related funding for the health department. By and large, they manage the COVID response within that aggregate budget plus the additional resourcing we provided in the most recent budget. If circumstances arise—we hope they do not—where significant new expenditure is required, we have indicated that we will provide, within reason, whatever funding is required to save as many lives as we can in managing the COVID pandemic.

Clause passed.

New clause 1A.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms-1]—

Page 2, after line 5—Insert:

1A—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- (2) Section 3A is taken to have come into operation on 2 September 2021 (immediately after the expiry of sections 8, 9 and 10 of the *COVID-19 Emergency Response Act 2020* pursuant to the *COVID-19 Emergency Response Residential Tenancies, Residential*

Parks and Supported Residential Facilities Expiry Notice 2021 (see Gazette 20 May 2021 p.1434)).

If it pleases the Chair, I will make some general remarks about the three amendments in their totality rather than standing up and speaking on each individually. As foreshadowed by my colleague the Hon. Tammy Franks MLC, what these amendments are seeking to do is reinstate the provisions relating to the moratorium on rental evictions and rent increases for those who are experiencing financial hardship as a result of COVID-19.

By way of background, members may recall that, when I started in this place in May, this was one of the first bills that came before me and the rest of this chamber for consideration. At that time, I argued for the provisions to be extended for another 12 months, up until May 2022. The Legislative Council did not agree to that; however, the government did agree to a September extension and I certainly welcomed that.

But now, as I warned at the time, we are in the situation where these provisions have expired. Indeed, they expired on 1 September so there is nothing in place, and I am very concerned, the Greens are very concerned, about the plight of people who are experiencing financial distress at the moment, in particular people who are renting. We have had lots of queries from the community to our office about this.

We know that there is significant rental stress being experienced in the community. We know that we are in the middle of a rental affordability crisis in South Australia because there is not enough affordable housing available. People who are renting are finding it really difficult to find accommodation, which means of course that it is vitally important that we do not see people being evicted in the middle of this economic crisis.

To give the chamber a bit of an insight into some of the experiences of our constituents, I have been given some information from the Anti-Poverty Network in South Australia. They have shared some testimonies with me from people who are experiencing rental stress. These are de-identified, but I will read some of the stories onto *Hansard* because I think it is important that members get some of this information in terms of understanding the importance of these provisions. In terms of the impact of rent increases, this is what one person reported:

Once my rent has been paid I have \$50 left for a fortnight to pay...electricity, gas, food, petrol, and other costs such as medication, as I suffer from lung conditions. The amount I have left is seriously not realistic, it is not enough to live on, let alone eat. The stress of enduring this each and every day has taken a toll on my emotional and physical wellbeing.

Another has said:

I have three daughters, [one] 9 [another] 2 and [another] almost 2, it stresses me to no end wondering if I'll be able to afford to feed them after paying rent. We've had our power disconnected so many times I've lost count, just because I pay rent first. Once in particular, it was cut off at 5pm, when our youngest was still a newborn.

Another says:

My partner and I can only afford to pay rent because we are splitting costs with my two adult children, who too cannot afford to rent on their own. We, and they, are stuck co-renting even though they would like to have their own place, and my partner and I would enjoy living our lives without adult children.

Of course, we know that is becoming all too common—the scenario of ageing parents having younger adult children coming to live with them, something I am sure is not desirable for many parents as well as their children. As much as I love my mum and dad, I would not enjoy bunking up with them and I know that is the situation for many in the community. But alas, that is the situation they find themselves in because of this rental affordability crisis. Another says:

I have to meal plan all the way down to pieces of fruit to meet nutritional guidelines for my kids. I often go without so my kids can have what they need. we never go out. Every cent is spent on living costs.

Finally, another constituent has said:

I pay \$350 a week for a house that's falling apart and I'm so scared to say anything in case I end up homeless with 3 kids—1 being newborn.

These are just some of the stories of people who are experiencing financial stress, people who are renting and will be hard hit if these provisions are not extended.

Just to talk very briefly about the exact nature of what I am proposing here in terms of the amendments, members will note the reference to backdating the provisions so they would take effect from 2 September, because the measures expired on 1 September. So it would apply to people from that period up until the end of December. As I stated from the outset, it is certainly my preference and that of the Greens that the provisions be extended up until May, but I recognise that there was not the support to do that and that is why I am proposing December.

These provisions are aligned with the other elements of the bill and, to the Hon. Connie Bonaros' point, I think this is a fair compromise and one that would certainly give people who are experiencing financial hardship some confidence and some security as we head into the second half of the year, recognising that we are still very much in the throes of this pandemic and the associated economic crisis.

The Hon. R.I. LUCAS: The government opposes this amendment. The effect of amendment No. 1, along with the other amendments to be moved, is to reinstate the residential tenancies, residential parks and supported residential facilities provisions previously included in the COVID-19 Emergency Response Act 2020. These provisions (sections 8, 9 and 10) expired on 1 September 2021. The proposed amendments seek to backdate their expiry to 2 September 2021 to give the effect that they never expired.

The purpose of these provisions was to protect tenants experiencing financial difficulty during the pandemic. SACAT could make orders to prevent evictions beyond 90 days, and provisions were also included to prevent rental increases. When the bill was last considered by the Legislative Council and crossbench, the government reached an agreement to push out the plan expiry date of 30 June until September.

This amendment is opposed, as I said. The government's position is consistent with advice from SACAT that the provisions are no longer necessary and are being relied on far less now than they were at the beginning of the pandemic. SACAT advise that the standard period of 90 days is sufficient to deal with the applications it hears. SACAT is generally uncomfortable with suspending possession for more than 90 days unless the tenant's circumstances are extreme.

In considering these amendments, it is important to bear in mind the impact on landlords. Landlords are not necessarily large corporations but may be small retired couples who have invested in residential properties to support their retirement. The reintroduction of these provisions would not appropriately balance their interests.

One of the principal concerns in the residential tenancy market in South Australia at the moment is the shortage of properties available. Under the Residential Tenancies Act, SACAT may already consider hardship that may be caused to a tenant arising from difficulties in finding a new tenancy. A tenant can present evidence of unsuccessful applications for multiple tenancies, which SACAT can consider when deciding whether or not to defer eviction.

In the case of the supported residential facilities, I have been informed that the provisions of the COVID act have not been used. Residents of these facilities are generally not evicted due to financial difficulties, as they are on a disability support or aged-care pension. Similar provisions in other states have expired, except for New South Wales and the ACT, which now have a moratorium for evictions. Queensland's transitional provisions will expire this month. We also have other initiatives in place to assist residential tenants, including concessions on land tax.

South Australia is in a different position to New South Wales and the ACT. With the anticipated increase in vaccination rates and the considerable impact these provisions have on landlords, the reinstatement of sections 8, 9 and 10 is considered unnecessary. Importantly, SACAT still has the power to prevent evictions for a period of 90 days under the Residential Tenancies Act 1995. Tenants are adequately protected from eviction, and the suffering that results from the COVID-19 pandemic can still be considered by SACAT when making these orders.

The Hon. K.J. MAHER: I might make a quick contribution. When a similar amendment was before us last time this bill was presented to the chamber, we did not vote with the Hon. Robert Simms on that occasion. We did note that the government had given an undertaking that these particular provisions would not be expired until September, which the government duly honoured. On that basis, we voted against it last time.

We have had much discussion about this. I am a bit concerned with some of what we have heard from the Treasurer. The Treasurer has said that applications have slowed down so these provisions do not have much work to do—he has not said they have no work to do—but then the Treasurer says that they have a significant impost on landlords.

I remain a bit confused as to how you can say they do not have much to do but in the same breath say they have a significant impost on landlords. Either they do not have much work to do therefore they do not have a significant impost on landlords, or there is at least some work for these provisions to do and they will have a small impact on landlords.

We are minded to support the Hon. Robert Simms' measures on this occasion. Given that we do not have that backstop, if you like, of the government not expiring provisions, they will expire. If the government can give a guarantee or an undertaking that there is no work for these provisions to do, potentially that there are no tenants who still might be suffering as a result of COVID, then we are prepared to reconsider, but unless the government can do that we are minded to support the Hon. Robert Simms' amendments on this occasion.

The ACTING CHAIR (Hon. D.G.E. Hood): Does any other member wish to make a contribution? It would be helpful to hear from the crossbench, as we have not reached 11 votes yet.

The Hon. C. BONAROS: I have already indicated in my second reading contribution that we will be supporting the amendment.

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

The committee divided on the new clause:

Ayes 11
 Noes 8
 Majority 3

AYES

Bonaros, C.
 Hanson, J.E.
 Ngo, T.T.
 Simms, R.A. (teller)

Bourke, E.S.
 Hunter, I.K.
 Pangallo, F.
 Wortley, R.P.

Franks, T.A.
 Maher, K.J.
 Pnevmatikos, I.

NOES

Centofanti, N.J.
 Hood, D.G.E.
 Stephens, T.J.

Darley, J.A.
 Lee, J.S.
 Wade, S.G.

Girolamo, H.M.
 Lucas, R.I. (teller)

PAIRS

Scriven, C.M.

Lensink, J.M.A.

New clause thus inserted.

Clause 2 passed.

Clause 3.

The Hon. R.A. SIMMS: I move:

Amendment No 2 [Simms-1]—

Page 2, after line 11—Insert:

(1) Section 6(1)(a)(i)—after 'Part 2' insert '(other than sections 8, 9 and 10)'

As this is consequential, I will not rehash the arguments.

The Hon. R.I. LUCAS: We accept the fact that this is part of a package that we have lost, but we again repeat the government's opposition to the package of amendments.

Amendment carried; clause as amended passed.

New clause 3A.

The Hon. R.A. SIMMS: I move:

Amendment No 3 [Simms-1]—

Page 2, after line 13—Insert:

3A—Reinsertion of expired sections

After the heading to Part 2 insert:

8—Provisions applying to residential tenancies

- (1) Subject to this section, the operation of the *Residential Tenancies Act 1995* is modified as follows:
- (a) the terms of any residential tenancy agreement will be taken to be modified to such extent necessary to give effect to the modifications made by this section;
 - (b) the landlord must not increase the rent payable under a residential tenancy agreement (whether under section 55 of that Act or otherwise) if the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
 - (c) despite any other provision of that Act, or any other Act or law, an act or omission of the tenant required under the laws of the State in response to the COVID-19 pandemic will be taken not to amount to a breach of a residential tenancy agreement or otherwise amount to grounds for termination of the agreement;
 - (d) a tenant may have repairs carried out on the premises (in accordance with any agreement with the landlord relating to such repairs) without seeking prior approval (and section 68(3)(e) and (5) of that Act will be taken to apply to costs or compensation incurred by or owing to the tenant accordingly);
 - (e) section 78A of that Act will be taken not to apply in respect of—
 - (i) a breach of a residential tenancy agreement consisting of a failure to pay rent where the tenant is suffering financial hardship as a result of the COVID-19 pandemic; or
 - (ii) any act or omission of the tenant required under the laws of the State in response to the COVID-19 pandemic;
 - (f) a residential tenancy cannot be terminated under that Act solely on the grounds of a breach of a residential tenancy agreement consisting of a failure to pay rent where the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
 - (g) the Tribunal cannot terminate a residential tenancy or make an order for possession of the premises in respect of a breach of a residential tenancy agreement consisting of a failure to pay rent where the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
 - (h) on an application under section 89 of that Act relating to financial hardship suffered as a result of the COVID-19 pandemic, the Tribunal may, instead of or in addition to an order terminating the agreement, make such orders as the Tribunal thinks fit;
 - (i) on an application under section 89 of that Act, as modified by paragraph (h), the Tribunal must have particular regard to the circumstances of the COVID-19 pandemic (including the need to ameliorate the effects of the pandemic in the State and the need to avoid homelessness during such a public health emergency);
 - (j) despite any other Act or law, the Tribunal may, on application or otherwise in proceedings under that Act, make any order it considers appropriate in the circumstances of the COVID-19 pandemic (including an order that specified costs associated with the termination of a residential tenancy agreement be reduced or waived);

- (k) the Tribunal, on an application under section 93 of that Act (whether the application was made before or after the commencement of this section)—
 - (i) must have regard to the circumstances of the COVID-19 pandemic (including the need to ameliorate the effects of the pandemic in the State and the need to avoid homelessness during such a public health emergency); and
 - (ii) may, in a case where a tenant is suffering financial hardship as a result of the COVID-19 pandemic, despite section 93(4)(a), suspend the operation of an order under that section for such period, and on such conditions, as the Tribunal thinks fit; and
 - (iii) may, in a case where a tenant is suffering financial hardship as a result of the COVID-19 pandemic, despite section 93(4a), modify a residential tenancy agreement during such a period of suspended operation so as to reduce the tenant's immediate financial obligations under the agreement;
- (l) the Tribunal may, in relation to an order made under section 93(4)(a) of that Act before the commencement of this section, on an application by a tenant or landlord, further suspend the operation of the order for possession if the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
- (m) the preceding paragraphs will be taken to apply in relation to a rooming house agreement under that Act (where a reference in a preceding paragraph to a provision of that Act will be taken to be a reference to a provision of a corresponding kind under Part 7 of that Act);
- (n) despite any other Act or law, the Tribunal must not make an order requiring interest to be paid on an amount payable by a tenant under a residential tenancy agreement;
- (o) despite a provision of any other Act or law, an order of the Tribunal contemplated by a preceding paragraph may have retrospective effect;
- (p) section 99(4) of that Act does not apply in circumstances where the tenant, or another person lawfully residing in the premises, is self-isolating because they have, or may have, COVID-19;
- (q) section 115 of that Act will be taken not to apply to an agreement or arrangement required by this section or otherwise required to give effect to this section;
- (r) the following matters must not be recorded on a residential tenancies database:
 - (i) a matter consisting of, or relating to, a failure to pay rent due where the tenant is suffering financial hardship as a result of the COVID-19 pandemic;
 - (ii) any other matter that the Tribunal orders not to be so recorded;
 - (iii) any other matter prescribed by the regulations.
- (2) A purported termination or other action in contravention of the *Residential Tenancies Act 1995* (as modified by this section) will be taken to be void and of no effect.
- (3) A provision of the *Residential Tenancies Act 1995* not referred to in a preceding subsection will be taken to be modified to the extent necessary to give effect to the modifications set out in this section.
- (4) The Tribunal may, on application by a landlord or tenant under a residential tenancy agreement (whether or not the agreement is still in force), make such of the following orders as the Tribunal thinks fit:
 - (a) an order modifying or suspending any prescribed order of the Tribunal made during the prescribed period in relation to a residential tenancy period;
 - (b) an order confirming, varying or quashing any prescribed action done, or purportedly done, by a landlord under the *Residential Tenancies Act 1995* in respect of a residential tenancy agreement during the prescribed period;
 - (c) any other order the Tribunal thinks appropriate to address the consequences of the retrospective commencement of this section.

- (5) An application under subsection (4) must be made within 28 days after the commencement of this section (or such longer period as the Tribunal may allow).
- (6) In making orders under this section, the Tribunal must have regard to the intended effect of the operation of this section as it relates to matters of the relevant kind.
- (7) Section 111 of the *Residential Tenancies Act 1995* applies in relation to orders under this section.
- (8) To avoid doubt, the jurisdiction conferred by this section comes within the original jurisdiction of the Tribunal.
- (9) Subject to any regulations under section 20, an order of the Tribunal under this section will be taken to be revoked on the day on which this section expires.
- (10) In this section, a reference to the payment of rent will be taken to include a reference to the payment of an amount relating to water supply and usage.
- (11) A term or phrase used in this section will, unless the contrary intention appears, have the same meaning as in the *Residential Tenancies Act 1995*.
- (12) In this section—

prescribed action, by a landlord, means an action taken by the landlord that would, if it occurred after the commencement of this section, contravene the *Residential Tenancies Act 1995* (as modified by this section);

prescribed order means an order of the Tribunal made, or having effect, during the prescribed period;

prescribed period means the period commencing on 30 March 2020 and ending on 9 April 2020.

9—Provisions applying to residential parks

- (1) The operation of the *Residential Parks Act 2007* is modified such that the modifications made by section 8 to the *Residential Tenancies Act 1995* (including, to avoid doubt, the provisions of section 8 relating to the Tribunal) apply in relation to the *Residential Parks Act 2007* as if a reference in that section to a residential tenancy agreement were a reference to a residential park tenancy agreement, residential park site agreement or residential park agreement (as the case requires).
- (2) A purported termination or other action in contravention of the *Residential Parks Act 2007* (as modified by this section) will be taken to be void and of no effect.
- (3) A term or phrase used in this section will, unless the contrary intention appears, have the same meaning as in the *Residential Parks Act 2007*.

10—Provisions applying to supported residential facilities

- (1) Subject to this section, the operation of the *Supported Residential Facilities Act 1992* is modified as follows:
 - (a) a proprietor cannot take any other action under that Act for the purpose of terminating a resident contract, where—
 - (i) the grounds for termination are a failure of the resident to pay fees and charges under the resident contract; and
 - (ii) the resident is suffering financial hardship as a result of the COVID-19 pandemic;
 - (b) a proprietor cannot increase fees and charges payable in relation to a resident contract;
 - (c) a resident will be taken not to have breached a term of a resident contract or other agreement by complying with a direction or law relating to the COVID-19 pandemic that applies to or regulates residents of supported residential facilities;
 - (d) a proprietor must not give a notice to a resident under section 39 of that Act that purports to be notice of a proposed termination on grounds of failure to pay fees or charges if the resident is suffering financial hardship as a result of the COVID-19 pandemic;
 - (e) a proprietor cannot make an application under section 43 of that Act in relation to a dispute consisting of a failure to pay fees and charges if the resident is

- suffering financial hardship as a result of the COVID-19 pandemic (and, to avoid doubt, a licensing authority cannot make orders under that section on an application relating to any other kind of dispute that purports to terminate a resident contract or otherwise require payment of fees and charges in relation to such a resident);
- (f) the Tribunal must not, on a review under section 44 of that Act, make an order that purports to terminate a resident contract or otherwise require a resident to pay fees and charges to the proprietor if the resident is suffering financial hardship as a result of the COVID-19 pandemic;
- (g) the operation of section 47 of that Act is modified such that—
- (i) a visit or attendance by a person will only fall within the ambit of that section if it complies with any direction or law applying to or regulating such visits or attendances; and
- (ii) a person does not commit an offence under section 47(2) if the person is acting in accordance with a direction or law referred to in subparagraph (i);
- (h) section 50 of that Act will be taken not to apply to an agreement or arrangement required by this section or otherwise required to give effect to this section;
- (j) a proprietor will be taken not to commit an offence against that Act, or breach a term of a licence or resident contract or other agreement, to the extent that an act or omission of the proprietor is reasonably required to give effect to the modification made by this section, or by any direction or law relating to the COVID-19 pandemic that applies to or regulates supported residential facilities;
- (k) the Tribunal or a licensing authority, in performing a function or exercising a power under that Act, must have regard to the circumstances of the COVID-19 pandemic (including the need to ameliorate the effects of the pandemic in the State and the need to avoid homelessness during such a public health emergency).
- (2) For the purposes of this section, a reference to fees and charges payable in relation to a resident contract will be taken to include a reference to any costs (however described) payable by a resident under the resident contract (whether for accommodation, personal care services or otherwise).
- (3) A term or phrase used in this section will, unless the contrary intention appears, have the same meaning as in the *Supported Residential Facilities Act 1992*.

This is consequential.

The Hon. R.I. LUCAS: Again, we accept that it is consequential and we remain opposed.

New clause inserted.

Clause 4.

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

Amendment No 1 [Franks–3]—

Page 3, after line 9 [clause 4, inserted section 25A]—After subsection (1) insert:

- (1a) The regional representative must be a person who has knowledge of, and interest in, matters affecting communities located close to the South Australian border.

This at clause 4 inserts, after the requirement with regard to the Transition Committee membership:

- 1(a) The regional representative must be a person who has knowledge of, and interest in, matters affecting communities located close to the South Australian border.

As I outlined in my second reading speech and certainly asked in the briefing on this bill, I was keen to ensure that this person has close contact, knowledge of and connection to those border communities because in terms of the decisions of the Transition Committee they are the communities that have had particular needs that were raised by the member for MacKillop and the member for Mount Gambier in championing this particular provision.

I noted those impacts, certainly the border bubbles have gone some way, but I note that in Victoria, for example, the government there has gone out of its way to empower commissioners and advocates for those communities in a way that has not happened in South Australia. I think this measure will ensure the government shows its true commitment to those communities.

The Hon. R.I. LUCAS: I am advised the government is opposing this particular amendment. Clause 4 of the bill inserts new section 25A in the Emergency Management Act to require a member of the Transition Committee to include a regional representative tasked with representing the interests of persons living in areas outside metropolitan Adelaide.

This amendment No. 1 inserts new section 25A(4) to require representatives to have knowledge affecting communities located close to the South Australian border. The government's view is that the amendment is not necessary. It is implicit that the regional representative will have knowledge of regional communities, which include those close to the border of South Australia.

I am minded to comment that the phrase 'close to the border of South Australia' obviously includes the South Australian borders with Western Australia, I assume, the Northern Territory, New South Wales and Victoria. I think most of the debate in relation to this particular amendment when it was originated in the House of Assembly pertained to the border communities between South Australia and Victoria, in particular in God's own country, the South-East of South Australia.

There has been recent obvious debate in relation to the Riverland and Broken Hill connections as well, but they are located close to the South Australian border of course. That does include the border with Western Australia and the Northern Territory, as well as the ones that might have been the subject of much of the debate in another place on an earlier occasion. For the reasons I have outlined, the government's position is to oppose this particular amendment.

The Hon. T.A. FRANKS: For the benefit of the council and those who have actually acquainted themselves with the debate in the other place, in fact it was the Attorney-General who raised the issue that these affected indeed the seats of Flinders and Giles just as much and that those communities deserved similar representation as those that were advocated for by the member for MacKillop and the member for Mount Gambier. Indeed, the border issues have been somewhat of a problem in all of those particular jurisdictions, contrary to what the Treasurer has just seemed to inform us.

The Hon. K.J. MAHER: I have a couple of questions about this, but before the questions I might reiterate a comment from the Hon. Tammy Franks: this is not just about the South-East. I know that certainly in some remote areas of our state where our border comes up against the Northern Territory and Western Australia, particularly in remote Aboriginal communities, there have been significant problems at different times of year when their cultural ceremonies take place that for tens of thousands of years have not had a line on a map that you cannot cross. That has proved exceptionally difficult.

I know this was the case during last summer with that interaction between the Northern Territory and Western Australia, particularly in the APY lands and the Maralinga Tjarutja lands, but there was much debate in the other place about the effect on the South-East, and I want to pay tribute to those brave patriots, the members for Mount Gambier and MacKillop, for representing their community. In fact, it is no small thing to cross the floor against a party and that is what the member for MacKillop did in defence and support of his community. These are serious issues that people have taken very seriously.

My question to the government is: on this particular amendment can the government see any potential harm it could do?

The Hon. R.I. LUCAS: I cannot predict harm or otherwise in relation to—well, I think we all predict harm in relation to COVID-19, but in relation to particular provisions in the legislation I am not in a position to share my prognostications on harm or otherwise in relation to the crafting of this particular amendment. A version of it passed the House of Assembly. A version of it would appear likely to pass the Legislative Council. It will be what it will be and we will need to see what happens.

The Hon. K.J. MAHER: Final question, either for the mover of the amendment or for the government: do we know what the views of those who supported the first part of this amendment in the lower house, the members for MacKillop or Mount Gambier, are on this particular amendment?

The Hon. T.A. FRANKS: I do know that the member for MacKillop has texted me during the second reading speech, thanking me for my kind words. I suspect, having had them raise these issues with me as Chair of the COVID-19 oversight committee, they will be very pleased to have firmed this up. When I asked the government advisers a question about this particular change in my briefing, I asked specifically, 'So what's to stop you putting somebody from Kangaroo Island on?' and they said, 'Nothing.'

I understand from the *Hansard* of the debate in the other place that the member for Mount Gambier was told that they would be offered names, if you like, of this person, and while I do somewhat trust that, I do not completely trust that. In terms of some of the questions that were taken on notice in the other place by the member for Kaurana, I note that none of them were answered in the second reading debate summing-up here, so I am not going to take the government's word for it at this stage.

The Hon. K.J. MAHER: For the sake of the efficient running of this committee, I can indicate, on the basis of the answers that have been given, that the opposition will be supporting this amendment.

Amendment carried.

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

Amendment No 2 [Franks-3]—

Page 3, after line 24 [clause 4, inserted section 25A]—After subsection (3) insert:

- (4) The committee referred to in subsection (1) must ensure that minutes of any meeting of the committee are provided to the COVID-19 Response Committee of the Legislative Council within 10 days after the meeting.

I draw the attention of members of the council to this being the third set of filed amendments and that the 48 hours that I asked for in the original set, through some consultation with the Attorney and her staff, has been adopted and adapted by me into this amendment and a third set saying '10 days', which I understood to be more palatable to the government in terms of support.

I note that back in May, when we debated this bill, there had been media murmurings and public statements made that the Transition Committee would indeed be making its minutes available to the COVID-19 Response Committee. Since that time, since March in fact, well before May, we have yet to receive any minutes whatsoever. This is despite not one, not two, not three, not four but five sets of correspondence seeking such transparency from the Transition Committee sent by our dutiful secretaries to that committee. We are still waiting. The last piece of correspondence and communication was on 3 September, when in fact we resorted not just to the secretariat of the committee but to going through DPC, and we are still waiting for a response from that, beyond 6 September.

I note in the other place the member for Kaurana asked several questions, but one of them was the same question in relation to the Transition Committee as well: could we get the dates of those meetings? In particular, the member for Kaurana was interested in which meetings the Premier or his delegate or any ministers had attended of the Transition Committee. The very same question I asked today, at the time the Attorney stated in relation to the Transition Committee, 'I am not sure, but we will certainly again take that on notice.'

Certainly, there was a discussion in the other place that between the houses we would be provided with this information. We were not provided with this information. I asked again at clause 1 of this bill. Apparently, it was all news to the Treasurer and he did not seem to think that would be something that he might be asked at this particular junction.

Regarding the transparency of the Transition Committee to the oversight committee of the parliament that the parliament has duly set up in these quite extraordinary times, where our democracy is somewhat strained and certainly put under some significant pressures of the normal

robust requirements that one might have, I think it is not too much to ask the Transition Committee to give the parliamentary oversight committee those minutes within 10 days of those meetings occurring.

The Hon. R.I. LUCAS: At the outset I indicate that I would like to, on behalf of government members, publicly thank the members of the Transition Committee for the outstanding job they have done in helping to keep South Australia safe over the last 18 months. The fact that we in South Australia enjoy a record almost second to none around the world in terms of the way we have managed the COVID-19 pandemic is, I think, in part testimony to the decision-making and the leadership that the Transition Committee has taken and also, of course, the very strong leadership of the Premier and the government in relation to the issue. I know from the many Teams meetings and Zoom meetings I have with the poor unfortunate souls from Sydney and Melbourne and other parts of Australia that they look on with envy at the way our Transition Committee and others have helped manage COVID-19.

In relation to the last series of questions the honourable member raised, as has been publicly identified on a number of occasions, the Premier and ministers are not members of the Transition Committee. I am advised that the only occasion when the Premier attended a meeting of the Transition Committee was right at the outset when he thanked the members of the committee. The questions that the member for Kaurna or someone asked about how many meetings the Premier and the minister or ministerial advisers attended misses the publicly stated position on any number of occasions as to who members of the Transition Committee are, and they do not include the Premier and they do not include ministers.

To ask the question, therefore, of how many meetings people attended in the interests of transparency and accountability seems to be missing the point. I think that is a relatively easy question to answer for anyone who has been following the public debate over the last 18 months in relation to the operation of the Transition Committee.

In relation to the amendments just moved, I think, by the Hon. Ms Franks—[Franks-3]—which now includes circulating minutes not more than 10 days after the conclusion of the meeting, I am advised that the government is supporting that particular amendment. The advice I have been provided with is that, as a result of recent questioning about this particular issue, the government or in particular the Department of the Premier and Cabinet, I am told, was going to be proactively disclosing minutes of Transition Committee meetings to the general public—not just to the COVID oversight committee—within 10 days from each meeting date. It was expected that this regime would commence in approximately two weeks.

There is a further explanation there as to why the 48-hour period would not work but I will not go into the details as to why the 48-hour period would not work because the honourable member's amendment is now for a period of not more than 10 days, and the government is prepared to support that particular amendment.

The Hon. T.A. FRANKS: I am well aware that the Premier nor any of his ministers are members of the Transition Committee. In fact, the question by the member for Kaurna was to see if they had attended. One would expect that they would be attending if they were members. The interest was: had they attended? Indeed, people who are not members of the Transition Committee do attend the Transition Committee and I think it is of public interest to know who gets to be in the room where those decisions are made.

The number of meetings and the times of those meetings was then the ancillary question that the member for Kaurna asked, which I repeated today, and got no answer. I look forward to the Transition Committee providing members of the South Australian public the information that we have sought for so long in the oversight committee, and I am certainly looking forward to better informed debate as a result.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:20): I move:

That this bill be now read a third time.

Bill read a third time and passed.

APPROPRIATION BILL 2021*Second Reading*

Adjourned debate on second reading.

(Continued from 26 August 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:21): I rise to speak on this bill. The opposition will of course be supporting the bill. I spoke, I think last year, about an area to do with my portfolio responsibilities and how the government's appropriation has met the needs of that area and I will just expand on that momentarily while I have the opportunity on the Appropriation Bill.

I talked about the government's Aboriginal Affairs Action Plan and the 30-odd elements that made up the first version of that the last time, I think, I spoke on the Appropriation Bill. By way of an update, a closer analysis of the government's Aboriginal Affairs Action Plan indicates that around two-thirds of the items in that first action plan were initiatives of the former Labor government, so two-thirds of the new action plan were business as usual, carried on from Labor government initiatives.

For example, the Aboriginal Interpreter Service was not even one that was carried on. It was an initiative of the former Labor government and was included in that first action plan, but it was actually never delivered. So it was a former Labor government initiative set up towards the end of the term of the Labor government, I think in 2017. In the action plan it was claimed as a new item for the new Liberal government, but at the end of the reporting period for the first version of the Aboriginal Affairs Action Plan it was, spectacularly, not delivered at all.

In the 2019-20 Aboriginal Affairs Action Plan, the Premier himself was responsible for seven items. One of them was the interpreter service that did not happen at all. There were reconciliation action plans for departments that had missed deadlines. There were other things to do in the arts area that were missed by the Premier. In the 2021-22 second version of the Aboriginal Affairs Action Plan, the Premier is now responsible for many fewer areas, given the failure to deliver on a number in the first plan.

The 2019-20 first action plan for Aboriginal affairs update on the Department of the Premier and Cabinet website has things like, 'A prison to work action plan has been completed,' yet the explanatory text says it is not complete. The budget papers did not have a target to deliver on the action plan. So apart from the majority of the actions in the so-called action plan being initiatives of the former government, multiple actions on top of that are ordinary government business, plans to make plans or have been spectacularly not delivered upon.

One of the areas was an Aboriginal housing strategy that was released with some fanfare and formed part of the Aboriginal Affairs Action Plan. It will result in zero, not a single new additional home in remote communities like the APY lands over the next four years.

A number of other areas in the new Aboriginal Affairs Action Plan have been completely left off and had to be revised because they were not included, they were forgotten about and left off. We have seen in so many of these areas a big fanfare, glossy brochures with Aboriginal artwork on and then non-delivery. We see, as a result of freedom of information applications, the Premier's itinerary regularly and the times that he flies up once a year to remote communities and visits art centres.

Early on in this term of government it was noted by a journalist in *The Australian* newspaper that the Premier talked about, in remote communities, areas such as domestic violence and child protection, but the journalist who the Premier flew up with, who accompanied him on the visit to the APY lands, pointedly noted that the Premier did not visit any of the services that provide for these areas on the APY lands. Instead, he visited arts centres, which is an exceptionally important part of

the community but is the one area that the Premier seems solely fixated upon to the detriment of other areas.

While we support the Appropriation Bill, I do note, once again, that the Premier has failed drastically in an area that is so important for South Australia in Aboriginal affairs and in the so-called Aboriginal Affairs Action Plan.

The Hon. R.I. LUCAS (Treasurer) (17:26): I thank the honourable Leader of the Opposition for his wholehearted endorsement of the second reading of the Appropriation Bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BURIAL AND CREMATION (INTERMENT RIGHTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 August 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:29): I rise to indicate that the opposition is broadly supportive of this legislation. The bill seeks to amend the Burial and Cremation Act 2013 to address issues faced by the holders of valid interment rights who have had difficulties enforcing their rights against a cemetery authority. This bill clarifies that such rights may be enforced against the relevant authority and also creates various new offences. In most instances a cemetery authority is the owner of the land.

Over the past few decades changes in population levels, church attendance and church incomes, amongst other factors, have seen increasing numbers of churches being decommissioned, deconsecrated and sold for residential or commercial use. Where a cemetery is attached, the new owner becomes the cemetery authority unless there is another body that is responsible for its administration. The increasing number of churches and cemeteries that are now owned by people or organisations with no specific background or experience in managing cemeteries may lead to greater issues surrounding misunderstanding or noncompliance with obligations and laws.

Under the proposed bill the relevant authority for an interment site must comply with their obligations. This was previously possibly civilly enforced, but this bill is proposing criminal sanctions. The maximum penalty for noncompliance with such an obligation is \$10,000 for a natural person and \$20,000 for a body corporate.

The bill proposes a new offence of removing cremated remains from or reinterment of cremated remains in a cemetery or a natural burial ground. An offence is also proposed should a person or a body corporate cause, suffer or permit such an act, and the maximum penalty for these offences is \$10,000. Notably, these interment and removing offences do not apply to cremated remains interred directly into the earth or where authorised or removed by the relevant authority for approved site maintenance purposes.

We are told this bill has been created in particular as a result of some specific issues from Old Noarlunga sites, where problems were experienced with interment rights holders at the Saint Philip and Saint James Church cemetery. The foundation stone for this church was laid in 1850, just 14 years after the official start of the European colony of what we now know as South Australia. In recent years, after a decline in its congregation, the church was decommissioned and spent some years on the market before a new owner purchased the site.

Media reports and in particular an *Advertiser* article in February this year explained how the new owners had allegedly refused to honour interment rights issued by the Anglican diocese when it owned the site. Reportedly, some rights holders were consequently forced to repurchase rights at inflated prices, despite their leases having not expired. This, I am sure, would have been an incredibly difficult and emotional event for families, who were having to fight an uphill battle against a potentially noncompliant authority on behalf of their deceased loved ones. This bill seeks to prevent this occurring or at least minimise its occurrence in the future.

Notably, it is not a defence for a defendant to claim they were unaware of the existence of interment rights when they assumed the administration of the cemetery or natural burial ground. The exception to this is if they can prove they took reasonable steps to identify such rights in existence at the time they took over.

We are told by the Attorney-General's Department that targeted consultation has occurred around the bill and has received general support from various groups, including relevant cemetery authorities and associations. We will have a number of questions during the committee stage, but it is an increasingly important issue, both for people with loved ones who may be buried in sites and, importantly, for potential buyers of the increasing number of cremation sites or churches that come onto the market. Particularly, we will be asking questions in the committee stage around a register of such sites and how both sellers and potential buyers can identify this easily.

The Hon. R.A. SIMMS (17:33): I want to rise on behalf of the Greens to add our voice in support of this legislation. This is, as the Hon. Kyam Maher has said, a very important piece of reform. Indeed, I can only imagine how traumatic it would be for members of our community who have seen remains being interfered with or moved around or interment rights not being honoured. That would be a deeply traumatic thing.

We know that, when you are going through a period of grief or a loss of a loved one, the last thing that you want is a level of uncertainty or ambiguity about what might be happening with your loved one's remains, so we certainly welcome the government taking this action. I will be watching the debate with interest in the committee stage. I would also be interested in the responses to some of the questions that the Hon. Kyam Maher has indicated that he will be raising on behalf of the Labor Party. For our part in the Greens, we will be supporting the legislation.

The Hon. R.I. LUCAS (Treasurer) (17:35): I thank honourable members for their contribution to the second reading of the debate.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: I just have a couple of general questions, and clause 1 is probably the best place to do it. We have been told this arose particularly out of the former Anglican Church at Old Noarlunga. Is the Treasurer able to outline for the benefit of the committee what it is that was alleged to have occurred at the former Anglican Church in Old Noarlunga that gave rise to this bill?

The Hon. R.I. LUCAS: In broad terms, as I understand it, the new operators of the cemetery, when asked by a family member in relation to the burial of a particular family member, did not agree that there were any interment rights that existed. Their position was that there would have to be the purchase of a new burial site. I think that is a very general description of the nature of the dispute. There were a number of complaints, but that is the nature of the dispute, I guess, as one example.

The Hon. K.J. MAHER: Should we pass the bill that is before the committee at the moment, will the new offences created relate to what you have described in Old Noarlunga?

The Hon. R.I. LUCAS: Are they retrospective?

The Hon. K.J. MAHER: Yes, retrospective, or, if you do not recognise the interment right next week after it passes, they are not retrospective in that sense because it is the continuing behaviour into the future. Whether by retrospective effect or by the continuation of the behaviour of

not recognising the interment rights being a prospective offence, is it intended that this will remedy the particular situation at the old Anglican Church in Old Noarlunga?

The Hon. R.I. LUCAS: My advice is that it is possible that it will cover the sort of circumstances the honourable member has outlined. I am advised that section 35(5) is the appropriate section, which says:

This section applies to the person or body for the time being responsible for the administration of the cemetery or natural burial ground regardless of when the interment right was issued—

is the operative phrase—

and regardless of whether the interment right was issued by that person or body or by some other person or body.

There obviously would be legal issues and maybe legal disputes over the issue, but 35(5) outlines a framework where it may well be possible to resolve the sorts of issues to which the honourable member has referred.

The Hon. K.J. MAHER: Just to check on that in relation to the question, where in the past these rights were not properly recognised, this bill can apply to those; that is, people can be prosecuted for not recognising the rights in the past as a result of this bill?

The Hon. R.I. LUCAS: Again, I cannot really add too much more, other than saying it is possible. There may well be legal argument about it with differing legal views being expressed, but the way it has been drafted is to potentially cover the sets of circumstance to which the honourable member has referred, and it is possible that that could result.

The Hon. K.J. MAHER: In the case where, for example—and I think this may have been the issue in the case in Old Noarlunga—the new owners have denied the interment rights and essentially have held a family member to ransom and got them to pay for new interment rights, in the past can the owner of the burial ground be prosecuted, even though the family may have stumped up for a new interment right?

The Hon. R.I. LUCAS: As much as I would like to be able to give the member a black and white answer to that, my advice is that I am just not in a position to give the member a definitive answer to that question. I cannot rule it in or rule it out. I guess it will be an issue that, should the legislation be passed in the form that is there, there is a framework within which some of these issues might be able to be resolved, but there may well be continuing legal dispute about what it actually means.

The Hon. C. BONAROS: I have a couple of questions in relation to the offences and in relation to clause 6 of the bill. In relation to the offences specifically, there are effectively two exemptions from the criminal penalties in 13(1b). It says in subsection (1a) that you cannot remove remains, but that does not apply in relation to cremated remains interred directly in the earth. Can someone explain that to me? Is it common practice, or practice at all, for the removal or reinterment of cremated remains for the upkeep of a cemetery? Is that normal practice now?

The Hon. R.I. LUCAS: Just on the first question, my advice is that if cremated remains are put directly into the soil they just become part of the soil.

The Hon. C. BONAROS: Is that scattering them?

The Hon. R.I. LUCAS: Yes. They become part of it, and therefore that is why that is drafted that way. Perhaps the honourable member could better explain the second question.

The Hon. C. BONAROS: (1c) says that (1a) does not apply to the removal or reinterment of cremated remains in a cemetery or natural ground, and it goes on to say where those works are being undertaken 'for the improvement or embellishment of the cemetery or natural burial ground, or the maintenance of repair' of that ground. I am just wondering if it is practised now, that if those things are being done we would be removing remains from the ground for embellishment or improvement or maintenance or anything else that is listed there.

The Hon. R.I. LUCAS: Let me provide some advice and the honourable member can indicate whether there are further questions. I am told yes. For example, cremated remains are often placed in a memorial wall. In certain circumstances, the memorial wall starts to crumble and therefore

the cremated remains are removed, and in some circumstances the memorial wall might be renovated, improved, replaced or whatever it might happen to be, and then the cremated remains might be placed back in a new memorial wall or in a renovated memorial wall.

The Hon. C. BONAROS: When we say 'natural burial ground', would that extend to, for instance, a memorial wall?

The Hon. R.I. LUCAS: I am not sure that I actually understand this, but I am advised that, to answer the first part of the question, it is unlikely to apply in a natural burial ground, but if it did this provision allows for maintenance and whatever else it allows for, maintenance or repair of anything in or part of it. The advice seems to be that it is unlikely to occur.

The Hon. C. BONAROS: I am asking the question—perhaps I can put it this way: when I am buried, I do not want anyone digging me up, and so that is why I am asking the question. It is a selfish question, if you like, but I am trying to read that in the context of clause 6, which actually removes 'place of interment'. I would have thought something like a memorial wall would be a place of interment, as opposed to a natural burial ground. Maybe I am wrong; I am just trying to get some clarity. The natural burial ground is in the ground?

The Hon. R.I. LUCAS: Yes.

The Hon. C. BONAROS: I am just trying to understand in what circumstances it would be feasible to dig up someone's remains, that have not been scattered, from the soil.

The Hon. R.I. LUCAS: I am learning marginally more about burials and cremations. I am advised that there are possibly two sets of circumstances. That is, if someone is cremated and buried in some sort of container into the natural burial ground—not in a memorial wall—there may well be a set of circumstances where later on their partner in life wants to be buried with them. So you might dig up the first dead partner and dig and bury deeper. The person who is not cremated but gets buried might be buried and then the cremated remains in a container might go in above the partner's remains, so that they share the area.

The second example is where, I assumed cremated remains went into a container, but in some circumstances cremated remains can be buried in a natural burial ground. They just go into the soil and they become part of the soil. If that is the circumstance, if the honourable member was choosing that particular option, there might not be any way of preventing someone digging up your cremated remains if they have just become part of the natural soil, the natural burial ground in that particular area, if it is going to be maintained in some way.

The Hon. C. BONAROS: For the record, I will never be cremated. I understand about being interred directly into the ground and I also understand that in a natural burial, where we have a gravesite and a partner or another family member or whoever it may be passes, we dig up the earth and we place the other coffin inside, but that is never for the embellishment or improvement of the cemetery, that is simply to bury the other person.

I am curious as to why we talk about the embellishment or improvement of the cemetery as opposed to—is it just me not understanding that? The reason I am particularly curious is that I am wondering why we remove the words 'other place of interment' from the definition further down.

The Hon. R.I. LUCAS: If I can just return to the earlier question which is about embellishment and what work that does, I am advised that that may well be just putting borders or garden pots around, so embellishment in that particular sense. My adviser did not hear the last question in relation to one particular phrase so if the honourable member could just repeat it.

The Hon. C. BONAROS: I am wondering why in clause 6 we are actually removing or changing the definition from 'cemetery, natural burial ground or other place of interment' to 'cemetery or natural burial ground'. Why are we getting rid of 'other place of interment'?

The Hon. R.I. LUCAS: I am advised that it was a drafting issue. The view was that the two phrases 'cemetery or natural burial ground' covers the field and 'other place of interment' does not add anything extra so it was therefore deemed to be, from a drafting viewpoint, superfluous, and counsel advised to remove it because it did nothing.

The Hon. K.J. MAHER: For people who might be buying land that includes a cemetery, where does one go to find the public register for where cemeteries are located? If you are buying a decommissioned church or land, where would you go to search to find what your obligations are?

The Hon. R.I. LUCAS: I am advised that under section 53 there are requirements to keep a register—by each relevant authority—and that they must be made available for inspection by members of the public during ordinary office hours. You would go to the cemetery during ordinary office hours and you could inspect the register there. I am advised that under section 37 there is a register of interment rights. The section I have just referred to is a register of all the records but my advice is that in both cases you go to the cemetery and inspect them during ordinary office hours—that is the advice.

The Hon. K.J. MAHER: I thank the Treasurer for his answer. If it is a cemetery attached to a Lutheran church, for example, that has been decommissioned for four or five years and it may have been on the market for a couple of years and you are looking to buy it, where do you actually go to look at what rights—

The Hon. R.I. LUCAS: If there is no office, you mean?

The Hon. K.J. MAHER: If there is no office because it has been closed for five years. It might help if I clarify this. If the church itself is no longer operating—there is no office associated with the church, it has not been operating for five or 10 years but there is still the cemetery there that is being kept pursuant to the rights that those interred there have—and you are a potential buyer, where can you go to understand what your rights are if there is no office attached to it?

The Hon. R.I. LUCAS: What your rights are?

The Hon. K.J. MAHER: What the potential obligations are and the rights of those interred if you are a potential buyer.

The Hon. R.I. LUCAS: These questions are getting increasingly complex in terms of our ability to be able to respond to what ifs. The advice I have is, if you are going to close a cemetery, there are various procedures under the existing—

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: If you are saying it is not operating for 10 years then—

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: If the church is not there then there is no-one there operating it, so it cannot therefore be operating. If the church is closed for 10 years and there is no office there, then there is no-one running the cemetery so, in those circumstances, there are requirements for operators of cemeteries to transfer their ownership to somebody else and therefore the records would go possibly to local government or something like that, but I cannot give a definitive black-and-white answer for all the hypotheticals that the honourable member is asking of me, I am afraid.

The Hon. K.J. MAHER: This might be a much easier, straightforward question: is there a central register somewhere in South Australia that any member of the public can go to to see, on a piece of land, what—

The Hon. R.I. LUCAS: The answer is no.

The Hon. K.J. MAHER: Is there a mechanism that appears on a certificate of title that forewarns a potential buyer when there are obligations associated with a piece of land? If there is an encroachment or an easement or a mortgage, it will be registered generally on a certificate of title. If land is being sold and it has interment rights associated with it, how is a buyer warned of those in terms of documentation?

The Hon. R.I. LUCAS: Again, my advice is, if someone is purchasing a cemetery, he or she or they are inheriting the responsibilities and requirements of that cemetery, so I assume they would get the register and all that entails. I am not sure whether the honourable member is envisaging other sale options, but if you are purchasing a cemetery you would inherit the responsibilities of the previous cemetery owner.

The Hon. K.J. MAHER: What I am getting at is, for example, you are purchasing a rural property that had some thousands of acres.

The Hon. R.I. LUCAS: A rural property?

The Hon. K.J. MAHER: Yes, somewhere in a remote area perhaps that has, as part of thousands and thousands of acres, a cemetery. How does the buyer absolutely know that they are inheriting these obligations?

The Hon. R.I. LUCAS: Is the honourable member asking a question regarding a pastoralist running their own cemetery without being licensed?

The Hon. K.J. MAHER: No. Often when you buy land or even a big church property, you are not buying just the cemetery. I do not think anyone sets out to buy a cemetery. They are buying the land or the building that has a cemetery as a part of it. In very large properties, where it might not be obvious—because there are 50 gravestones right next to a church—that there are interment rights somewhere on that property, is there no mechanism to check a central register or no mechanism for these obligations that are going to be passed to you with the property you are purchasing to be recorded on the title? I had assumed there would be something on the title, as other obligations are.

The Hon. R.I. LUCAS: I do not know whether I can provide a black-and-white response to the honourable member. One would assume that if it has been a licensed or registered cemetery over the years in some way it has been recorded somewhere, but there is no central register of interment rights, to answer the honourable member's earlier question. That has not existed and does not exist. I think, on the honourable member's question, if you are purchasing a church with a cemetery next to it together with other land attached to it, then you will know about it. His original question was: if you buy large properties of rural land and there happens to be—

The Hon. K.J. MAHER: Where it might not be as obvious that there is.

The Hon. R.I. LUCAS: But again, if you are operating a cemetery then you would imagine that someone in the local council area, or wherever it is, would be aware that there was a cemetery that was operating in that particular area. I do not know that I can be any more definitive in response to the member's questions than I have been.

The Hon. K.J. MAHER: I thank the Treasurer for that. It does go to highlight a concern we have with this. We are now creating criminal offences arising out of rights that someone might not be aware of. I would have thought when we are moving into the criminal space, knowing that these are part of a property would have been an important element, but I understand the government has obviously turned their mind to it and elected not to have it registered on titles or not to have a central register, even though they are creating criminal offences. If that is what the government wishes to do, that is their choice to proceed that way.

The Hon. R.I. LUCAS: All I can say is we have inherited a system that your government presided over for 16 years, so if this was a major issue that exercises the mind of the Leader of the Opposition he could have turned his mind to it at some time over the last 16 years. Putting that to the side, the only other general piece of advice I can give is that I am advised that the Land and Business (Sale and Conveyancing) Act requires a vendor to disclose things about the land. So if you are purchasing land there are some general requirements, evidently, under that act which require you as the vendor to disclose certain things about your land. Whether that covers a hidden, secret cemetery sitting somewhere on a big rural property or not, I do not know, but it may well be argued that it could.

The Hon. K.J. MAHER: Is the Treasurer suggesting that the failure to disclose could give rise to a defence to the criminal offence that this act is creating?

The Hon. R.I. LUCAS: Sorry, what is the question, again?

The Hon. K.J. MAHER: A failure to disclose gives rise to a defence against the criminal offence this legislation is creating; is that the suggestion?

The Hon. R.I. LUCAS: I am told under new section 35(6), in the example where a local government took over a cemetery from a church, which is not an uncommon example, I am told, it

would be a defence for the local government in that case, if they took reasonable steps to identify interment rights in existence and those rights were not identified to the local government—that is, to the purchaser or the person or body that takes over the operation—that is a defence for them in relation to the provisions of the act. That is, they took reasonable steps to try to identify interment rights. If they were not identified to them by either a deliberate act or accident or the people who previously operated it just did not know, then that is a defence in this example to the local government.

The Hon. K.J. MAHER: I would like to sum up. I know we are creating new criminal offences that have not existed before and I think it is a fundamental principle that we regulate behaviour but we make sure people are aware of what it is they may be transgressing.

I would have thought that it would have been sensible, if we are creating criminal offences, to have at least some sort of central register or some way for these things to be recorded on titles, but that is not what the government has elected to do. I will put on the record here that I suspect this may cause further problems not having thought of that but this is how the government has chosen to do it. If those further problems arise, be it on the government's head.

I would like to, in finishing on clause 1—and I do not have any questions on any of the other clauses—pay tribute to the member for Kaurua in whose electorate the former Old Noarlunga Anglican Church resides. I note that the member for Kaurua, Chris Picton, has, I understand, had numerous correspondence with the Attorney-General and I suspect that is what gave rise to this bill, however poorly thought out some aspects of the bill may be. That is what the government has chosen to do but I congratulate the member for Kaurua on raising this issue.

The Hon. R.I. LUCAS: All I can say is the Leader of the Opposition can either move amendments to the bill if he chooses or we can look forward with interest, as we come up to a state election, to a properly costed policy from the opposition which indicates that they will establish a central register of all cemeteries and interment rights in the state. He and they can put that to the voting public.

Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (18:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

RIDGWAY, HON. D.W.

Adjourned debate on motion of Hon. R.I. Lucas:

That this council notes and thanks the Hon. David Ridgway for his service to the Legislative Council and the community since his election to the Legislative Council in 2002.

(Continued from 24 August 2021.)

The Hon. D.G.E. HOOD (18:13): I rise to make a brief contribution to this motion which deals, of course, with the retirement from this place of the Hon. David Wickham Ridgway. I have collected a group of what might be considered fairly random thoughts about my time and interaction with David over the last nearly 16 years in this place.

I think the overarching sort of message—I am sure David will study this in *Hansard* quite assiduously—I hope he gets from my contribution is that he was certainly well liked, from my point of view, and that he made a significant contribution to this place over his nearly 20 years as an elected member of this chamber.

I think the one thing that stands out to me about David is that he was what my wife would call 'a glass half full guy'. He was always positive, he always had a story to tell—I think members can relate to that—and they were often quite entertaining. I always found his stories worthy of my attention. He would always finish with a laugh just about, which I think was most endearing about him.

My summation of David in terms of business life, excluding his personal life, was that he had two real passions, as I could tell. The first passion was South Australia. He is a genuinely passionate member of the South Australian community. I think it goes back to his rural origins, when he grew up in Bordertown and through the South-East. He did have a passion particularly for our produce and for the hardworking people of the land. He would express that often in his speeches and, indeed, even in his private conversations. It was really absorbed into the fabric of who he was.

I think this place is better for rural representation. In fact, sometimes we can be considered to be city-centric in this place. The Hon. David Ridgway—and I understand because he has been here more than ten years he keeps his honourable title—and people like him have added a great flavour of the rural influence that has made our state the great place it is. That is the first passion he had. I think he had a genuine passion for South Australia, not just our produce but almost everything about it. I will go into a little bit more detail about that in a moment.

His other passion was the Liberal Party. He truly was what you might call a blueblood Liberal. He loved the Liberal Party. He loved all of the opportunities that it afforded him. He loved all of the acquaintances and friendships that he made through his journey with the Liberal Party. He joined as a very young man. I have forgotten exactly how young, but I think he was in his teens.

The Hon. E.S. Bourke: Fourteen, I think.

The Hon. D.G.E. HOOD: Fourteen, was it? There we go. It was something like that. He was a very young man when he joined. I am not sure you could join at 14, but David would have found a way. Anyway, he joined as a very young man and it became his life. He turned 60 recently, as members would know. That is a really significant part of your life; it is all of your adult life. It became who he was. It is hard to think of David as anything but a Liberal person, although, of course, in his new role he will need to maintain probably more of a bipartisan position, which may be a little bit challenging for him, given his long-term association with the party.

They are the two things that I associate with David, if I had to describe him. He was genuinely passionate for South Australia. His two passions were that he was passionate for South Australia and he was passionate about the Liberal Party and all that it stands for and all of the friendships and associations he was able to build through it. Indeed, he was grateful for the opportunities that it provided for him. He would often say to me, 'If it wasn't for the Liberal Party, I would not be here.' He would say he would not be this, he would not be that, and he would give a list of things, which was significant. I think David always had a high degree of gratitude to the party for that.

Of course, we know that he rose to very senior levels. He became the Leader of the Opposition in this place for a number of years. Indeed, he was bestowed the honour of being a minister in this place when the Liberal Party came to government in 2018, when he was the minister for Minister for Trade, Tourism and Investment. He served in those portfolios exceedingly well, in my view. I think they fitted his personality absolutely perfectly.

I was at a dinner just last week, and the Premier happened to be at the same dinner. Some people that we were with on the table remarked to the Premier that they thought David was a terrific Minister for Trade, Tourism and Investment. They also went on to say that he would be well suited to the Agent General in London because of that natural passion about our state and his desire to promote South Australia at every opportunity.

He loved our produce, he loved tourism and he believed that our state had perhaps underperformed over many years. Through the investment portfolio, he had an opportunity individually as a minister to improve substantially the lot of our state and those living in it. I believe he made a contribution in that regard. Unfortunately, he was only a minister for a relatively brief time. I am not sure exactly how long, but I guess it was a bit over two years. It was enough to make a stamp, but I think he could have done so much more given more time. He was somebody, as I said,

who had a great deal of passion for that particular role, and I think those portfolios suited him particularly well.

It will come as no surprise to everyone that David enjoyed our state produce, as I said, particularly the produce made with grapes. He had a particular fondness for that particular type of produce. The very first time I met the Hon. Mr Ridgway was in the dining room in Parliament House. I had never met him prior to that. I was having lunch with my wife. I had been elected for about a whole week, or something like that, and was not even aware that there was a dining room. I was told that there was and I eventually found it and was so impressed that I thought I would invite my wife in for lunch, and I did that. She was very happy, of course.

The Hon. Mr Ridgway and the Hon. Mr Stephens happened to walk in together and dined at a table not far from us and we could overhear their conversation. They kindly came and introduced themselves and, just referring to the Hon. Mr Ridgway, the subject of this contribution, he was particularly warm, as was the Hon. Mr Stephens, but it was a very pleasant first meeting. I remember it to this day. It is not often that you remember your first meeting with somebody, but I do remember that quite well. I think both he and the Hon. Mr Stephens went out of their way to be warm and welcoming to me, which I appreciated, and so warm and welcoming were they that I remember it right to this day.

A few more random thoughts come to mind. I am developing a theme here, although I will not labour it too much. David made some interesting statements to me over the years, some of which are hard to forget. One that I have taken to repeating to my wife occasionally was when he turned 60 he said to me, 'Dennis, I'm 60 years old. I've probably got a thousand bottles of wine left in me; I'm going to make sure they're good ones.' I have started repeating that to my wife as well, which means that the Father's Day wine present on the weekend was better than average, which I am grateful for. I thank the Hon. Mr Ridgway for that, because it worked out well on Sunday for me.

He had that love for life, he had that love for enjoyment, for being around people, for promoting our state, and I guess in essence he was good company, he was good fun. In the vernacular, he was a good bloke. He was a good member, and that is important. He was passionate about the Liberal Party and serving the cause. Whether the Liberal Party was in opposition or in government, his loyalties never wavered.

He fought hard, particularly for rural issues, although much broader than that, but that is where it all started. He leaves this place with his head held high, and he will be missed. He always had time for you, he always had time to tell a story, he always had time to make some fun out of the moment, which this place can be devoid of on occasions; I am sure members will not disagree with that.

One other thing I remember about David that is worthy of sharing is that I think he had the best photo taken of anyone I have ever known. You meet a lot of people in your life. In this job particularly you are very fortunate to meet a lot of people from all walks of life. David showed me a photo after England had won the One Day World Cup Final at Lords, the year before last I guess it was, a couple of years back or thereabouts. He was there for that game. Everyone knows that his son-in-law is Eoin Morgan, the English captain of the one day team.

It was an absolutely epic game. Members probably remember that England was quite lucky to win that, and New Zealand was very unlucky in many ways. David's son-in-law was the captain, so he was particularly proud and thrilled with the outcome. Literally half an hour after the game, after the English team had raised the World Cup for the first time ever, he was fortunate to, with his wife, Meredith, and his daughter and son-in-law, stand there on the ground at Lords with the World Cup in their hands.

It was the best photo I have seen of someone in real life—not in a magazine or on television, which you get a bit blasé about. I will be insanely jealous for the rest of my life about that photo, because it is not something I will be doing, but it was something David did. It is a reflection of who he was. He managed to be in the right place at the right time and his personality was such that people warmed to him because he was a decent, likeable fellow. I take this opportunity to wish him and Meredith every single happiness and success as he moves into his new role in the UK. It is a very

important role. I think South Australia will be in good hands with his representation in the UK, and I wish him well.

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

Bills

EMERGENCY MANAGEMENT (ELECTRICITY SUPPLY EMERGENCIES) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:24): 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 national energy market is transforming. With this transformation, it is essential that last resort powers exist to ensure a timely and efficient response to an electricity supply emergency.

Currently the powers to manage an electricity supply emergency straddle two legislative instruments, the Emergency Management Act 2004 and the Essential Services Act 1981.

A more efficient and timely process for declaring an electricity supply emergency is contained in the Emergency Management Act. Electricity supply emergencies can be sudden and can rapidly evolve. The Emergency Management Act is therefore the preferable Act for last resort powers to manage an electricity supply emergency.

The Emergency Management (Electricity Supply Emergencies) Amendment Bill 2021 provides a timely and efficient framework to ensure that, in times of electricity supply emergency, the minister responsible for energy has appropriate powers of direction to protect the needs of the South Australian community.

Unlike the Essential Services Act, which allows directions to be given to a specified person, class of person or members of the public generally in a period of emergency, under the Emergency Management Act there is currently a limited list of market participants that can be directed in an electricity supply emergency.

The Bill refers to the parties that can be directed as designated persons. This replaces the previously used term, market participant, to overcome stakeholder confusion. The market participant term has a defined meaning in the National Electricity Rules which differs from the definition and use of this term under the Emergency Management Act.

The transformation of the national energy market has resulted in the introduction of new roles and responsibilities associated with the supply and use of electricity. An important feature of the Bill is that it provides for an expanded list of persons the minister can direct under the Act in an electricity supply emergency so as to capture all persons associated with the national energy market.

To ensure persons in traditional national energy market roles are directable, the Bill prescribes a person who engages in the transmission or distribution of electricity and an end user as designated persons. The Bill also adds a metering coordinator and third party service provider to the list of designated persons that can be directed in an electricity supply emergency.

During the introduction of competition in metering, the new role of metering coordinator evolved and was defined in the national energy frameworks. The metering coordinator has overall responsibility for metering services at a customer's connection point.

The role of a third party energy service provider is a new and evolving role. As technology becomes smarter, third party energy service providers are helping consumers to make use of smart controls to manage when their devices use electricity and reduce consumer costs. Customers are increasingly trusting these providers to remotely control their devices to maximise value and return from the customers investment in this technology.

In some circumstances, part of the activities conducted by a business will cause it to come within the designated person definition. The intention of the framework is that the minister can direct a designated person in relation to the activities which cause the person to come within the designated person definition.

During an electricity supply emergency, the minister may need to issue a direction to a class of designated persons to ensure a timely response to the emergency. The Bill clarifies that a direction to a class of designated persons may be made by the Minister and the process for notifying such a direction.

The Bill seeks to clarify the nature of directions that can be made by the minister. To ensure the efficient coordination of emergency response, the Bill makes clear that the minister can direct a designated person to direct another person it has lawful authority to direct. A designated person may also choose to fulfil a direction by directing another person it has lawful authority to direct.

The emergency framework includes provisions to mitigate the potential of conflicting directions to a person. Directions to designated persons must be limited to directions the minister thinks are reasonably necessary to respond to the electricity supply emergency, the minister is required to consult prior to issuing directions (to the extent that it is reasonably practicable in the circumstances) and the minister is required to take reasonable steps to avoid unduly interfering with the operation of the national electricity market, National Electricity Law and National Electricity Rules.

There is an urgent need to enact these powers. During the first waves of COVID-19 internationally it was identified that restrictions associated with managing the pandemic can significantly reduce demand on the power system. World-leading modelling by the Australian Energy Market Operator exposed that under extreme conditions low demand conditions pose a risk to the security of electricity supply.

Temporary powers, due to expire on 31 May 2021, were enacted in the COVID-19 Emergency Response Act 2020 to provide appropriate last resort powers to manage this risk. The Bill contemplates the passage of the amendments to the Emergency Management Act prior to the expiry of the temporary powers, expiring the relevant provisions if they are not previously expired.

The Bill represents essential last resort powers for a modern energy system which is balancing bulk and distributed clean electricity supplies with consumer's electricity needs. Timely last resort emergency powers will assist mitigate disruption of electricity supply to customers in an electricity supply emergency.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Emergency Management Act 2004*

3—Amendment of section 27A—Interpretation

Certain definitions are inserted for the purposes of the measure. The definition of *market participant* is deleted and a definition of *designated person* is inserted instead for the purposes of the measure.

4—Amendment of section 27C—Minister's power to give directions

The amendment to section 27(1) is partly consequential and partly to clarify that directions may be given to a class of designated persons (not just particular designated persons).

Section 27(2)(b) is substituted so that it provides that the Minister is authorised to give directions that require a designated person to give any directions of a kind that the designated person may lawfully give (which may include, for example, requiring a designated person to give directions to, or to exercise authority over, another person or body, whether or not that other person or body is also a designated person).

A subsection (2a) is inserted to specify certain requirements that may be contained in a direction to a market participant.

A subsection (2b) is inserted to clarify certain matters relating to the Minister's power to give directions for the avoidance of doubt.

Substituted subsection (4) clarifies that consultation on a proposed direction only relates to directions proposed to be given to particular designated persons (and not classes of designated persons).

A capacity to exempt persons from a direction given to a class of designated persons is inserted.

5—Amendment of section 27E—Obligation to preserve confidentiality

This amendment is consequential.

6—Amendment of section 27F—Manner of giving directions or requirements

Proposed subsection (1) provides that a direction under section 27C relating to a class of designated persons must be given by notice published on a website determined by the Minister.

The other amendment is consequential.

Schedule 1—Expiry of provisions of *COVID-19 Emergency Response Act 2020*

Schedule 1 provides that certain provisions of the *COVID-19 Emergency Response Act 2020* expire on the commencement of Part 2 of the measure.

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

AQUACULTURE (TOURISM DEVELOPMENT) AMENDMENT BILL

Introduction and First Reading

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

At 18:26 the council adjourned until Wednesday 8 September 2021 at 14:15.

*Answers to Questions***MINISTERIAL BEHAVIOUR**

18 The Hon. T.A. FRANKS (24 August 2021). Will the Premier advise:

On December 3 2020, I asked the following question of the minister representing the premier, and raised concerns about the behaviour of the Minister for Environment and Water:

'Item 2.3 of the general standards of conduct under the Marshall Liberal government's Ministerial Code of Conduct reads:

Reputation—In the discharge of his or her public duties, a minister shall not dishonestly or wantonly and recklessly attack the reputation of any other person.

The document, of course, lays out processes for which the premier shall oversee any breaches of the Ministerial Code of Conduct. In my role as an advocate and serving those in my community, I have spoken up online and publicly for an animal welfare organisation in previous days, as have two other members at least of this parliament in the other place.

In response, we have all received from the Minister for Environment and Water, the Member for Black, David Speirs, communications which I would say go straight to a breach of 2.3, reputation, and indeed wantonly and recklessly have attacked the people of this organisation, with no procedural fairness or due process. In the course of my inquiries, many of the claims the minister has made to us have been proven to be patently false. My question to the premier is: what procedural fairness do you offer those whose reputations are attacked by ministers of your cabinet, and what redress for those who have their reputation damaged by ministers of the Marshall Liberal government cabinet will be afforded?

The response I received indicated that 'the premier does not agree that the circumstances which gave rise to the honourable member's question involved any breach of the Ministerial Code of Conduct.' What were the processes taken to come to this conclusion and did they include a review of the complaints made about the minister, a review of correspondence about the minister and his behaviour, and did the premier or your department follow up with any stakeholders/constituents?

The Hon. R.I. LUCAS (Treasurer): The premier has advised he is satisfied that inquiries undertaken on his behalf justify his answer to the honourable member's question and he has nothing to add.