LEGISLATIVE COUNCIL

Tuesday, 16 November 2021

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:17 and read prayers.

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

Bills

CONSTITUTION (INDEPENDENT SPEAKER) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (SOUTH AUSTRALIA) (TELEPHARMACY) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

MOTOR VEHICLES (ELECTRIC VEHICLE LEVY) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2020-21—
- Administration of the Joint Parliamentary Service [Ordered to be published]
- Report prepared by the Independent Commissioner Against Corruption, pursuant to section 42 of the Independent Commission Against Corruption Act 2012 titled An Examination of Changes Affected by Recent Amendments to the Independent Commission Against Corruption Act 2012 [Ordered to be published]
- Audited Financial Statements for the financial year ending 30 June 2021 of the Judicial Conduct Commissioner [Report adopted]

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2020-21—
- Dog Fence Board
- SA Metropolitan Fire Service Superannuation Scheme
- The Mining & Quarrying Occupational Health & Safety Committee

By-Laws under Acts—
- The Barossa Council—No. 5—Dogs

Fees Notice under Acts—
- Lotteries Act 2019

Regulations under Acts—
- Gaming Offences Act 1936—General
- Lotteries Act 2019—General
- Electricity Act 1996—Technical Standards
- Superannuation Act 1988—Prescribed Authority (No. 3)

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

Reports, 2020-21—
- Balaklava Riverton Health Advisory Council Inc.
- Barossa & Districts Health Advisory Council Inc.
- Berri Barmera District Health Advisory Council Inc.
- Bordertown & District Health Advisory Council Inc.
- Ceduna District Health Service Health Advisory Council Inc.
- Coorong Health Service Health Advisory Council Inc.
- Eastern Eyre Health Advisory Council Inc.
- Eudunda Kapunda Health Advisory Council Inc.
- Far North Advisory Council
- Gawler and District Health Advisory Council Inc.
- Hawker District Memorial Health Advisory Council
- Hills Area Health Advisory Council Inc.
- Kangaroo Island Health Advisory Council Inc.
- Kingston Robe Health Advisory Council Inc.
- Leigh Creek Health Services Health Advisory Council
- Lower Eyre Health Advisory Council Inc.
- Lower North Health Advisory Council Inc.
- Loxton and Districts Health Advisory Council Inc.
- Mallee Health Service Health Advisory Council Inc.
- Mannum District Hospital Health Advisory Council Inc.
- Mid North Health Advisory Council Inc.
- Mid West Health Advisory Council Inc.
- Millicent and District Health Advisory Council Inc.
- Mount Gambier and Districts Health Advisory Council Inc.
- Murray Bridge Soldiers Memorial Hospital Health Advisory Council Inc.
- Naracoorte Area Health Advisory Council Inc.
- Northern Yorke Peninsula Health Advisory Council Inc.
- Penola & Districts Health Advisory Council Inc.
- Port Augusta, Roxby Downs & Woomera Health Advisory Council
- Port Broughton District Health Advisory Council Inc.
- Port Lincoln Health Advisory Council
- Port Pirie Health Service Advisory Council
- Quorn Health Services Health Advisory Council
- Renmark Paringa District Health Advisory Council Inc.
- Southern Fleurieu Health Advisory Council Inc.
- Southern Flinders Health Advisory Council
- Waikerie & Districts Health Advisory Council Inc.
- Whyalla Hospital & Health Services Health Advisory Council Inc.
- Yorke Peninsula Health Advisory Council Inc.

Regulations under Acts—
- Voluntary Assisted Dying Act 2021—General
- Health Care Act 2008—
  - Provision of Data and Statistics
  - Reporting of Cancer

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

COVID-19 RESPONSE COMMITTEE

The Hon. T.A. FRANKS (14:22): I bring up the second interim report of the select committee.

Report received and ordered to be published.

SELECT COMMITTEE ON MATTERS RELATING TO SA PATHOLOGY AND SA MEDICAL IMAGING

The Hon. J.E. HANSON (14:22): On behalf of the Hon. Ms Bourke, I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON THE PRIVATISATION OF PUBLIC SERVICES IN SOUTH AUSTRALIA

The Hon. R.A. SIMMS (14:23): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON CERTAIN MATTERS RELATING TO THE OPERATIONS OF THE OFFICE OF THE VALUER-GENERAL

The Hon. J.A. DARLEY (14:23): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. F. PANGALLO (14:24): I bring up the report of the committee on legislation pertaining to serious and organised crime.

Report received and ordered to be published.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. D.G.E. HOOD (14:24): I bring up the report of the committee on its inquiry into issues related to bow and crossbow hunting in South Australia.

Report received and ordered to be published.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. T.J. STEPHENS (14:25): I bring up the report of the committee in the committee handover report.

Report received.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

PUBLIC SECTOR INTEGRITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): I seek leave to make a brief explanation before asking a question of the Treasurer regarding public sector integrity.

Leave granted.

The Hon. K.J. MAHER: On ABC radio this morning, respected journalist David Bevan said, and I will quote:

> …we have had it confirmed that a Government staffer spoke to at least one journalist, maybe two, suggesting that Rachael Gray had been to the Chair of the investigating committee's wedding, that's Andrea Michael's wedding and there had been a suggestion that she had dated Andrea Michael's husband. Now we understand that both of those claims are 100% false.

Mr Bevan went on:

…what we already know is that a Government staffer has told a lie to journalists, maybe two…in order to erode confidence in Rachael Gray.

My questions to the Treasurer are:

1. Did you or anyone in your office provide such information to journalists about counsel assisting the select committee into the conduct of the Deputy Premier?

2. As the minister for the public sector, what part of the Public Sector Code of Ethics is breached when a ministerial staffer provides such false allegations about a QC to journalists?

The Hon. R.I. LUCAS (Treasurer) (14:33): The answer to the first question is no.

Members interjecting:

The PRESIDENT: Second question from the Leader of the Opposition.

KANGAROO ISLAND WHARF FACILITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:33): My question is to the Treasurer. When did you first discuss your concerns about the Deputy Premier's conflicts of interests in relation to Kangaroo Island Plantation Timbers or the Smith Bay port proposal with the Premier?

The Hon. R.I. LUCAS (Treasurer) (14:33): I have never indicated anything in relation to any conversation I might have had with either the Premier or indeed any of my parliamentary colleagues. I haven't done in the past, and I don't intend to in the future.

MINISTERIAL DELEGATIONS

The Hon. C.M. SCRIVEN (14:33): My questions are to the Minister for Human Services regarding ministerial responsibilities.

1. Exactly how many times has the minister been delegated powers from the Hon. Vickie Chapman?

2. What were the circumstances in those delegations?

3. Specifically, what was the nature of the decision?

4. Why was the Hon. Vickie Chapman unable or unwilling to exercise those ministerial powers?

5. How many delegations related to conflict of interest?

6. What was the nature of those conflicts?

7. How many delegations related to a perceived conflict of interest?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34): I thank the honourable member for her questions. There has been one matter which the planning minister has delegated to me, which related to a Burnside DPA. She has already responded to questions publicly about this matter in that, as a resident of the City of Burnside, she believed she had a conflict of interest in relation to that matter. I received advice from the department and, on that basis and having read the file, I made a decision.

Ministerial Statement

SELECT COMMITTEE ON CONDUCT OF THE HON. VICKIE CHAPMAN MP REGARDING KANGAROO ISLAND PORT APPLICATION

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): While I am on my feet, I table a copy of a ministerial statement from the Deputy Premier and Minister for Planning and Local Government on the topic of Labor's kangaroo court and the behaviour of the member for West Torrens.

Question Time

MINISTERIAL DELEGATIONS

The Hon. C.M. SCRIVEN (14:35): Supplementary, just for clarity: is the minister saying there have been no other occasions whatsoever in relation to conflicts of interest or perceived conflicts of interest?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): My recollection is that is the only matter that I have been delegated from the planning minister.

MINISTERIAL DELEGATIONS

The Hon. C.M. SCRIVEN (14:35): A further supplementary: would the minister take on notice and just check that that is indeed the only time that she has been delegated powers from the Hon. Vickie Chapman?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): Yes, I am happy to do that.

SINGLE TOUCH PAYROLL

The Hon. D.G.E. HOOD (14:36): My question is to the Treasurer. Will the Treasurer update the chamber on the latest Single Touch Payroll figures?

Members interjecting:

The PRESIDENT: The Treasurer has the call.

The Hon. R.I. LUCAS (Treasurer) (14:36): Mr President, I can see the opposition is very excited at the regular updates in relation to Single Touch Payroll figures. Given we haven't sat for a week or so, the most recent figures were released last week for the fortnight ending 16 October 2021. I am delighted to be able to report again that South Australia, when measured against the low point of the pandemic in April 2020, had the second largest increase of all of the states in terms of the number of employee jobs created.

From the depths of the pandemic, through to the most recent fortnightly figures in October, there was a 15.4 per cent increase in the number of employee jobs in South Australia, second only to Western Australia, which had a 16.9 per cent increase. I think even more impressive is the national figure, still impressive at 10.2 per cent, but South Australia's growth, at 15.4 per cent, is almost 50 per cent greater than the national growth rate during that particular period.

As I indicated before, I think the more interesting and potentially useful figure is actually the measure of change in employee wages, again measured between the jurisdictions. Again, Western Australia was the out and out leader with an 18.7 per cent increase in employee wages since the low point of the pandemic in April last year. The national figure is 12 per cent. South Australia's figure comes in on that particular measure at third, behind Western Australia and just behind Queensland. South Australia's figure was 14.2 per cent, so 2.2 percentage points higher than the national figure.

Again, the Single Touch Payroll figures, which come out more regularly than the monthly labour force figures, are encouraging signs for the state's economic recovery. As the Premier has only recently announced, as we move to the next stage of emerging from the pandemic, in terms of the easing of restrictions and reaching the 80 per cent double-vaxx mark from 23 November, the capacity for some of our sectors which have been massively impacted by the 18 months of COVID 19—and in particular I refer to the travel and tourism and hospitality sectors—with the influx, we hope, of interstate migration and, in a phased way, overseas migration as the international borders open up, we hope to see further development of those jobs and wage and salary figures when I am able next report to this house, if I am, on the next fortnightly Single Touch Payroll figures.

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

STROKE CAMPAIGN

The Hon. T.A. FRANKS (14:39): I am just stunned by the ministerial statement that I am reading, Mr President—I am happy to have the call. I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing on the topic of strokes.

Leave granted.

The Hon. T.A. FRANKS: I have had the pleasure to meet with advocates today from the Stroke Foundation and they have raised two concerns that they have to take to this state election, one of which is investment—some $800,000 over four years—in a proven early intervention and education program called F.A.S.T. Indeed, when someone suffers a stroke every minute counts and being aware of the symptoms has been shown to have extraordinarily effective health outcomes for better life-saving and crucial interventions for those patients. Fast access to treatment will mean a greater chance of recovery for South Australian patients and, of course, decreased cost to the South Australian health system. This awareness campaign has been run in several other jurisdictions, so my questions to the minister are:

1. Is he aware of the F.A.S.T. campaign and the effectiveness of it in other jurisdictions?

2. Will the government find $800,000 over four years to put into government advertising for F.A.S.T. to assist potential stroke victims rather than the current government advertising rollout that seems to be more concerned with ameliorating the negative impacts on the Marshall government before the state election?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I thank the honourable member for her question. I suspect it goes beyond my responsibility. As I understand it, the honourable member is asking me, 'What is the government's position on a policy proposal for the next election?' I am certainly not authorised by the Liberal Party to announce our election policies for next year, but let me assure you I have met with the Stroke Foundation representatives a number of times. I am well aware of the F.A.S.T. program, the four indicators of a potential stroke event.

As the name suggests, an early recognition of stroke symptoms, an early response to stroke symptoms and, for that matter, a rapid health response is crucial to good outcomes. In that regard, the Stroke Foundation is very positive about the work that this government has done and the health network more broadly in South Australia. The wider availability of thrombolysis is leading to positive outcomes for people with stroke. My understanding is that the Stroke Foundation's assessment is that South Australia is a leading jurisdiction in stroke response and we certainly intend to stay that.

COVID-19 RESTRICTIONS

The Hon. I. PNEVMATIKOS (14:42): My questions are to the Minister for Health and Wellbeing regarding health.

1. When will people who have been to the Sydney LGA and Melbourne LGA with lower vaccination rates know if they can or cannot enter South Australia next Tuesday?

2 Why does the information on restrictions published yesterday say a 'separate guidance document is available' for a wide variety of industries when no such documents are publicly available yet?

3 If the documents are available, why aren't they released immediately?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): The honourable member raises two quite different matters and I will address each in turn. In relation to the first matter, the road map that the Premier released recently makes it clear that quarantine will apply to local government areas with community transmission and less than 80 per cent of the population fully vaccinated. That is in relation to the 23 November easing of borders.

Certainly, a concern has been raised in relation to, in particular, the Melbourne CBD local government area and also the Sydney local government area. I can assure the house and the people of South Australia that the Chief Public Health Officer is well aware of issues in relation to those LGAs and she is in the process of having discussions with both her Victorian and her New South Wales colleagues.

Certainly, I don't speak for her, and I certainly don't speak for those two health authorities, but if it might assist the house I might read from a letter that I received from the Lord Mayor of Melbourne a few days ago. Let me read you an excerpt from the letter, because it explains the issues involved and might be of assistance. The mayor, Sally Capp, writes:

Our vaccination rate is significantly higher than the rate published by the Commonwealth (69.9% on 7 November 2021). Our more accurate data indicates that more than 80 per cent of City of Melbourne residents are fully vaccinated.

The denominator on which the Commonwealth is currently calculating LGA vaccination rates is based on the 2019 Census data measured before the mass departure of international students, who pre-pandemic, made up one third of the City of Melbourne's population.

It is difficult to gauge how many of them remain in Melbourne, but some estimates are less than half.

We have raised the inaccuracy of the data as it relates to the City of Melbourne on numerous occasions with the Commonwealth since August. They have acknowledged the challenge but have not been able to identify an appropriate solution.

In the context of those comments, I would assure the honourable member that the Chief Public Health Officer of South Australia is in discussion with her interstate colleagues and on the face of it those LGAs won't be subject to a bar because of the level of vaccination.

COVID-19 RESTRICTIONS

The Hon. I.K. HUNTER (14:46): I invite the minister to table the document he was reading from.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I am happy to do that.

COVID-19 RESTRICTIONS

The Hon. T.A. FRANKS (14:46): Supplementary: noting that the Premier has said that he will speak to his counterparts in New South Wales and Victoria about their data based on the census data, will the Premier also talk to the federal counterpart, Greg Hunt, Minister for Health, about Medicare data being used to ascertain vaccination rates, which seems the more appropriate data?

The PRESIDENT: I gave the honourable member a fair bit of move there on a supplementary.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I don't know what the honourable member is referring to, but I will certainly consider her question and bring it to the attention of the Premier. I understand you were wanting me to raise it with the Premier. I'm also not—

The Hon. T.A. Franks: No, I am not. The Premier said he will talk to the other premiers. Why don't you talk to the federal government about Medicare data?

The PRESIDENT: I am going to move on. The Hon. Dr Centofanti has the call.

The Hon. N.J. CENTOFANTI: My question is to the Minister for Human Services

The PRESIDENT: Sorry, I didn't see the Hon. Ms Pnevmatikos. I will give her the chance to ask a supplementary. It was her original question.

COVID-19 RESTRICTIONS

The Hon. I. PNEVMATIKOS (14:47): It's not so much a supplementary as the second question. The second half of my question hasn't been answered in relation to the guidance document.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:47): Yes, I did get caught out because you put two questions into one—totally different topic. The honourable member is referring to the 'Assessing and managing the risk: COVID exposures in general businesses and venues'. On page 2, it mentions that there will be four separate guidance documents which will be made available. My understanding is that they will be made available progressively over the next few days.

COVID-19 RESTRICTIONS

The Hon. T.A. FRANKS (14:48): Supplementary: why is SA Health not using Medicare data to ascertain vaccination rates?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): My understanding is that SA Health relies on data linkages not with Medicare data but with the Australian Immunisation Register. I could be wrong. It might use Medicare data as well, but our, if you like, most trusted source is the Australian Immunisation Register.

HOUSING AFFORDABILITY

The Hon. N.J. CENTOFANTI (14:48): My question is to the Minister for Human Services regarding housing. Can the minister please update the council on the Marshall Liberal government's achievements since the last election to support more South Australians into safe, secure and affordable housing?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48): I thank the honourable member for her question and for her interest in this important area. Indeed, the pillar upon which we have placed our work is our plan, which has a number of actions to assist people into a range of different types of affordable housing, and we are really pleased that more of those actions are coming to fruition.

We did identify, back in 2019, that there were a lot of people who were in housing stress, either in the private rental market or people who may be suffering mortgage stress and therefore spending over 30 per cent of their income on housing, which is what meets the definition.

Increasing the supply of affordable housing in South Australia is a key aim. One of those goals obviously is to build over 1,000 new affordable dwellings in South Australia for those who want to achieve home ownership. People can register through the HomeSeeker website, which has enabled people to purchase 100 of those properties, that includes some of the 1,920 stimulus which was in addition to the thousand. So that has already been taking place.

We were very pleased recently to be able to announce what is a brand-new product or type of tenure in South Australia: build to rent, which has been discussed quite broadly. We are pleased that we have found a site at Eastwood on Greenhill Road, which is an existing property from the South Australian Housing Authority, the walk-up flats having been built in 1952 which are quite run-down. We are replacing one for one those social housing properties with 29 social housing properties. In addition, 80 affordable rental properties, which will be 75 per cent of the market rate, and 28 market rental properties.

Members interjecting:

The PRESIDENT: Order! The opposition are not helping. I am trying to listen to the minister.

The Hon. J.M.A. LENSINK: I think it does make a distinction between the way the Liberal Party is running this portfolio compared to—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —the Labor Party.

Members interjecting:

The PRESIDENT: Order! Conversations between members of the opposition bench are out of order.

The Hon. J.M.A. LENSINK: I suspect if they were in charge of this portfolio they would have just sold them, sold the land to the private sector, which is what they did with so many properties—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —in the more expensive suburbs.

Members interjecting:

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

The Hon. J.M.A. LENSINK: Because they used the Housing Trust as an ATM. So in their time they sold 7½ thousand public housing properties—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley and the Opposition Whip are out of order.

The Hon. J.M.A. LENSINK: Even though it is disorderly, I hear their disorderly interjections about more social housing. They are the people who sold so much of it and now they are complaining about it. It's quite extraordinary that—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Labor in government.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley should know better.

The Hon. J.M.A. LENSINK: They lament these issues and yet their record in government is true. The message to the electorate will be clear this coming election. Who do you think will look after our public housing stock better? Liberal. Certainly not the Labor Party.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: That will make a nice clip. The Labor Party guffawing like a bunch of crows about social housing. The louder they crow, the more we know it's hit a raw spot because their management of this portfolio was appalling. But I have been distracted, because the build to rent model—

Members interjecting:

The PRESIDENT: The minister will bring her answer to a conclusion fairly soon.

The Hon. J.M.A. LENSINK: Mr President, I am disappointed that you are calling me to close off because I've got so many more things that I could say. We could talk about the—

The Hon. K.J. MAHER: Point of order, sir: I ask for your guidance if it's parliamentary to reflect on the conduct or rulings of the President of this chamber in such a manner.

The PRESIDENT: The President is giving some guidance, despite the fact that some would say that I and other presidents have misinterpreted some agreements. Apparently, there was some suggestion at some stage by the Leader of the Government that answers to Dorothy Dixers so-called be four minutes. We have been going over five. I ask the minister to draw her answer to a conclusion very shortly.

The Hon. J.M.A. LENSINK: So there is that example. There is also the—

Members interjecting:

The PRESIDENT: Order! I would like to hear her.

The Hon. J.M.A. LENSINK: —Victory apartments at Melrose Park, which has just been completed by Junction housing, which has provided a mix of public housing and other tenures. Going forward, these models where we are blending public housing in with other forms of tenures and ownership is certainly something that we are looking forward to providing much better outcomes for South Australians.

HOUSING AFFORDABILITY

The Hon. C.M. SCRIVEN (14:55): Supplementary arising from the original answer where the minister referred to 75 per cent of market rent in Eastwood: how much is 75 per cent of market rent in Eastwood?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:55): In our media release we referred to the median weekly rental—and this is based on CoreLogic data—of $580, which would bring that down to $435.

Members interjecting:

The PRESIDENT: Order! The deputy leader asked a supplementary and her colleagues might allow the minister to make the answer in silence.

The Hon. J.M.A. LENSINK: I am quite happy to talk about Eastwood—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —for the rest of question time, Mr President, because I think it's fantastic.

The PRESIDENT: No, well, you won't be doing that.

The Hon. J.M.A. LENSINK: It's been very well received by a range—

Members interjecting:

The PRESIDENT: Order! I put the opposition on notice.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hanson is listed next for the Labor Party, and that is in some doubt right now.

The Hon. J.M.A. LENSINK: The South Australian Council of Social Service has welcomed build to rent as an important part of the mix. There are a large number of properties in Eastwood which are actually standalone sandstone and bluestone properties, which would push that price up. We have also got information from the South Australian Housing Authority, which is separate to CoreLogic's information, which says that an expected market rent for a two-bedroom apartment would be approximately $470 a week, so 75 per cent would bring that down to $350 a week, and the majority of apartments will be likely to be two-bedroom dwellings.

HOUSING AFFORDABILITY

The Hon. K.J. MAHER (Leader of the Opposition) (14:56): Further supplementary: can the minister confirm that there has been absolutely no addition to the social housing stock in South Australia in this term of government; that is, there has been zero new added above any replacement?

The PRESIDENT: I am not sure that comes out of the original answer but if the minister wants to respond, she can.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57): We have certainly reduced the number of properties that are being sold by over 75 per cent.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: So those ones have sold. The growth—

The Hon. K.J. Maher: Zero. Just say zero. The growth is zero.

The PRESIDENT: Order!

The Hon. K.J. Maher: There's no growth if it's zero.

The PRESIDENT: Order! The minister will be allowed to answer uninterrupted.

The Hon. J.M.A. LENSINK: The growth in the social housing sector comes via the community housing sector.

HOUSING AFFORDABILITY

The Hon. C. BONAROS (14:57): I have a supplementary: can the minister confirm whether she has sought feedback from Shelter SA about the government's proposal?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I am not sure whether we sought direct feedback from Shelter SA but we certainly did from the community housing providers. That was part of the developing up a particular model for this build to rent. I can double-check whether Shelter SA was part of those discussions or not.

RESIDENTIAL PARK VALUATIONS

The Hon. J.A. DARLEY (14:58): My question is to the Treasurer representing the Attorney-General. Can the minister advise whether the Valuer-General, in implementing the government's decision to reverse the way that the Valuer-General recorded and valued retirement villages, will also apply the same principle to residential parks where the land is owned by an owner but the improvements—namely, the homes located in the park—are separately owned by owners as their principal place of residence? If not, why not?

The Hon. R.I. LUCAS (Treasurer) (14:58): I am happy to refer the honourable member's question to the minister and bring back a reply.

COVID-19 VACCINATION

The Hon. J.E. HANSON (14:59): 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. J.E. HANSON: Senator Antic said last week, and I quote:

> People are being coerced into taking COVID vaccinations against their will. In South Australia thousands of people are being stood down from their employment because they have elected to exercise their right to refuse the vaccine. What is happening is wrong. The federal parliament must act to protect the freedom of Australians to choose their own way of life without interference from government, corporate Australia and bureaucracies with authoritarian tenancies.

Senator Antic has also today been revealed as the surprise keynote speaker at an Adelaide freedom rally, which is scheduled in Adelaide to denounce vaccine mandates. My questions to the minister are:

1. Will the minister publicly denounce the comments from Liberal Senator Alex Antic, who has decried the emergency directions in South Australia?

2. Does the minister believe that Senator Antic is jeopardising the public health response?

3. Is the minister concerned that Senator Antic is the keynote speaker at the Adelaide freedom rally?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): The Premier, the Chief Public Health Officer and I share a common view that vaccination should not be generally mandated, and that is particularly true in relation to COVID-19. It is important that people see this as a procedure that benefits them, protects their loved ones and the wider community. The Premier has consistently outlined the view of this government, which is that vaccinations should continue to be free and voluntary and only mandated consistent with national cabinet advice and with specific health advice.

In terms of the basic principle, which is a fundamental principle of the Liberal Party, that we uphold people's individual rights, that is certainly our perspective, but a key context for individual rights, expressed by J.S. Mill—I will not try to quote it exactly—is that people have the right to take actions, as long as their actions do not cause harm to others. So in the context of mandatory vaccination, the State Coordinator has been mandating vaccinations, but very much in the context where a person's failure to be vaccinated would constitute a risk to others.

COVID-19 VACCINATION

The Hon. J.E. HANSON (15:02): Supplementary out of the original answer: is the minister aware whether the party is going to commence administrative proceedings to expel Senator Antic for his action to withdraw his vote from the Liberal Party in the Senate commensurate with his views?

The PRESIDENT: That doesn't come out of the answer at all, in my view.

The Hon. J.E. Hanson: I tried my best.

The PRESIDENT: No, next question, the Hon. Mr Stephens.

COVID-19 VACCINATION

The Hon. T.J. STEPHENS (15:02): My question is to the Minister for Health and Wellbeing. Minister, can you please update the council on how the government is ensuring that all South Australians aged over 12 have access to the life-saving COVID-19 vaccine?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03): I thank the honourable member for his question. Throughout the pandemic South Australians have responded extremely well to whatever has been asked of them. This year, they have responded to the call to roll up and be vaccinated, and today we reached another milestone.

Today, we marked the fact that South Australians have received 2.4 million doses of COVID-19 vaccines. That means that more than 85 per cent of South Australians 16 and over have received their first dose, and almost 75 per cent of South Australians aged over 16 have been fully vaccinated. Vaccination is our pathway out of the pandemic. It has never been easier to get vaccinated; it has never been more timely, as we reopen our borders.

Mass vaccination clinics have been key; they have vaccinated tens of thousands of South Australians. More recently, we have diversified into initiatives such as pop-up vaccination clinics and a fleet of mobile vaccination vans, which are reaching out to regional communities and vulnerable and diverse communities.

The Marshall Liberal government is also working hard to educate and encourage those who are vaccine reticent. We are committed to providing the facts, providing support and building confidence in the community in the value and importance of the national vaccination program.

The Marshall Liberal government is committed to protecting the public health of all South Australians. We understand that vaccination rates amongst our communities are variable. Some areas, some communities, need help. Wellbeing SA is leading the COVID-19 vaccine hesitancy project with the support of SA Health. They are working tirelessly with CALD communities, Aboriginal communities, local government leaders and mental health stakeholders to reach pockets of the community with lower vaccination rates.

In the past week, the mobivax van has been deployed to Foodbank at both Edwardstown and Woodville, SA Water offices, the Port Adelaide Plaza shopping centre, the African Nations Cup in Angle Park, the Christmas Pageant and the Multicultural Festival. There are now 11 COVID-19 vaccination vans operating a mobile service across the state.

Regional and mobile pop-up clinics in the past week have been operating in Tumby Bay, Cummins, Port Augusta, Renmark, Kadina, Meningie, Coonalpyn, Hallett, Booborowie, Burra, Peterborough, Gladstone and Whyalla. This week, the mobile vaccination vans will be out in force again.

Employer outreach continues, community visits continue, the school vaccination program and the Watto Purrunna vax van will be at the 'Stay strong get vaccinated family fun day' free family event, where Aboriginal and Torres Strait Islander families can get the information they need about the COVID-19 vaccine and visit the mobile vaccination clinic to receive a vaccination.

All this would not be possible without the tireless efforts of the SA Health team, both in the local health networks and in the department, but also I would like to particularly highlight the work of Professor Katina D'Onise from Wellbeing SA and Danielle Jiranek from SA Health. I want to recognise and congratulate them for their commitment to work with the community so that we do all that we can to ensure that no stone is left unturned in the pursuit of protecting public health.

I urge all of the South Australian community to work with SA Health and Wellbeing SA to help reach those hard-to-reach communities. We have good supplies of stock. We have created new pathways to access the vaccine. We urge all South Australians to take up the opportunity.

COVID-19 VACCINATION

The Hon. J.E. HANSON (15:07): Given that the minister has outlined that he wants to restore confidence in the community for those who are vaccine reticent, is the party going to commence administrative proceedings to expel Senator Alex Antic for his comments around—

The PRESIDENT: No, that is out of order.

The Hon. J.E. HANSON: —withdrawing people—

The PRESIDENT: It is out of order. We will move on. The supplementary is out of order.

The Hon. J.E. HANSON: It's not. It goes directly to his comments.

The PRESIDENT: You will resume your seat! The Hon. Ms Bonaros has the call.

SAFEWORK SA

The Hon. C. BONAROS (15:07): I seek leave to make a brief explanation before asking the Treasurer in his capacity as minister for industrial relations a question about SafeWork SA.

Leave granted.

The Hon. C. BONAROS: In September 2020, experienced obstetric and gynaecological specialist, Dr Yen-Yung Yap, took his own life under pressure of being investigated by the Australian Health Practitioner Regulation Agency since 2015. In early 2020, AHPRA imposed restrictions on Dr Yap, which severely impacted his earning capacity and ability to practise in his specialist field. Dr Yap initiated legal action against AHPRA to defend himself before the Supreme Court, but before that was finalised he took his own life, leaving behind a devastated wife and three teenage children.

Following his death, AHPRA elected to close the investigation, writing to Dr Yap's widow, Mei, stating that now that her husband was deceased he was no longer a threat to the public and it would not continue his case nor investigate any learnings. Under the safe work act, Mei lodged a complaint with SafeWork SA in early April this year to investigate AHPRA for bullying, psychological harm and its duty of care towards Dr Yap and since that time has received conflicting advice as to whether such an investigation was underway.

My question to the minister is: is SafeWork SA investigating AHPRA over the death of Dr Yap; if so, what are the terms of that investigation; and, if not, why not, given that the SA board of AHPRA was responsible for commencing the investigation against Dr Yap and is based in Adelaide and AHPRA's five-year investigation into Dr Yap occurred in its entirety in SA?

The Hon. R.I. LUCAS (Treasurer) (15:09): I am happy to take the honourable member's question on notice and bring back a reply. I will stand corrected but I don't believe I have any knowledge of an investigation into AHPRA, but given the background and nature of this I don't want to share any incorrect information with the chamber, so I will take the honourable member's question on notice and bring back a reply.

COVID-19 HOTEL QUARANTINE

The Hon. T.T. NGO (15:10): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about health.

Leave granted.

The Hon. T.T. NGO: Allan is a resident of Virginia who is currently quarantining in a medi-hotel after returning from work overseas. Allan's mother-in-law just passed away and the funeral is this Thursday. The day of the funeral is 10 days into Allan's quarantine but SA Health has refused Allan's request for an exemption to attend the funeral. My question to the minister is: does the minister think it's acceptable that Allan is being denied an exemption to attend the funeral when similar exemptions have been granted in the past?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): I certainly don't know the circumstances of the case to which the honourable member refers, but what I would suggest to the honourable member is that he advise the gentleman to exercise his rights to have the decision appealed. All decisions to grant or not grant an exemption are subject to appeal.

GENDER PAY GAP

The Hon. J.S. LEE (15:11): I seek leave to provide an explanation before asking the Minister for Human Services a question about the gender pay gap.

Leave granted.

The Hon. J.S. LEE: Under the former Labor government the gender pay gap was 9.8 per cent in 2018. Only three years in and the Marshall Liberal government has managed to

reduce this number to 7 per cent as of May 2021. We are leading the nation with the lowest pay gap Australia-wide. Can the minister provide an update to the council on how the Marshall Liberal government has affirmed its commitment to make South Australia a leading state for women?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): I thank the honourable member for her question and for her interest in this important area. Indeed, we have launched our Women's Leadership and Economic Security Strategy, which is a key pillar and was an election commitment from 2018 and is something that we were certainly very keen on doing. The commitments that we have made to women and families through our domestic and family violence reforms are obviously something that I have spoken about at length in this chamber, and are incredibly important.

We know that if women have economic freedom it means they have choices so, again, economic security is a key pillar for assisting women who may find themselves in that situation to enable them to make choices to leave and get out of toxic relationships. Apart from anybody who may well be in that particular situation, we believe that our economic strategy is going to continue to drive the employment of women in non-traditional areas. Indeed, this is something that my colleague Minister Pisoni is very keen on, and ensuring that we are addressing it particularly through apprenticeships and traineeships and encouraging women to enter non-traditional areas.

There are fantastic opportunities for women. I note in the residential construction area the Housing Industry Association has something like 40 vacancies that they are very keen to fill. We have also refreshed our Premier's Council for Women, which includes a number of women who have very strong careers in entrepreneurship in those areas, such as Kirsty Mundy, who works for Microsoft Industry Solutions in the Asian region; Fiona Dorman, who has a scientific background and has invested in a very successful gin distillery; and Karen Briggs, who is from KLB Creative.

We are very proud of the fact that we have the lowest pay gap in Australia. It is something in the order of 14 per cent nationally and 7 per cent in South Australia. Therefore, it's very disappointing that in the ranks of the Leader of the Opposition's office there is a pay gap of almost 35 per cent. We also know that in the House of Assembly women are often denied the opportunity to ask questions in favour of their male colleagues. We on this side proudly provide—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —all of those opportunities for women. In the Premier's office, the pay gap is just 4 per cent, so lower than the state average. We are very proud of our record. We walk the walk and don't just talk the talk, which is Labor and their tokenism—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter is out of order.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter, order!

The Hon. J.M.A. LENSINK: Mr President, the more they—

The Hon. I.K. Hunter interjecting:

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

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: The more they protest, we know we have hit a nerve. We have a very well credentialled—

The Hon. I.K. Hunter interjecting:

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

The Hon. J.M.A. LENSINK: We have a very well-credentialled board, who are very excited about this strategy, as are a number of other people in the community. We look forward to continuing to deliver for the women of South Australia.

GENDER PAY GAP

The Hon. K.J. MAHER (Leader of the Opposition) (15:16): Supplementary: is the minister able to, in percentage terms, as she had with other things, let the chamber know what percentage of the South Australian cabinet are women? What percentage is three out of 14, when it is 50 per cent for Labor?

The PRESIDENT: That doesn't arise from the original answer, but if the minister wishes to answer it, I am happy to let her do it.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): I will direct the honourable member to his calculator.

The PRESIDENT: Supplementary, the Hon. Mr Wortley.

GENDER PAY GAP

The Hon. R.P. WORTLEY (15:17): Can the minister—

Members interjecting:

The PRESIDENT: Order! Leader, you've got a member on his feet behind you, trying to ask a supplementary.

The Hon. R.P. WORTLEY: Can the minister advise this chamber what specific policies and measures contributed to any reduction in the gender pay gap in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:17): Clearly, jobs and entrepreneurship and supporting all small businesses has meant the reduction in the pay gap.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter's colleagues are going to miss out on a question because of you in a moment.

The Hon. J.M.A. LENSINK: Clearly, the people of South Australia took things into their own hands in 2018 and voted for a Liberal government.

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

Members interjecting:

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

Members interjecting:

The PRESIDENT: Government members are not helping.

AGE OF CRIMINAL RESPONSIBILITY

The Hon. R.A. SIMMS (15:18): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Attorney-General, the Treasurer, on the topic of raising the age of criminal responsibility.

Leave granted.

The Hon. R.A. SIMMS: A national campaign to raise the age of criminal responsibility to at least 14, in line with other jurisdictions around the world, has been backed by a coalition of legal, medical and social justice organisations, including the Law Council of Australia, the Australian Medical Association and Aboriginal-led groups.

In a statement released late on Monday, the meeting of attorneys-general agreed to support a development of a 'proposal to increase the minimum age of criminal responsibility from 10 to 12,

including with regard to any carve outs, timing and discussion of implementation requirements.' That's a quote from the statement.

My question to the Treasurer is: given advocates have said that raising the age of criminal responsibility to 12 would make little difference to the number of children imprisoned, estimating that it would only reduce the number of under 14s imprisoned from 499 to 456, will the government consider raising the age to 14 instead?

The Hon. R.I. LUCAS (Treasurer) (15:19): I will refer the honourable member's question to the Attorney-General, but if he is quoting from a statement from all attorneys-general, I assume it includes our Attorney-General. I will, nevertheless, refer the question to the Attorney and bring back a reply.

COVID-READY ROAD MAP

The Hon. R.P. WORTLEY (15:19): 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. R.P. WORTLEY: The document circulated at yesterday's press conference said vaccinated South Australians need at least 15 minutes face-to-face contact with a COVID-19 case to be a close contact. However, the contact tracing matrix provided for businesses revealed two ways that vaccinated people can end up in quarantine after just one minute of contact if only one person was wearing a mask. This has created confusion about which advice to the community and business is correct. My question to the minister is: after 23 November, will some fully vaccinated South Australians need to quarantine after being in the same place as a COVID-19 case for as little as 60 seconds?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I will take the honourable member's question on notice and seek advice from the public health team.

WOMEN'S HEALTH

The Hon. H.M. GIROLAMO (15:21): My question is to the Minister for Health and Wellbeing. Minister, can you please update the council on a new surgery being offered to women in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I thank the honourable member for her question. Women needing hysterectomies now have access to a game-changing surgery that is helping them recover faster and, in particular, halving their time in hospital. The Lyell McEwin Hospital is leading the way for hysterectomies, becoming the first public hospital in the state and one of the first in Australia to provide the novel vNOTES surgery for hysterectomy.

Belgium has been a leader in vNOTES surgery. This technology is cutting edge in Australia, with only a handful of other surgeons in the private sector and in Sydney being able to perform it. vNOTES, which stands for transvaginal natural orifice transluminal endoscopic surgery, is a technique that uses keyhole instruments to perform more challenging hysterectomies, rather than using incisions through the abdomen.

For patients, there are many advantages of the vNOTES surgery over regular laparoscopic surgery: it's less invasive, there are no abdominal scars, it's less painful, there is less time in surgery (around 40 minutes less), and there is less time in recovery (about one day, compared to an average of two days for laparoscopic surgeries that do require incisions). An estimated 30,000 Australian women undergo a hysterectomy every year for conditions such as chronic pain, endometriosis, fibroids, heavy bleeding, uterine prolapse and even cancer.

A gynaecologist at the Lyell McEwin Hospital told me a hysterectomy can be one of the most rewarding surgeries for women because of the regular pain that constantly interferes with their lives in the case of the conditions I just mentioned. A 48-year-old mother of two, Peta-Anne Louth, was one of those women. In an interview with the ABC, she said that her endometriosis and adenomyosis was causing her so much pain that she was bedridden approximately every two weeks.

She says that vNOTES surgery has changed her life and she wanted to tell her story so that other women could consider the surgery, and also break down some of the social barriers that come

with talking about hysterectomies and women's health. Now that she has recovered from the surgery and has got back to normal life, she says:

> My brain isn't foggy, I'm functioning at 150 per cent as I once was, so to have the procedure was absolutely life-saving for me.

The surgery is not only delivering better outcomes for patients but also freeing up space in hospitals. Halving the length of stay in surgery is great for the patient and the hospital alike. Patients are bouncing back a lot quicker because there is less healing due to there being no cuts to the stomach, and they are able to return to their work or family commitments quicker, while the hospital has more theatres and beds available for other patients, easing pressure on the wider hospital system.

The benefit for the surgeons is that they have more space to perform the surgery—and magnified vision. They also prefer it over a regular laparoscopic surgery as it's quicker and more efficient.

Surgeons have now completed around 25 surgeries during the initial trial period over the past 12 months, and five surgeries are booked in the coming two months. I would like to congratulate the staff at the Lyell McEwin Hospital, who have pioneered this surgery in South Australia for the benefit of South Australian women.

COVID-19 RESTRICTIONS

The Hon. F. PANGALLO (15:24): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about COVID measures announced yesterday by the government.

Leave granted.

The Hon. F. PANGALLO: As we know, on 23 November the government will be opening up the state's borders to allow travel from other states and also overseas, although there remain certain conditions, many of which still remain unclear and appear to have created more confusion and angst in the community and will place more economic pressure on industries like hospitality, arts and entertainment. My questions to the minister are:

1. Does home or hotel quarantine apply to vaccinated residents returning home from a place that has been designated, or becomes, a hotspot, and for how long?

2. Why are fully vaccinated people wishing to come to South Australia from other states being informed on SAPOL's website that applications on forms can only be lodged from a minute past midnight on 23 November, meaning that hundreds who have already made plane and hotel bookings may be forced to change their plans?

3. How will SA Health and SAPOL hope to handle the higher number of travel applications from next week in a timely manner?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26): The South Australian COVID-Ready Plan, as I indicated earlier, looks to open borders to fully vaccinated people from all Australian states and territories, subject to them coming from an LGA which doesn't have both community transmission and less than 80 per cent of the population fully vaccinated.

In terms of the issue of approvals for entry, there will be announcements made in the not too distant future in terms of how that process will be managed, but I would indicate to the council that SA Health, the police and the Department of the Premier and Cabinet have worked together extremely effectively to plan for a new integrated approach. As I understand it, the new system will mean that there will be a need for one application rather than an application to police and SA Health.

In terms of exemptions if required, we still expect that there will be exemptions sought after 23 November, and certainly good progress has been made in reducing the outstanding exemption applications that had built up as we faced outbreaks in three eastern jurisdictions since the middle of June. I think that answers the member's questions.

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

COVID-19 RESTRICTIONS

The Hon. F. PANGALLO (15:28): Yes, thank you. Does the minister have figures of how many of those outstanding applications for return to South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:28): Yes, I do. The latest advice I have is from 15 November, which was yesterday, and that is that there are currently 1,972 applications outstanding. Honourable members would recall that earlier in the pandemic it was in the order of 7,000 to 8,000.

COVID-19 RESTRICTIONS

The Hon. K.J. MAHER (Leader of the Opposition) (15:29): My question is to the Minister for Health and Wellbeing regarding health. Minister, given the advice provided yesterday that says after completing seven days' quarantine contacts are still required to stay away from high-risk settings for a further seven days, does that mean hospital and aged-care workers will be banned from work for a total of 14 days if they come into contact with a COVID-19 case?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:30): The advice that was given yesterday is, I think, headed 'general business'. The document I referred to earlier was COVID exposure in general businesses and venues. As I indicated previously to the council, there are separate guidance documents that will be made available. They are four areas, and in relation to the honourable member's question, the most relevant guidance document is one that is expected in relation to community healthcare services, including primary and tertiary care, such as GP practices, allied health, radiology, dental practices, chiropractors, optometrists, psychologists, counsellors, physiotherapists, remedial massage, traditional medicine and acupuncture.

COVID-19 COMPENSATION

The Hon. F. PANGALLO (15:30): My question is to the Treasurer. Will the government initiate compensation payments to businesses when they get impacted by COVID transmission after November 23?

The Hon. R.I. LUCAS (Treasurer) (15:31): I do not believe that there are any current government—federal government or state government—schemes that apply to the circumstances the honourable member has questioned. Therefore, what we have said so far is we will monitor to see what, if anything, any other state or territory jurisdiction does in similar circumstances and make judgements accordingly. At this stage, the answer to the question is there is no existing scheme we believe that the federal government will provide any funding for, or a state government scheme.

The state government and the federal government, to be fair, have provided significant funding over the 18 months of the pandemic to impacted businesses by way of JobKeeper in the federal government's circumstances and other schemes and from the state government a variety of grant schemes and relief schemes that we have provided. At the moment, there is no current scheme that is available. We will monitor what occurs in other jurisdictions to see what, if anything, governments might be prepared to provide by way of ongoing assistance.

I think the government's record has demonstrated a willingness to monitor and provide taxpayer-funded assistance to a considerable degree. We will monitor the circumstances, but at this stage the answer to the question is there is no existing state or, as we understand it, federal government scheme that applies to businesses as outlined by the member.

Parliamentary Committees

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

The Hon. R.I. LUCAS (Treasurer) (15:33): I move:

That the report of the committee be noted and that the recommendations of the joint committee that the code of conduct for members of parliament be adopted and that the standing orders of the council be amended to incorporate the code of conduct within the standing orders and that, upon the code of conduct being adopted by the Legislative Council, the statement of principles previously adopted be superseded by the code of conduct, be adopted.

It seems many weeks ago that I gave notice of this particular motion that the work of the committee had concluded. I, as one member of that committee, thank all the other members of the committee who represented. It was a joint committee that represented government in both houses. It

represented the Labor Party in both houses. The Hon. Ms Bonaros represented the crossbench members in this particular chamber. The member for Mount Gambier represented the crossbench members in the House of Assembly.

I think it is fair to say that both houses, all sides of politics, were represented, and my understanding is that those crossbench members who were on the committee did take the opportunity to, on occasions during the proceedings of the committee, consult with other crossbench members to at least apprise them of the progress of the committee and, in particular, when we got to the recommendations stage, to a least have a broad discussion with other members.

That is an unusual process. I am not sure whether it is 100 per cent in accordance with the standing orders but, nevertheless, it was approved by the committee. Given the significance of this issue broadly and, in particular, one of the key recommendations, which is a code of conduct for members of parliament, the committee sanctioned the appropriate discussion with other members. In relation to the government and the Labor Party there was approval to consult other members of their respective parties in relation to where the committee might have been heading.

The long history of this I do not intend to delay proceedings today with, but for many years we have had what was known as a statement of principles for members of parliament, which was broadly a version of a code of conduct but short of a code of conduct. Specifically, the ICAC legislation when it was introduced originally made it quite clear that a statement of principles was not a code of conduct for the purposes of the ICAC legislation.

The intention of past parliaments, Liberal and Labor and crossbenchers at the time, was quite clear. I do not recall any opposition when these issues were debated. There would be a statement of principles which governed members' behaviour, but it was not a code of conduct for the purposes of the ICAC legislation. In recent times, by a respective collective vote or aggregate vote of 69 to nil I think it was, this parliament of all persuasions made significant amendments to the ICAC legislation and it, therefore, had impacts in relation to code of conduct related issues.

I will not go into all of those, but there were significant changes made unanimously by both houses of parliament and that did impact significantly on this whole debate and issue about codes of conduct. For a whole variety of other very important reasons, this committee was established and, as I said, one of its priorities was the establishment of a code of conduct and in relation to how it might operate and what the implications might be.

One of the changes in the ICAC legislation which I should refer to was that breaches or alleged breaches of a code of conduct would be considered by the Ombudsman in the future, as opposed to the commission, and the Ombudsman would make determinations ultimately on those that he or she might find were serious or intentional, I think were the two words that governed findings for the Ombudsman.

There may well be allegations about a breach of a code of conduct, such as the one that we are contemplating here, and the process will be that it will ultimately be for the Ombudsman to determine whether or not they were serious or intentional breaches of the members of parliament code of conduct. Ultimately, this is an issue that I am addressing at the moment by way of potential amendments being moved by the Hon. Mr Simms and it is the issue then of what occurs at the end of that particular process.

Before I address that issue again, I come back to the issue that it has been my view and I think that it has been a convention or agreement in this chamber, in the Legislative Council, which has served this chamber well, that our standing orders have, to my knowledge, always been unanimously agreed. That is, even before we had crossbench members in 1979 and subsequently, but that they were standing orders which were agreed by both sides of parliament and, since we have had crossbenchers, standing orders which have been agreed by all members of this particular chamber.

I am not sure for how many more decades that convention will prevail; I hope it is forever. I think it has served this chamber well. Therefore, I place great store on the fact that what ultimately this chamber is going to be asked to consider by way of an amendment to the standing orders is something that has been agreed to, through an agreed process, by Liberal Party members, Labor Party members and crossbench members in the Legislative Council and in the House of Assembly.

Therefore, I, personally, and the government place great weight on the fact that we have reached agreement on a complex and complicated issue.

I assure the Hon. Mr Simms, who will explain his amendments later on, that the issues of consequence were issues addressed in detail by the members of the committee. Various alternative options were put and rejected, and the unanimous view of the committee was that these decisions as to what happens at the end of a particular process are ultimately matters for either other bodies, individuals or the parliament itself.

For example, if a member of parliament was found by the Ombudsman to have breached a member of parliament code of conduct in a serious and intentional way, then there would be considerable pressure on the leader of a major party, or indeed even a minor party, for action to be taken against that particular member within that particular political unit. That is, a shadow ministerial position might be removed, a ministerial position might be removed, a party office holder position, such as the whip, or membership of a committee or chairmanship of a committee might be removed by the political party or the leader of that particular political party.

In those examples, that is not a decision that is ultimately taken by this particular chamber. This chamber does not have the power to remove the shadow minister for regional development, for example, from her shadow ministerial responsibilities. That is a decision for either the caucus or the Labor leader or a combination of both. So there are those sorts of decisions. Clearly, if you are an Independent member of either house of parliament then you do not have a leader. You are the leader and it is an interesting question as to what the equivalent consequence is in those particular circumstances.

However, there is also the position where a house of parliament could, upon receiving a finding from the Ombudsman about a serious or intentional breach of the code of conduct, take action in relation to a variety of actions that they might want to take. We have had speculated, although we have not seen it in my time, in recent circumstances that a house of parliament might move a motion to not allow a member access to member services—for example, the bar or the lounge or whatever it is.

Whether that is within power or not would be an interesting question but it has certainly been speculated in relation to access to various services, but this chamber, and equivalently the House of Assembly, does have considerable powers and ultimately could take a range of decisions based on advice in relation to an action they might want to take, as the majority of this chamber, against a particular individual. Those options are there.

These issues were considered and, as I said, ultimately the unanimous finding of this particular committee was to report the recommendations as we have outlined. As I said, I think that is a strength of this particular report and recommended changes to the standing orders. I am anxious, speaking on behalf of my party colleagues, to resolve the issue of an agreed code of conduct for members of parliament as soon as possible, and I am certainly strongly opposed, on behalf of my party, to anything that may further delay that, divide that or splinter off what has been a unanimous agreement between all parties.

I think if, in the absence of an agreement, there is a process which this chamber, and frankly the House of Assembly, could adopt if they so chose to further ask standing orders committees to consider various other options, they could come back at another time. At least at this stage we have a recommended agreed code of conduct, and I would be hopeful that sooner rather than later we are in a position to be able to vote to support that code of conduct.

A whole variety of things were raised by way of submissions to the committee. The ICAC commissioner gave a written submission, followed up by an oral submission. There are various aspects of that particular draft code about which I have spoken publicly and opposed. I am pleased to see they are not reflected in this particular code because, in essence, if that had been picked up, any occasion a member of parliament had a spirited disagreement with a member of the public, that member of the public, he or she, could make an allegation of a code of conduct breach, that they had not been treated respectfully in their engagement with the member of parliament, and that would be something being explored by an integrity body, which now would be the Ombudsman.

Again, in my view, that is certainly not what has been recommended here. Those sorts of good standard and behaviour practices are there as a preamble to the code of conduct, but an

allegation about a claimed breach of that would not constitute a breach of the code of conduct. The code of conduct covers all the traditional major elements: issues of pecuniary interests, declaration of interests, complex serious behavioural issues, and clearly the issues that have been a subject of a lot of debate recently in relation to sexual harassment, harassment and bullying. All of those issues are understandably canvassed in this particular code of conduct.

On behalf of government members, we therefore support the report. At the appropriate time we will be moving the code of conduct, which is consistent with the report. I flag at this stage, whilst I have only just received the proposed amendments from the Hon. Mr Simms, that it is the government's position that we will support the code of conduct that has been unanimously agreed by the committee without opening it up to further amendment.

When those amendments are moved we can discuss some of the issues in detail, but perhaps I will address the issues in relation to the amendment when the Hon. Mr Simms moves those. I assume by the nature of this motion that I will have the opportunity to conclude, but we will not have the equivalent of a committee stage, so perhaps I had better just broadly canvas it at this stage as we will not have the to and fro of an equivalent committee stage.

My major point is that we have an agreed code of conduct, and I think we should move with that. Secondly, the issue of, as I read very quickly, the shape and nature of the proposal is that it leaves open to the Legislative Council—I presume it leaves open to the Legislative Council—whether or not it leaves open the prospect of a President having separate power based on advice, or whether it is just the majority vote of the Legislative Council, it would appear to be the capacity to levy an unlimited fine on a member of parliament.

It can be a lonely place when you are in the minority in this chamber. The prospect of the Labor Party and crossbenchers levying unlimited fines of some extraordinary capacity against a member of the government is not an overly exciting prospect. I will be grateful that I will be gone by March. If this particular provision was there and the Hon. Mr Simms was moving that as a member of the government I deserved a million dollar fine because I breached the code of conduct—some of us do not have the resources to meet those sorts of fines.

Anyway, it does raise a general question in relation to it. As I said, the committee considered a range of those sorts of options and ultimately decided to leave it, as I said, that the chamber could make decisions, but in a number of respects we would be in a position where we believed the leadership of the political organisations, both large and small, would also be in a position to take action against their particular colleague who might have been found to have breached the code of conduct in a serious or an intentional way.

With that, I urge support from members in this chamber—after many years of a statement of principles to graduate to a code of conduct—to what is an agreed recommendation from Liberal, Labor, SA-Best and the Independent Mount Gambier member, Mr Bell, by way of this recommendation from the committee.

The Hon. K.J. MAHER (Leader of the Opposition) (15:51): I rise to speak on behalf of the opposition on this motion. I understand that the intention is—and I will be corrected if I am wrong—as the Treasurer sums up, that we will not be voting on the amendment being proposed today. I can indicate that the Labor opposition does not have a formal position yet on the amendment, which is reasonably new to this chamber. The first two paragraphs of the Chairperson's foreword to the committee inquiry report says:

> This Committee was formed in the circumstances where a review has taken place by the Acting Equal Opportunity Commissioner Ms Emily Strickland, of the incidence of harassment in the Parliament workplace. These circumstances and indeed the findings of the Acting Commissioner are a reminder that the prevalence of harassment, including sexual harassment, and discrimination has a serious impact on individuals and workplace culture.
>
> Parliament is not immune from scrutiny; although unique, it is a workplace like any other. All persons who work in Parliament, whether Members or staff, deserve to feel safe and receive the same level of protection as they would elsewhere. It is a matter of paramount importance that persons who experience harassment, sexual harassment, and discrimination are able to report such conduct and have confidence in the processes available to address complaints.

I echo these sentiments. I think no organisation is without fault when it comes to preventing and addressing bad behaviour in the workplace. As parliamentarians, and indeed as community leaders,

we have a fundamental obligation to set the right example. When we fail, we have a further obligation to examine how we conduct ourselves, the rules around that conduct and our attitudes.

The joint committee has helped parliament to do that. A vast array of organisations provided submissions to the committee, from SAPOL and ICAC to representatives of parliaments in other jurisdictions such as Tasmania, New South Wales, the ACT and Victoria.

Importantly, the committee has proposed a code of conduct for MPs. This was included in the work of the committee thanks to an amendment moved by the member for Reynell in another place, Katrine Hildyard. As with many other important matters, it is disappointing that—and there has been good reason for this—as matters can be, this has been scheduled in what is the last scheduled sitting week before the election, although on current indications I suspect it might not be the final sitting week we face.

Noting delays that have occurred in both the original equal opportunity report and the committee report itself, I do not want to delay process any longer. I think the quote I read at the start from the Chairperson's foreword sums up where we are and what we need to do quite well.

I will, in closing, note that it has been at the core of the Labor Party and the labour movement for 130 years: fighting for better protections and conditions for workers. I think we owe it to ourselves, the community, our own staff and the staff of the parliament to provide a safe place to work, and I commend the committee's report to the council.

The Hon. R.A. SIMMS (15:54): The Greens are also supportive of this report and the recommendations. In particular, I want to put on record our support for the code of conduct that has been proposed. I recognise, as the Leader of the Government and the Leader of the Opposition have done, that this has come out of a multiparty committee process, but it should be noted that it was not a committee that involved active participation from the Greens.

It has always been our view that when you are developing a code of conduct it is important to include penalties to ensure that we have something in place that has real teeth, that the community can have faith in, that members of this place can have faith in, and that the staff who work in this building can have faith in.

With all due respect to the Hon. Mr Lucas, I am not sure that this Liberal government has the best track record when it comes to enforcing the behaviour of their members of parliament. This is the party that said, 'Let's not progress any investigation into the alleged conduct of Sam Duluk, let's just let that slide.'

The PRESIDENT: The member should be referred to by his seat, the member for Waite.

The Hon. R.A. SIMMS: I apologise, the member the Waite. 'Let's just let that slide and let's instead exhibit such a failure of leadership that it's over to the member for Waite to announce that he is going to run as an Independent,' because nobody in the Liberal Party hierarchy had the courage to move to disendorse him. So I am not sure that the argument, 'Well, the political parties will take care of their business and the government will discipline people who do the wrong thing,' really carries much weight.

I also refer to the conduct of the former SA minister, Stephan Knoll, who was found to have engaged in misconduct over his interactions with the cemeteries board by the Ombudsman. I am not sure what action has been taken by the government in relation to that behaviour. It is important that there are some clear consequences that flow if people do the wrong thing. That is the case in any other workplace in the state of South Australia and that is what the community expects of this workplace.

In terms of the amendment, I will talk to that later when I have the opportunity to do so, but in general terms what it does is imposes or provides the opportunity for the parliament to impose fines, compel a member to apologise or suspend a member from the service of this council. Members may well ask—and the honourable Treasurer has made this point—how long would the suspension last, what is the fine, and so on? These are matters that are dealt with in the Victorian model from which this language has been drawn, and were this to be implemented we could certainly finesse some of those issues through further changes to the standing orders.

It is not the desire of the Greens to hold up this process in any way. We are absolutely supportive of a code of conduct. It has taken a very long time for us to get here and with that in mind

we do think it is appropriate that we ensure that any code of conduct we put in place has real teeth and ensures that there are real consequences that flow to those few bad apples who do the wrong thing.

The Hon. C. BONAROS (15:58): I will be brief. I might at the outset begin by acknowledging you and your role, Mr President, as President of this place and your position on the committee, which has resulted in this report and this code of conduct. I echo the sentiments of all three of my colleagues in one degree or another, and agree with those views that have been expressed.

I think what became clear throughout the committee process was the absolute need for this code of conduct and an acknowledgement of this parliament of behaviour that has previously gone unchecked in this place, and behaviour that does not meet any community standards in anyone's language. I think this was the wake-up call that we all needed in relation to that. I think the committee received ample evidence as a result of the Strickland review but also as a result of submissions made that showed that something needed to be done.

I do want to, just for one moment, speak about the commissioner's recommendations and the reasons why SA-Best was not supportive of those. Whilst I do not disagree with the outline that has already been provided by others and the deliberations of the committee, and I will not mention the case in particular, our hesitation in relation to those had more to do with the culture that underpins those legislative frameworks rather than the proposals themselves. In my view, and for reasons that are currently before tribunals where other similar conduct commissions exist, it is clear that, unless we address the culture underpinning those legislative frameworks, it will not result in any meaningful change whatsoever.

In relation to the code of conduct itself, I acknowledge the comments by the Leader of the Government, the Leader of the Opposition and also the Hon. Mr Simms and agree with those sentiments. I am sure we will have an opportunity to speak further to the amendment that we have seen today. I appreciate the reasons why the Hon. Mr Simms has put this in. In fact, I recall the conversation I had with him on the day that we first spoke of the report, because I had the precise same conversation with my colleague the Hon. Frank Pangallo.

In principle, this is not something we are opposed to. I think it is something that we have fleshed out significantly in the course of deliberations in terms of what can and what cannot be done. I can tell you, speaking from personal experience, that it has been a frustrating process when you do not know where you can go to and what you can or cannot have done as a result of a complaint. I think one of the things that we established, though, is that a referral to an ombudsman does not necessarily preclude—in fact, I think all of us will imagine that it would include—recommendations or suggestions as to possible outcomes when a complaint is made.

If an apology is warranted, then there would be nothing preventing the Ombudsman from making that recommendation or suggestion. If further training in the areas of sexual harassment or bullying or discrimination are required, then there would be nothing preventing the Ombudsman from making those suggestions or recommendations. Of course, they are only suggestions or recommendations. I think that goes to the heart of what the Hon. Robert Simms has been trying to highlight, that they are only recommendations or suggestions, but I do not think they will be recommendations or suggestions that would be easily ignored by this parliament or by any member of this parliament. If we were to embark on including penalties or fines or things of that nature in the code itself, then we would need to have some very clear parameters around that.

The one thing that the committee process did highlight to me overwhelmingly is that the workplace that we are in is unique, and there are a number of challenges that present themselves here that simply do not present themselves in any other workplace. That has been one of the biggest obstacles that we have had to overcome. That said, through this code of conduct, I think it is worth acknowledging that we are also making ourselves, as members of this place, accountable to more individuals than any other employer would be accountable to.

Our level of responsibility extends, if this code comes in, not only to the way we treat our own staff but to the way we treat basically every individual worker who comes into this place, whether they work for the library or security personnel or catering, whether they are visiting with one of their ministers, or whatever the case may be. We will now have a responsibility towards those individuals that is broader than any responsibility that any other employer would have in the general community.

I think that is rightly the case because, as I have said before, as people who are responsible for making the law, I think there is an added level of responsibility on us to be leading by example.

The only other thing I will say at this point—and it is one of the points that I raised and we deliberated on during the committee process—is that I acknowledge that none of this is perfect and, in fact, for me, it is far from perfect. The glaring issue that stood out to me, which this code will do nothing to address, is the issue of parliamentary privilege and the way we conduct ourselves during parliamentary proceedings.

I have canvassed this issue in here extensively before, but I will briefly outline again that if something were to occur in this chamber while parliament was sitting and it involved perhaps you and me, Mr President, while we were not on our feet or were not taking part in a debate, then that would not be captured by this code of conduct. If I were to walk past a colleague and racially vilify them, even though I have no role whatsoever in the debate that is taking place, that will still be subject to parliamentary privilege.

Of course, there will have to be a privileges committee and all the rest of it that is established as a result, but this code of conduct is not bulletproof—I suppose that is the point I am making. There is lots of behaviour, unacceptable behaviour, that could still take place in this place during parliamentary proceedings that would not be covered by this code of conduct. That extends to committees, it extends to anywhere where parliamentary privilege extends.

I acknowledge also that in the deliberations it is fair to say that this inquiry did not extend as far as considering issues or problems that we have with parliamentary privilege, but I note it because I think it is something that in the future we will need to address as a parliament. Bad behaviour cannot be justified purely because of parliamentary privilege, and that is not something I accept is okay, but I also accept that it is not something that can be dealt with in this code of conduct and that there is a lot more work that this parliament needs to do in that space and more generally, but this is a very good first step.

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

Bills

UNCLAIMED MONEY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 October 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:07): I rise to speak on this bill and indicate that I will be the lead speaker for the opposition. This bill repeals and replaces the Unclaimed Moneys Act 1891, with the goal of modernising and simplifying the administration of unclaimed moneys in South Australia. This approach was agreed to as part of the commonwealth Project Agreement for Small Business Regulatory Reform, although the bill also includes some additional reform proposed by the Department of Treasury and Finance, as we are advised.

Only around $6,000 per year is claimed from the unclaimed moneys fund, we are told. Unclaimed moneys have been declining over time because banking is controlled by federal schemes. A related intergovernmental agreement in relation to small business reform includes an ability to claim unclaimed moneys via a portal. The commonwealth has offered a contribution of $600,000 to establish a portal for claiming funds and has estimated it will cost $175,000 per year to run such a scheme, we are advised.

This bill proposes a range of changes. It will increase the threshold of unclaimed moneys that can be lodged by business with the Department of Treasury and Finance from $10 to $50. It would remove the requirement for businesses to advertise unclaimed money in the South Australian *Government Gazette* prior to lodging it with the DTF. It would also remove the requirement to hold money for nine years prior to transferring to DTF.

Businesses would be able to provide unclaimed money directly to the Department of Treasury and Finance after having held the money for seven years without needing to advertise in the *Gazette*. Once it is transferred, the money will be made available on the DTF unclaimed money database.

Businesses will also be provided with an option to publish unclaimed money they hold on their own website or in the DTF unclaimed money database. The database will be available on the Department of Treasury and Finance website for members of the public to access, we are informed. There is a proposed 25-year cap on the ability to make a claim for unclaimed money, with a five-year transition period upon commencement of this act.

Finally, the bill would remove the requirement for the public to pay a fee of 20¢ to access a register for unclaimed money. The opposition supports this bill and notes that we are keen to understand how the government will ensure the public is aware of this particular portal.

The Hon. R.I. LUCAS (Treasurer) (16:10): I thank the Leader of the Opposition for his indication of support for the bill.

Bill read a second time.

Committee Stage

Clause 1.

The Hon. R.I. LUCAS: The honourable leader raised a question in relation to the government's intentions on publicity. With the leader's concurrence, I am happy to take that question on notice and provide him with either written correspondence or perhaps an answer in the house at some stage.

Clause passed.

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

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:12): I move:

That this bill be now read a third time.

Bill read a third time and passed.

GENE TECHNOLOGY (ADOPTION OF COMMONWEALTH AMENDMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 October 2021.)

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:14): I thank honourable members for their contributions and look forward to consideration of the bill in committee.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

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

That this bill be now read a third time.

Bill read a third time and passed.

EMERGENCY MANAGEMENT (ELECTRICITY SUPPLY EMERGENCIES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2021.)

The Hon. R.I. LUCAS (Treasurer) (16:18): I thank whoever might have contributed to this particular second reading debate for their wonderful contribution and I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. C.M. SCRIVEN: I move:

Amendment No 1 [Scriven–1]—

Page 4, after line 9—After subclause (5) insert:

(6) Section 27C—after subsection (7) insert:

(8) If a prescribed designated person directs, or exercises its authority over, the operator of a qualifying generator (a *relevant requirement*) such that—

(a) the operator is required to cause or permit the qualifying generator to be disconnected from a distribution network; or

(b) the generation, use or export to a distribution network of electricity generated by the qualifying generator is limited or prohibited,

the prescribed designated person must pay the operator of the qualifying generator compensation in accordance with subsection (9) within 30 days of the day on which the relevant requirement ceases to have effect.

Maximum penalty: $1,000,000.

(9) For the purposes of subsection (8), the amount of compensation payable to the operator of a qualifying generator is double the amount determined by multiplying—

(a) the average daily feed-in amount; by

(b) the average feed-in price; by

(c) the number of days for which the relevant requirement has effect (rounded up to the nearest whole day) or, if a relevant requirement has effect for less than one day, by 1.

(10) In this section—

average daily feed-in amount, in relation to a qualifying generator, means the average daily amount of electricity fed into a distribution network by the qualifying generator for the billing period immediately preceding the period in which the relevant requirement is given to the operator of the qualifying generator;

average feed-in price, in relation to a qualifying generator, means the average amount paid (commonly known as the 'feed-in tariff') for electricity fed into a distribution network by the qualifying generator for the billing period immediately preceding the period in which the relevant requirement is given to the operator of the qualifying generator;

distribution network has the same meaning as in the Electricity Act 1996;

prescribed designated person means any of the following (including their respective successors or assigns):

(a) AEMO;

(b) ElectraNet Pty Ltd;

(c) SA Power Networks;

qualifying generator has the same meaning as in section 36AC of the *Electricity Act 1996*;

relevant requirement—see subsection (8).

As we know, this legislation will give the minister the ability to turn people's solar panels on or off at their home so the grid can be stabilised in an emergency. As previously stated, the opposition supports that. This amendment, however, means that household solar investors will be treated in essentially the same way as AGL or Origin. If AGL or Origin are instructed by the minister to turn on their power plants in order to secure the system, they are compensated. It is therefore fair and reasonable that households should be compensated also when they are instructed to turn their solar panels off.

They should be compensated for what they would have expected to have earned, or what they would have expected to offset, had they not had their panels turned off. As mentioned, solar panels on people's homes have two positive economic impacts: the first is the feed-in tariff, and the second is the offset of one's personal power use. Without this amendment, the government's bill creates in fact a disincentive to households to invest in solar panels.

Householders have gone out in good faith and put solar panels on their roofs. Although solar panels have come down in cost in recent years, they are still very expensive—anywhere between $2,500 to $10,000, depending on the size of the capacity of the solar array. The cost increases further again of course if a battery is added on. As we know, the government is shrinking the subsidy that is available to households. Close to one in three South Australian households now have solar panels—that is one in three households that have put solar panels on their roofs—and they are right to ask this fundamental question, 'Why wasn't I told when I invested my money in solar panels that there would be a different rule for me than for other generators in the national energy market?'

The minister in the other place is on the record as saying that he anticipates the times that people's solar power panels may be turned off during a period of system security emergency will be small and rare. I am of course glad to hear that as, I am sure, all South Australians are. If the minister is right then the cost is negligible and no-one is worse off. However, if the minister is wrong and people's solar panels are turned off for extended periods of time, the consumer not only experiences a loss from the feed-in tariff but is also effectively told, 'You cannot offset your power.'

When AGL, which runs Torrens Island, or in fact any other large-scale thermal capacity generator is instructed by the operator or the government to take some action, they get paid. They are compensated for that action. Why is it that households will not? Clearly, that would not be fair. Clearly, this amendment will rectify that lack of fairness. I therefore urge members to support this amendment.

The Hon. R.I. LUCAS: I seek the indulgence of the committee. I am advised that I, on behalf of the minister, was meant to put on the record a statement. I should have done that at clause 1, I think, so as long as no member of the committee opposes I would just like to indicate on behalf of the minister and the government as follows.

The South Australian government supports electric vehicle owners being rewarded for supporting the grid. This includes accessing cheaper power at times of the day with low demand and being rewarded for reducing charging or discharging power to the grid in times of high prices. The South Australian government supported time of use tariffs and is supportive of smart charging and demand management trials to accelerate the business models.

This bill does not impact those important consumer-focused reforms because it is only used in extremis—on the extremely rare chance of a significant supply interruption, such as during a statewide blackout. In those circumstances, as the market is generally suspended, these price signals for consumers would be overridden and the market would operate under directions in any case to ensure continuity of supply to the greatest degree possible.

Having placed that on the record, which I should have done at clause 1—I apologise—on behalf of the minister and the government I indicate the government's opposition to the amendment as just outlined by the Hon. Ms Scriven. The government's reasons for its opposition are as follows.

The Australian Energy Market Operator is advised that it currently does not have the ability to comply with the administration of compensation in the manner proposed without significant costs to upgrade systems and operations. In addition, it is likely that costs to enable the ability to provide compensation would dwarf any compensation payments themselves. Key system costs would be borne by SA Power Networks which would be passed on to consumers.

The South Australian government has advised that the likely cost to SA Power Networks to establish systems would be at least $10 million. These would be shared across the 800,000-odd small customers, resulting in a cost of approximately $12.50 per customer. Further, the government is advised that it is extremely unlikely that a compensation event would occur under the proposed amendment, meaning that it is extremely likely that that cost will be imposed without any compensation paid. Were a compensation event to occur, the government is advised by SA Power Networks that, based on the level of export which is on the high side, an estimate of the compensation level is around $200,000.

This means that even if a compensation event occurs, the overwhelming majority of solar homes would be worse off as they would receive less in compensation than the cost they would pay towards establishing the system to compensate them. This measure would therefore be a net tax on solar homes. In addition, SA Power Networks advises it is likely that further costs would be borne if there was a compensation event, although these are hard to quantify as all retailers have different billing and administration systems.

It is likely that cost imposts on retailers would also flow through to higher bills for customers. It is for these reasons that the government is opposing the amendment, as the government believes it is not in the long-term interests of consumers.

The Hon. R.A. SIMMS: I speak in support of the amendment moved by the Hon. Clare Scriven. The Greens are supportive of this amendment. We understand that it is seeking to introduce a compensation regime for loss of feed-in revenue when rooftop solar is disconnected or curtailed in the case of an emergency.

The Greens are supportive of what the government is trying to achieve in this legislation with respect to emergency powers but, like the Labor Party, we do have concerns that this is imposing a new set of rules on those who have purchased rooftop solar in good faith, under a certain set of rules, without being warned that the government could, at any time, turn this off and change the goalposts.

The fact that those consumers would then lose their feed-in tariff and any ability to offset their own power use is of concern to us. I think it is fair to say that people purchased solar under the assumption that any excess energy they did not use would be sold on to the grid. The fact that this will now change is concerning.

I understand the government is saying they will not support this amendment, but the Greens believe it is only fair that when you change the rules halfway through, change the horse midstream, you should compensate those who are affected. That is a general principle and it is one that is applied in most circumstances.

The government has already allowed a sun tax to be charged on people who have installed rooftop solar and now they are going to be charged yet another fee to allow them to use electricity in their own homes. It seems to be completely at odds with trying to encourage an uptake of solar and, on that basis, the Greens are supportive of the Labor Party's amendment.

The Hon. C.M. SCRIVEN: I would just like to respond to the statements made by the Treasurer. My understanding is that electricity operators are already under legislative requirements to keep detailed records of electricity use for their customers and their feed-in tariffs for a period of time. Therefore, the comment that AEMO says it would cost $10 million to implement such a scheme appears to be unnecessary in that those records are already kept and, therefore, there is no reason for that sort of figure to be involved. I therefore encourage members to support the amendment.

The committee divided on the amendment:

Ayes 9
Noes..... 10
Majority..... 1

AYES

Franks, T.A.	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Scriven, C.M. (teller)	Simms, R.A.	Wortley, R.P.

NOES

Bonaros, C.	Centofanti, N.J.	Darley, J.A.
Girolamo, H.M.	Hood, D.G.E.	Lee, J.S.
Lucas, R.I. (teller)	Pangallo, F.	Stephens, T.J.
Wade, S.G.		

PAIRS

Bourke, E.S.	Lensink, J.M.A.

Amendment thus negatived; clause passed.

Remaining clauses (5 and 6), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

WITJIRA NATIONAL PARK

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:35): I move:

That this council requests Her Excellency the Governor to make a proclamation under section 43(4) of the National Parks and Wildlife Act 1972 to vary the proclamation made under sections 28 and 43 of that act on 21 November 1985 constituting, and preserving mining rights in, Witjira National Park, so as to remove all rights of entry, prospecting, exploration or mining pursuant to a mining act (within the meaning of the National Parks and Wildlife Act 1972) in respect of the following portion of that park: the area enclosed by a line joining the following points of latitude and longitude (GDA2020) consecutively:

26.470786S 135.425108E	26.463086S 135.424808E	26.455686S 135.425708E
26.448086S 135.428108E	26.441386S 135.431408E	26.434886S 135.431108E
26.427886S 135.427608E	26.422186S 135.425908E	26.416286S 135.425108E
26.393086S 135.425508E	26.387386S 135.426308E	26.382786S 135.427208E
26.377186S 135.429308E	26.371886S 135.432108E	26.351586S 135.447508E
26.347186S 135.451808E	26.331485S 135.472708E	26.327485S 135.479108E
26.324885S 135.485008E	26.322985S 135.491208E	26.322085S 135.495708E
26.318385S 135.501108E	26.314985S 135.508208E	26.312685S 135.514408E
26.311085S 135.522408E	26.310685S 135.528908E	26.311485S 135.562308E
26.313485S 135.571908E	26.310685S 135.577908E	26.318685S 135.583608E
26.322185S 135.588908E	26.326385S 135.593508E	26.331085S 135.597508E
26.338785S 135.602208E	26.347285S 135.605108E	26.353185S 135.606008E
26.359085S 135.606008E	26.363385S 135.605408E	26.368585S 135.624608E
26.370785S 135.630608E	26.373685S 135.636308E	26.377285S 135.641608E
26.383685S 135.648308E	26.391185S 135.653508E	26.396685S 135.656108E
26.402385S 135.657808E	26.408185S 135.658708E	26.414085S 135.658708E
26.419985S 135.657908E	26.428485S 135.655108E	26.433785S 135.652208E
26.438685S 135.648608E	26.443186S 135.644308E	26.447086S 135.639408E
26.450386S 135.634008E	26.454086S 135.625008E	26.455586S 135.618708E

26.456386S 135.612208E	26.456486S 135.605608E	26.455685S 135.599108E
26.453485S 135.589908E	26.457185S 135.588408E	26.461885S 135.585908E
26.467385S 135.581908E	26.476185S 135.574008E	26.480385S 135.569308E
26.491785S 135.569708E	26.510585S 135.575608E	26.520085S 135.577408E
26.528985S 135.577108E	26.534785S 135.575808E	26.543285S 135.572308E
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26.507086S 135.393108E	26.499986S 135.395208E	26.492686S 135.398908E
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then directly to the point of commencement. The spatial descriptions are based on the Geocentric Datum of Australia (GDA2020).

The purpose of this motion is to vary the proclamation of Witjira National Park so as to remove all rights of entry for prospecting, exploration or mining pursuant to a mining act within the meaning of the National Parks and Wildlife Act 1972 in respect of the land referred to as the Dalhousie Springs national heritage area as defined by the GPS coordinates in the notice of motion.

Dalhousie Springs national heritage area in Witjira National Park is both environmentally and culturally significant. As the only permanent water source for 150 kilometres, the springs are a significant refuge for a number of plants and animals. Due to the springs' isolation, many of these plants and animals have evolved into distinct species that are not found anywhere else in the world.

Given the environmental sensitivity of the national heritage area, it has been managed collaboratively by the Department for Environment and Water and the Department for Energy and Mining since 2009 to restrict exploration and mining access. This variation to the proclamation of Witjira National Park will formalise this arrangement to remove mining rights, including exploration, from 50,000 hectares of incredibly significant land in the national heritage area.

Witjira National Park is co-managed with the Wangkangurru and Lower Southern Arrernte and native title holders of the land. The Irrwanyere Aboriginal Corporation represents both of these groups, who support formalising a no-mining policy position due to the density of cultural sites in the Dalhousie Springs national heritage area. The Witjira National Park co-management board were consulted, as required under the co-management agreement. Both Irrwanyere Aboriginal Corporation and the co-management board are supportive of the proposed changes.

The Tri-Star energy company currently have two petroleum exploration licence applications over the Dalhousie Springs area. The boundaries of these applications will be varied once mining has been excluded from the area.

Subject to the resolution of this house, Her Excellency the Governor will be requested to vary the proclamation of Witjira National Park to remove rights of access under South Australian mining legislation from the area, defined as the Dalhousie Springs national heritage area, pursuant to sections 43(2), 43(4), 43(5)(c) and 43(6) of the National Parks and Wildlife Act 1972. I commend the motion to the house.

The Hon. K.J. MAHER (Leader of the Opposition) (16:37): I rise today, and I will be very brief and say that the opposition will be supporting this motion.

The Hon. R.A. SIMMS (16:38): I also rise in support of the bill on behalf of the Greens. We welcome the government taking this action, and we take on face value the commitments the government has made in terms of commitments to the environment. Obviously, it is our view that we would prefer to see no mining at all in these areas. That is certainly the position of the Greens. But we do welcome the step that has been taken in this instance and we will be supporting it.

Motion carried.

SOUTHERN FLINDERS RANGES NATIONAL PARK

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:38): I move:

That this council requests Her Excellency the Governor:

1. To make a proclamation under section 27(3) of the National Parks and Wildlife Act 1972 to alter the boundaries of Mount Remarkable National Park so as to exclude from the park the following land: sections 321, 322, 323, 325, 326, 327, 329 and 347, Hundred of Napperby, County of Victoria; allotments 1 and 3 in Deposited Plan 22619, Hundred of Telowie, County of Frome; allotment 15 in Deposited Plan 27599, Hundred of Telowie, County of Frome; allotment 4 in Deposited Plan 30142, Hundred of Napperby, County of Victoria; and allotment 21 in Deposited Plan 35859, Hundred of Napperby, County of Victoria; and

2. To make a proclamation under section 29(3) of the National Parks and Wildlife Act 1972 to abolish Telowie Gorge Conservation Park; and

3. To make a proclamation under section 30(2) of the National Parks and Wildlife Act 1972 to abolish Wirrabara Range Conservation Park; and

4. To make a proclamation under section 30(2) of the National Parks and Wildlife Act 1972 to abolish Spaniards Gully Conservation Park.

The purpose of this motion is to, firstly, alter the boundaries of Mount Remarkable National Park; secondly, to abolish the Telowie Gorge Conservation Park; thirdly, to abolish Wirrabara Range Conservation Park; and, fourthly, to abolish Spaniards Gully Conservation Park.

The purpose of abolishing and excluding land from the parks is to allow for all of the above land to be proclaimed as the new Southern Flinders Ranges National Park. The parks proposed for reclassification comprise a series of spectacular rugged ranges, steep gullies and gorges featuring a variety of woodland, mallee and tall shrubland communities which together form more than 8,600 hectares of contiguous protected areas. They are parks of high biodiversity value, protecting approximately 598 species of native flora and 186 species of native fauna.

The proposed reclassification to national park will better reflect the area's nationally significant environmental and cultural values, enable greater involvement of the Nukunu native title holders in park management, and provide greater opportunities for visitors. The Nukunu Wapma Thura (Aboriginal Corporation) has provided in principle support for the proposal and the state government is negotiating a co-management agreement with the Nukunu over the proposed new park.

Subject to the resolution of this house, Her Excellency the Governor will be requested to abolish the proclamations and concurrently constitute all of the land as the new Southern Flinders Ranges National Park pursuant to section 28(1) of the National Parks and Wildlife Act 1972. I commend this motion to the council.

The Hon. K.J. MAHER (Leader of the Opposition) (16:40): I indicate that the opposition will be supporting this motion but I will ask that perhaps as the minister sums up if she would be so good as to elaborate on how this will benefit native title holders.

The Hon. R.A. SIMMS (16:41): I rise in support of this proposal. I do not propose to speak in relation to all of these. I know that there are a number that are related. The Greens are supportive of these changes, but obviously I am interested to hear the response to the question that the honourable leader of the Labor Party has raised.

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:41): I thank the honourable member for his question and his interest in this particular area. I do not have the main carriage of this so I am relying on the advice from the minister's office. We are negotiating new co-management agreements so I think through that process we are expecting that we will be able to work more closely with the local native title holders.

Motion carried.

MUNGA-THIRRI—SIMPSON DESERT CONSERVATION PARK

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:42): I move:

That this council request Her Excellency the Governor to make a proclamation under section 29(3) of the National Parks and Wildlife Act 1972 to abolish Munga-Thirri—Simpson Desert Conservation Park and to make a proclamation under section 34A(2) of the National Parks and Wildlife Act 1972 to abolish Munga-Thirri—Simpson Desert Regional Reserve.

The purpose of abolishing the Munga-Thirri—Simpson Desert Conservation Park and Munga-Thirri—Simpson Desert Regional Reserve is to allow for the land to be proclaimed as the new Munga-Thirri—Simpson Desert National Park. The Simpson Desert is one of Australia's most iconic landscapes where the world's largest system of parallel dunes is found. It is a place of profound cultural significance for the Wangkangurru Yarluyandi traditional owners and a unique tourism destination which draws visitors from all over the world.

The parks support a diverse range of plants and animals that are adapted to living in the harsh desert environment. Proclamation of the two parks as one will create Australia's largest national park at 3.6 million hectares, reflecting the national significance of the Munga-Thirri—Simpson Desert. It is most appropriate that these two parks are managed under a single land tenure.

In creating the new national park, a special management zone around the Kalakoopah Creek will be put in place through a change to the park management plan. This management zone recognises the environmentally significant ephemeral creek system, an anabranch of the Warburton River, which will be managed as a wilderness zone. This zone will require the land to be managed to protect the area's wild character, preserving the wildlife and ecosystems and minimising access.

The proposed change will increase the role of the Minister for Environment and Water in managing exploration and mining rights. Currently, the minister only has a consultative role on any proposed exploration tenements on the regional reserve, but as a national park the minister will have an approval role.

Subject to the resolution of this house, her Excellency the Governor will be requested to abolish the proclamations and concurrently constitute the land as the new Munga-Thirri—Simpson Desert National Park pursuant to section 28(1) of the National Parks and Wildlife Act. I commend this motion to the council.

Motion carried.

CLELAND CONSERVATION PARK

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:44): I move:

That this council requests Her Excellency the Governor to make a proclamation under section 29(3) of the National Parks and Wildlife Act 1972 to abolish Cleland Conservation Park and to make a proclamation under section 30(2) of the National Parks and Wildlife Act 1972 to abolish Eurilla Conservation Park.

The purpose of abolishing the current Cleland Conservation Park and Eurilla Conservation Park is to allow for the land to be reproclaimed as Cleland National Park. Together, these two parks conserve an important area of bushland situated in the Adelaide Hills Face Zone of approximately 1,032 hectares, which provides habitat for at least 148 species of native fauna, along with 690 species of native flora. The proposed reclassification to national park will better reflect the area's nationally significant environmental and cultural values and provide greater opportunities for visitors, which will be more appropriately managed under a single land tenure.

The land is located within the Kaurna native title determination area. Although native title has been determined not to exist over the parks, Kaurna Yerta Aboriginal Corporation were advised of the proposal to reclassify Cleland to national park status. Subject to the resolution of this house, Her Excellency the Governor will be requested to abolish the two parks and to concurrently constitute the land as the new Cleland National Park, pursuant to section 28(1) of the National Parks and Wildlife Act 1972. I commend this motion to the council.

Motion carried.

DEEP CREEK CONSERVATION PARK

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:46): I move:

That this council requests Her Excellency the Governor to make a proclamation under section 29(3) of the National Parks and Wildlife Act 1972 to abolish Deep Creek Conservation Park.

The purpose of this motion is to abolish Deep Creek Conservation Park to allow for the land to be proclaimed as Deep Creek National Park. Deep Creek Conservation Park is one of South Australia's most visited parks, with stunning coastal vistas, quality camping experiences and world-class walking.

The park comprises the largest remaining portion of remnant natural vegetation on the southern edge of the Mount Lofty Ranges and represents the largest intact area of open forest, woodland and shrubland associations on the Fleurieu Peninsula and is home to more than 400 species of native flora and an abundance of native wildlife. The national significance of the wildlife and features of this park justify its reclassification to national park status.

The land proposed for reclassification is the Ngarrindjeri and Others Native Title Settlement (Part A) Determination Area. Ngarrindjeri Aboriginal Corporation were notified of the proposal relating to Deep Creek, pursuant to the Ngarrindjeri and Others Native Title Settlement (Part A) Indigenous Land Use Agreement. Subject to the resolution of this house, Her Excellency the Governor will be requested to abolish the conservation park and to concurrently constitute the land as the new Deep Creek National Park, pursuant to section 28(1) of the National Parks and Wildlife Act 1972. I commend this motion to the council.

Motion carried.

LAKE FROME REGIONAL RESERVE

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:48): I move:

That this council requests Her Excellency the Governor to make a proclamation under section 34A(2) of the National Parks and Wildlife Act 1972 to abolish Lake Frome Regional Reserve.

The purpose of this motion is to abolish Lake Frome Regional Reserve to allow for the land to be proclaimed as the Lake Frome National Park. Lake Frome Regional Reserve was proclaimed in 1991 to conserve a large arid salt lake system that is of geological significance and covers more than 258,000 hectares.

This ephemeral salt lake stretches 100 kilometres long and 40 kilometres wide and is of cultural significance to the Adnyamathanha people. Upgrading the status of the Lake Frome Regional Reserve to a national park will recognise the national significance of the salt lake and give it the same status as other large salt lakes, including Kati Thanda-Lake Eyre, Lake Torrens and Lake Gairdner.

The Adnyamathanha Traditional Lands Association Aboriginal Corporation was notified of the proposal relating to Lake Frome, and they are supportive of the proposal. The proposed change will increase the role of the Minister for Environment and Water in managing exploration and mining rights. Currently, the minister only has a consultative role on any proposed exploration tenements, but as a national park the minister will have an approval role.

Subject to the resolution of this house, Her Excellency the Governor will be requested to abolish the Lake Frome Regional Reserve and contemporaneously constitute the land as the new Lake Frome National Park pursuant to section 28(1) of the National Parks and Wildlife Act 1972. I commend this motion to the council.

Motion carried.

EDIACARA CONSERVATION PARK

Adjourned debate on motion of Minister for Human Services:

That this house requests Her Excellency the Governor to make a proclamation under section 30(2)(a) of the National Parks and Wildlife Act 1972 to abolish Ediacara Conservation Park.

(Continued from 14 October 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:50): I rise to express support for this for the reasons that have been stated in motions to do with other parks that have been mentioned in notices of motion.

The Hon. R.A. SIMMS (16:50): I also rise in support of the motion for the reasons I have previously outlined.

Motion carried.

Bills

ELECTORAL (ELECTRONIC DOCUMENTS AND OTHER MATTERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 October 2021.)

The Hon. C. BONAROS (16:51): I rise to speak on the Electoral (Electronic Documents and Other Matters) Amendment Bill 2021. At the outset, I again express SA-Best's extreme disappointment and frustration that the government has waited until the eleventh hour to introduce this bill and then expects us to rush through it. We know that the government has had over 2½ years to bring this bill into the parliament and has not done so until now, the dying days of this session of parliament.

Can I say, in the Attorney's defence perhaps, she did move a very similar bill late last year, which would have given us ample opportunity to consider these issues had it not been for taking advantage of the subject matter at hand and slipping in optional preferential voting, which ultimately resulted in the entire bill failing, and for very good reason. I do give the Attorney 10 out of 10 for persistence in bringing forward some components of that bill, along with a couple of new provisions in this bill so late in the day, and I think that is more a reflection of what the Electoral Commission would like to see done.

The Electoral Commission's election report contains 16 recommendations. This report was received a full year before COVID hit and, as I have already said, it was received by the government over 2½ years ago. Optional preferential voting, for obvious reasons, was not one of those recommendations, so here we are. The government has had at its disposal an entire department to act on the 16 recommendations, but still here we are.

The bill has widespread and significant ramifications for South Australians and democracy itself. I know I speak for many of my colleagues here and in the other place when I say it is extraordinarily tempting to scuttle this bill. We have chosen not to do this because we appreciate the Electoral Commission has gone to some length to try to get some of its recommendations implemented before the next election, and those recommendations are not there to benefit us but are there to benefit democracy. As the Electoral Commission has highlighted to me in briefings and in an open letter from the commissioner to all members, it not only has COVID to contend with but also a possible federal election that may clash with our election early next year.

Some of the provisions in the bill appear sensible, streamlining administrative improvements that will assist and permit more voters to exercise their democratic right to cast their vote. Some are simply a modernisation of processes, such as making information and announcements available on websites rather than publishing in hard copy newspapers. Others deal with candidates being able to electronically upload documents, such as their enrolment application.

Most, but not all, of the provisions in this bill are recommendations from that report that I referred to, but the bill does not address at least four of those recommendations, some of which are very significant. For example, recommendation 1, which advocates for eligible voters to enrol up to and on polling day, is not in this bill. I understand Labor has filed an amendment that does provide for that to occur to some degree.

Recommendation 8, calling for robust and secure systems for the electronic delivery and return of ballot papers, is nowhere to be found in this bill. That said, I hope it is progressed in the next parliament, as we do need to harness technology to facilitate secure and accessible voting for all.

Early voting centres are something of a double-edged sword, which I think provide only a partial solution in these COVID-19 times but are also somewhat critical in these COVID-19 times. Under this proposal, the public will be able to attend booths in lower numbers over a longer period of time, but they are still having to physically turn up, handle pens and papers, and have contact with staff and other voters.

The reality is, I think none of us can predict what is going to happen next month, let alone next March, when it comes to COVID-19. There are, of course, some provisions which may be viewed as disadvantages to voters voting in the weeks leading up to an election. Sometimes issues emerge or arise right up until election day, issues that may very well sway predominantly swinging voters.

Other provisions, such as access to telephone voting, have arisen via consultation with the commission, which has conducted consultation with relevant representatives, such as blind and vision-impaired electors. There are amendments by the opposition that seek to include some additional safeguards for telephone voting and to expand the disabilities that would make someone eligible for telephone voting. That is something we will consider during the committee stage debate.

The government has some concerns, I understand, with the Labor amendments. Again, we will canvass that during the committee stage debate, but I think, generally, if I can take anything from the briefing with the commission it is that, yes, we are at the pointy end of business and if these changes do not come in they are going to have a heck of a time trying to implement them in time for the election.

Of course, all that could be fixed if the government allocated more resources to the Electoral Commission and made their job a lot easier. The other reason, and probably the more compelling reason, given by the Electoral Commission and the commissioner is the uncertainty that exists around COVID-19 and what March next year will look like, even without a federal election or potential federal election.

There are concerns, obviously very contentious provisions, around the closing of the rolls two days after the issuing of writs instead of the current six days. This could be seen as disenfranchising young and first-time voters, who could miss the two-day cut-off. I think that is something that we will flesh out further during the committee stage debate of this bill.

Regarding the misleading advertising complaints, changes to SACAT, in principle we do support that proposal, if only because we saw what a mess it was trying to deal with misleading and deceptive advertising during the last campaign. In fact, the results of some of those complaints were being handed out to political parties well after the election had been finalised and certainly well after the damage of some of those advertisements had been done.

So that is an amendment that I am keen to explore during the committee stage in the hope that SACAT may be better placed to respond to these complaints in a much more timely and independent manner. That is not a suggestion that ECSA is not independent, but I think it is fair to say that we all know that ECSA's time is consumed by trying to administer an election, and having them also deal with complaints simply is not working.

I have an amendment to this bill that deals with robocalls. My view is these calls are nothing but nuisance calls. I think sometimes their effectiveness can be questionable, but they are widely used. I think the community at large would prefer that they do not get these robocalls. Again, we will have a lot more to say about that during the committee stage debate of the bill.

There is an amendment by the Hon. Robert Simms that seeks to lower the eligible voting age to 16. Again, this is something I am happy to speak to further during the committee stage debate. It is not something we will be supporting in principle but is certainly something that we are willing to canvass during the committee stage. With those words, I indicate that we are happy to proceed with the second reading of this bill and look forward to canvassing all those issues I have just outlined during that debate.

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

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2021.)

The Hon. C. BONAROS (17:03): I am happy not to refer to my notes, mainly because I cannot find them, and provide members with a brief outline of our position on this bill. I think this bill for us is probably a little different from the last bill that I just spoke on when it comes to elections, and that is because this is the very first time we are seeing this proposal and there are significant changes in here that we are being asked to consider, again, at the eleventh hour.

It comes at a time when, despite there being some provisions in here that we think are beneficial, in the lead-up to the election, when we have all started complying with various pieces of legislation and knowing the rules around them, we are changing those parameters entirely, particularly when it comes to, as the title suggests, funding, expenditure and disclosure. I have some concerns with that at this late stage and indicate that, at this stage, whilst we acknowledge that the government has, in effect, tried to address the commission's concerns, or issues that the commission may have made recommendations on, I am extremely concerned about the time that we have left to consider these particular changes.

I am concerned about the time we have to consider all of these changes, but I think it is fair to say we have had some time to digest the other changes. We certainly have not had as much time to digest these changes and the impacts—the actual impacts—that they will have on political parties who know the current set of rules and know that those current set of rules are about to change on them if this bill proceeds.

Our position at this stage is not a final one, in terms of where we will land on this bill, but we will be keen to see what happens throughout the course of the committee stage. One of the things that I would like to point out, and which was really disappointing from SA-Best's perspective, is that, whilst we have tried to actually make it a streamlined and simpler process for minor parties when it comes to disclosure at an election, we have provided those same minor parties with absolutely zero guidance as to what their funding arrangements will look like.

So we know what the major parties will be up for, in terms of funding and disclosure requirements, but as far as the minor parties are concerned the proposal is that those matters will be outlined in regulations. Of course, we have not seen those regulations. In fact, at this stage, we do not even know what is contained in those regulations and that, for us, is critical at this stage and certainly critical before we proceed with this bill any further.

I am not inclined to proceed with this bill any further unless and until the government is actually going to provide us with some idea—a draft set of regulations or some idea—of what those proposals will look like. I hope that is a signal to the government that we are waiting to see what those regulations look like, but ideally between now and when they propose to deal with this bill later this week we have a better indication of what we have today because they will significantly impact minor parties, not major parties. They will significantly impact major parties in other ways, but they will significantly impact us in ways that we simply have no idea about at this stage. That is an unrealistic ask of any minor party in this parliament, and so it is for those reasons that we reserve our position in relation to this bill.

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

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (Treasurer) (17:07): I move:

That the time for bringing up the committee's report be extended until Tuesday 30 November 2021.

Motion carried.

Bills

STATUTES AMENDMENT (STEALTHING AND CONSENT) BILL

Adjourned debate on second reading.

(Continued from 28 October 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:08): I rise to speak on this bill and say that the opposition will be supporting this bill. This bill follows a very similar piece of legislation that was introduced by the Hon. Connie Bonaros and follows a very similar course of action when bills have been introduced by people like the Hon. Connie Bonaros in this place or the member for Reynell, Katrine Hildyard, in the other place that most of what is in the bill from non-government members is adopted as a government bill.

I will just comment briefly that sometimes it is good if the government could work with members if they have any concerns or problems about amending initiatives that non-government members have brought to one or other of the chambers, rather than replacing it and usurping the entire bill. I think it would do the Attorney credit to work closely with non-government members in that respect.

Be that as it may, and also noting that this has been done a number of times in the lower house with the member for Reynell's bills, where they have been usurped by a government bill and have progressed no further, that is probably even more of a concern, when the government takes over the initiative that was presented in a bill, presents its own slightly different version and then as a government bill elects to not progress it further, which can be done not as readily as it used to be able to be done but more readily in the House of Assembly.

While the term 'stealthing' is a new term for many people, it is an important area of law reform. Monash University published a study in 2017 that reported that one in three women and one in five men had experienced this phenomena, and less than 1 per cent had reported the matter to the police. It is essential that people are fully informed when consenting to sexual activity. This includes whether a device, such as condoms, are being used or not. A person who engages in sexual activity without informed consent is fundamentally committing a crime, and this bill seeks to remove any doubt that people are guilty of an offence if they engage in sexual activity if they are not doing it in accordance with all parties' agreement.

The bill amends section 46 of the Criminal Law Consolidation Act 1935 that deals with consent to sexual activity to specifically refer to the use of a condom. Division 11 of the act, rape and other sexual offences, makes it an offence to commit an act where the person has not consented or has withdrawn consent to a sexual act. The amendment to section 46 does not create a new offence, but would allow prosecution for existing offences where the act of stealthing occurred.

Further amendments are proposed to the Criminal Procedure Act 1921 and the Evidence Act 1928 to deal with a judge's instruction to juries and expert evidence. The Australian Capital Territory passed similar laws earlier this year. I understand Victoria has announced they will make similar changes. We support this bill.

The Hon. R.A. SIMMS (17:11): The Greens also support this bill, and in so doing I want to commend the Hon. Connie Bonaros for her leadership on this issue in putting forward a private member's bill. It is good to see that the government has taken this up and followed the Hon. Ms Bonaros's lead on this very important issue.

We know, of course, that when it comes to consent to engage in sexual intercourse that it is vital that consent continues throughout sexual intercourse, and that is where the behaviour of stealthing, that is, removing a condom without permission, is really so abhorrent. This is behaviour that is, unfortunately, all too common. I understand that in 2018 a study by Monash University and the Melbourne Sexual Health Centre surveyed around 2,000 people—this is reported in news.com, and I am quoting from that article—and found that one in three women and almost one in five men who have sex with men had experienced stealthing.

The author and journalist Monica Tan has described 'non-consensual condom removal'—and again I am quoting from the article—'as a sort of rape', in an article for *The Guardian* published in 2015. 'I call what he did rape like. He called it pushing my boundaries,' she wrote. To make it clear in terms of the impact of this behaviour, survivors have made clear, according to a Yale student, Alexander Brodsky, who wrote in her paper titled 'Rape adjacent, imagining legal responses to non-consensual condom removal', that was published in the *Columbia Journal of Gender and Law*:

> Survivors make it clear as a result of the removed condoms they experienced fear of sexually transmitted infections and pregnancy and also a less concrete but deeply-felt feeling of violation.

There are lots of places around the world that have taken this matter very seriously and have legislated accordingly. California has moved to address this issue, and also recently the ACT, and I understand the Victorian parliament is also looking at it. It is very important for us to change our laws in South Australia to ensure that this is adequately addressed as the crime that it is. With that, I commend the bill.

The Hon. C. BONAROS (17:14): Obviously, I rise to speak wholeheartedly in support of this bill and echo the sentiments of my colleagues the Leader of the Opposition and the Hon. Robert Simms. I think the Leader of the Opposition makes a valid point and one that we would like to see become more common practice in this place. Of course, we do not ultimately care how a good proposal ends up becoming law, but it would certainly make things more favourable if ministers or the Attorney or whoever may be in question worked with the crossbench and the opposition when they do put a proposal forward which warrants some support.

I am not going to talk through what the bill does in terms of stealthing, because we know what it does, but I am pleased to see that this bill introduces new jury directions to dispel rape myths and create certainty in relation to admissible expert evidence. I think that is a very good improvement on the original bill that I proposed in this place most recently. As we know, one in every three women and one in every five men who attended the Melbourne Sexual Health Centre from December 2017 to February 2018, and who voluntarily participated in a survey at that centre, reported that they had experienced stealthing at least once.

I have previously given detailed accounts in this place of specific incidents of stealthing reported to me. Most recently, I went to a retail outlet to purchase something and the young woman behind the counter and I had a conversation about stealthing only to learn that her cousin, in fact, had been the victim of stealthing and that matter was being pursued even under our current laws but, of course, is in murky waters given that the issue of consent and stealthing is not explicitly covered in those laws.

With the passing of this bill, South Australia is set to join a growing number of jurisdictions around the world to draw a legislative line in the sand and it is about time that we did so. Of course, the ACT became the first Australian jurisdiction to expressly criminalise stealthing last month, in fact. Last Friday, the Victorian government also announced its intention to introduce stealthing legislation on the back of the Victorian Law Reform Commission's report 'Improving the response of the justice system to sexual offences'.

This bill contains a relatively simple amendment to section 46 of the Criminal Law Consolidation Act, as I have said, to expand the list of factors which can negate consent to include non-consensual condom removal. It incorporates the words 'whether express or implied' which, I understand, further clarifies this issue and is an improvement on that original bill. The New South Wales Law Reform Commission has also considered the broader issue of consent, publishing its report titled 'Consent in relation to sexual offences' in September 2020.

The bill picks up some further important recommendations from this report which seek to dispel a range of common misconceptions traditionally relied upon by defence counsel to discredit victims. We have already legislated for a number of them. A judge must already direct a jury that consent should not be assumed simply because the person did not protest or physically resist, was not physically injured, or had previously engaged in voluntary sexual activity with the accused or another person.

We know the mere fact a person did not say or do anything, did not kick and scream or sustain obvious injuries, does not mean they are untruthful. Rape is not always a violent act. The current amendments will take those directions further by specifying there is no typical or normal response to non-consensual sexual activity. Victims can react in many different ways in response to the trauma of rape.

Just because a person has been drinking alcohol or consuming drugs does not mean they are giving unequivocal consent to sex with anyone at any time. Just because a person is wearing certain clothes does not mean they are sexually available or agreeing to sex. A perpetrator is not always a stranger in a public place. A perpetrator may be a person known to the victim, an intimate partner or a spouse. In fact, an overwhelming majority of perpetrators are not strangers to their victims.

The bill also seeks to amend the Criminal Procedure Act 1921 to require the provision of an expert report to the prosecution in advance of a trial in cases where the defence's intention is to rely on an expert report for the purposes of discrediting the victim in terms of their conduct. I believe this is a very sensible amendment, which has been made at the request of the DPP for very good reasons, and overall I support the additions that have been made by the Attorney-General in relation to the original proposal in this place.

This bill is another critical step forward in addressing the under-reporting and low conviction rates which have traditionally plagued sexual assault cases. I commend the Attorney for her progressive agenda in this space and note this conversation is far from over. Not only has it been refreshing, it has resulted in fundamental shifts in our laws in line with community expectations. I, for one, think the Attorney has done an exceptional job of advancing those causes.

So we look forward to a shift beyond the scope of this bill from 'No means no' to a 'Yes means yes' affirmative consent model in South Australia. I am pleased to know, from discussions that I have had with the Attorney's office, that they are following the work that is being undertaken in New South Wales very closely and are looking at some future changes, potentially, in South Australia that mirror those laws.

Females are seven times more likely to be a victim of non-consensual sexual activity than males. The interplay between gendered violence and gender equality is clear, and SA-Best is committed to doing our part to rewrite this script. With those words, I indicate our wholehearted support for this bill. I thank those honourable members, also, for their kind words in relation to our previous proposal.

The Hon. R.I. LUCAS (Treasurer) (17:21): I thank honourable members for their contribution in the second reading and their indications of support.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:24): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 October 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:24): I rise to speak on this bill and indicate that I am the lead speaker for the opposition. The bill itself gives effect to legislative amendments arising from Professor Wendy Lacey's five-year review of the original Advance Care Directives Act 2013.

The original act, brought in by the then Labor government, was an important reform allowing South Australians greater determination over their future care and treatment. The bill before us seeks to implement all recommendations from Professor Lacey that require legislative change, including:

- aiding the digital provision of advance care directives to medical practitioners;
- clarifying that advance care directives, while not negating other forms by which an individual may identify their wishes, are the primary direction;
- removing barriers to culturally and linguistically diverse communities using interpreters to assist with the advance care directives that were unintentionally included in the original legislation;

- clarifying individuals may appoint as many substitute decision-makers as they so choose;
- providing guidance on conditions that may be imposed on substitute decision-makers; and
- removing the Office of the Public Advocate's powers that have not been utilised since the original legislation was enacted.

The opposition has consulted on this legislation and received a substantial amount of feedback from interested stakeholders. The feedback from stakeholders centred on three key aspects of the legislation. Firstly, in relation to interpreters, on the amendments to the interpreter requirements, the Aged Rights Advocacy Service, for example, stated:

> We are concerned that, in the interests of ensuring that the relatively small number of persons in SA for whom a qualified interpreter cannot be sourced, the majority of those who will need an interpreter may be denied the protection of the requirement for a qualified interpreter in the preparation of their [advance care directive] ACD.

The Public Service Association raised concerns that related to the decision not to require a qualified interpreter in cases where English is not a first language. In relation to the second key area, it was in relation to the Office of the Public Advocate in referring a matter to SACAT. The Aged Rights Advocacy Service raised additional concerns regarding the government's amendments in relation to the referrals back to SACAT and claims that referrals could undermine confidence in advance care directives. This amendment was further flagged in consultation with the Australian Nursing and Midwifery Federation, which said:

> We acknowledge that requiring the [Office of the Public Advocate] OPA to discontinue mediation and refer to SACAT in these scenarios has the potential to reduce public confidence in completing advance care directives, however, given the Lacey review identified this as a risk we seek clarity on how the [Office of the Public Advocate] OPA currently determines whether or not an alleged abuse is a misunderstanding or is reasonably suspected…

The Hospital Research Foundation expressed its support for this amendment. The third area is in relation to mental illness. I place on the record that Lived Experience Australia were at pains in their submission to note the potential impacts of advance care directive arrangements on those living with complex and serious mental illness, noting that care must be taken in upholding their rights and ensuring their wishes are respected.

In relation to the actual bill, I can indicate that it is the Labor opposition's position to support the bill. We then come to the amendment that the minister has filed, and I think we will deal with this later in the week in the committee stage, but I will place on the record that the issue of the amendment, as I believe it has for the Liberal Party, has been deemed a conscience issue for the Labor Party.

I think it is wise to separate this issue from the main bill, that is, have it as an amendment to the bill rather than a clause in the bill that could see the whole bill fail. So members of the Labor Party will have a conscience vote on the amendment itself. I might take the opportunity, while doing my second reading, to place on the record just briefly some of my thoughts that will influence me in how I vote on the minister's amendment.

The minister's amendment in effect states that, if health professionals come to the conclusion that a patient's medical condition or their medical treatment is a result of self-harm or a suicide attempt, an advance care directive will have no effect. This is a difficult question that brings into play a lot of different elements to do with medical ethics and the issue of suicide prevention, which we have discussed in this chamber and you, sir, have been a champion of for some time.

This issue also was one that was raised and discussed: the interaction between advance care directives and the ability to consent to medical treatment. The consent to medical treatment legislation certainly was raised for those members of the end-of-life choices committee that preceded the introduction of voluntary assisted dying legislation to this parliament and we spent some time on it.

I will ask the minister, when he moves the amendment, what is being sought to be addressed by the amendment? What are the cases that have given rise to this? I have had discussions with numerous practitioners who practise in areas that deal with end-of-life medical care and they cannot recall a case that this would attempt to solve, so I would ask the minister, when he comes to

addressing his amendment, what are the situations that have arisen that have given rise to need this amendment?

The fundamental thing that I have concerns about is that it deviates from the idea of an advance care directive giving the will of a person who is not able to make their wishes known at the time. For example, if someone ends up in hospital as a result of harming themselves and are conscious, under the consent to medical treatment act, that individual is perfectly at liberty to refuse any sort of medical treatment or medical intervention, even if that refusal may result in that patient's death. If they are conscious and have the capacity and are in hospital, they can do that. If that same person is under the same circumstances in hospital but is not conscious, even if they would have chosen by virtue of what it says in their advance care directive not to have medical treatment, a medical practitioner can then step in and override it.

For me, it creates that fundamental problem of the advance care directive attempting to be the document that gives the will of the patient should they be conscious and able to give their views. If that patient was conscious and capable of giving their views, they would be able to refuse medical treatment, even if it resulted in their death, but by virtue of not being conscious, we do not give them that right. I think it goes to the heart of the purpose of advance care directives.

I do accept that this is a difficult one and there are many factors at play, but I think the way I will be voting is influenced by that fundamental idea that an advance care directive gives rise to the wishes of the patient, that if a patient could consent or, for that matter, not consent to medical treatment had they been conscious, which in this case they could do, if for nothing else by virtue of the consent to medical treatment act, then my starting point is they ought to be able to do that by virtue of an advance care directive.

The Hon. C. BONAROS (17:33): I rise on behalf of SA-Best to speak in support of the Advance Care Directives (Review) Amendment Bill, as introduced in this place last month. At the outset, on behalf of SA-Best I would like to acknowledge and thank Professor Wendy Lacey for the statutory review of the act that she completed in 2019. The Lacey review, as it has become known, made 29 recommendations, 22 of which were supported by the government. This bill seeks to implement the supported recommendations, and these are the result of extensive consultation, as I understand it, and academic input over an extended period in 2019, along with additional community consultation via the YourSAy website in 2021.

I note the Lacey review recommendation that interpreters be accredited, as per the requirements of witnesses under section 15 of the act, is not taken up in this bill because, based on the advice that we have, it could present an additional barrier for cultural and linguistically diverse communities. While using accredited interpreters is strongly encouraged, there will be circumstances when it is just not possible—in fact, where there may not even be an interpreter available. We need to be flexible and practical to facilitate clear communication of a person's wishes.

I also note, from the limited experience that I have had within the community around advance care directives, that this has been one of those issues around the requirement for translations and interpretation, and certainly from the discussions that I have had the people who I have worked with would welcome the move by the government in this regard because even the current requirements are considered overly burdensome. Making those even more difficult is certainly something that I think would not have widespread support, even though I acknowledge the reasons for that in the Lacey review.

I also accept community consultation indicated that the current arrangement where the Office of the Public Advocate mediates and undertakes dispute resolution should continue in preference to immediately referring the matter to SACAT. I accept the advice of the government in relation to that where, in particular, we may be talking about some of the same people from cultural backgrounds.

There is nothing preventing a referral to SACAT in this bill—that remains an option—but the OPA maintains discretion to refer or not. The approach of OPA is that education is better and educating those individuals who are having a difficult time navigating these processes is better than an immediate referral to SACAT, which is a much harsher avenue to go down. That is something that we support, for the reasons I have just outlined.

The bill proposes for electronic copies of advance care directives to be taken as valid directives. I think this is a sensible modernisation and provides clarity around the ability to have a

number of substitute decision-makers, and is also a welcome improvement. I think even the form itself, based on the briefing that I had with the minister, is going to be altered so that there are actually—I think at the moment there are spaces for three substitute decision-makers and they are going to provide for more substitute decision-makers. Some people might want more than three: they might want five or six—I do not know—but certainly that has come out of the feedback. Even the form itself is going to be changed to allow for that.

I do look forward, though, to further reforms of this act to provide for advance care directives to be centrally registered and accessible, perhaps, as the minister indicated throughout our briefings, through a platform like My Health Record or a new national secure platform—if you are game enough to put your medical records on My Health Record, that is. I think it will be a big improvement to have a standardised, secure ACD registry to ensure they are easily accessible by health practitioners in hospitals, emergency departments, palliative care services, GP surgeries and ambulance services throughout Australia.

I am loath to say this, and it is a term that we hear very often from ministers from the government, but in this instance it is one that I agree with, and that is that I do not think this scheme is mature enough for that register at the moment and they would like to see it develop a little more organically—that is the term that this government likes to use—before we go down the path of prescribing it in legislation.

I have to say, even though that was one of the recommendations of the Lacey review, I think there are still some concerns about that, especially given that individuals might not always actually prepare an advance care directive. You might have people at hospitals who have literally written on the back of envelopes or napkins and it has created, I understand, up until this point, and will continue to create, some issues if we have a dedicated register at this stage of the operation of the act requiring those things to be on the register.

I think that is a sensible step to take. It is not something we would ordinarily back, but I am willing to take the advice that we have received so far and let this scheme mature a little and then potentially seek further reforms in terms of a register or, as I said, it might be dealt with at a national level and make a state-based register unnecessary. As I said, it will be a big improvement to have those standardised practices.

ACDs are an important tool to provide everyone with the comfort of knowing they have clear legal arrangements in place for their future care and, most importantly, the confidence of knowing these will be accessible and respected. There is one point that I will make before I turn to the amendment. It was raised at a session that was held previously in the legal profession that dealt specifically with advance care directives and probably speaks to the issue of the register on the flipside, if you like.

The legal profession, in its experience, or certainly the presenters at this particular session, did express some concern about this information being centrally kept on a register, because effectively they said if an individual has concerns about losing the capacity to make that decision-making then they should be waiting until the very last moments before they make available their advance care directive at a hospital, or wherever the case may be.

They are conversations that are taking place in the legal profession. I think the words were something to the effect of 'Keep your ACD locked in that safe until it is absolutely necessary to tell anyone you have one if you are concerned about your decision-making abilities.' That is something that I think we as a parliament must explore if they are concerns that are being raised by the legal profession, which deals with the practicalities of this, certainly more than we do.

I note the comments of the Hon. Kyam Maher in relation to the amendment that has been filed. I also note that that amendment was made, as I understand it, at the suggestion of the Chief Psychiatrist, Dr John Brayley. Certainly, I have correspondence, and I am sure other members do too, in relation to that amendment, outlining the concerns that Dr Brayley has and the reasons for this.

I think it is fair to say that this is a conscience vote amendment for both major parties, if I am correct. We will certainly have some questions for the minister in relation to some of the issues canvassed in that correspondence from Dr Brayley, but also more generally along the lines that the Hon. Kyam Maher has just outlined, when we get to that stage of the debate. With those words, I

again acknowledge and thank Professor Wendy Lacey for the review, which has led us to this point, and look forward to the committee stage debate of the bill.

The Hon. N.J. CENTOFANTI (17:42): I rise in support of this bill and also in support of the Minister for Health and Wellbeing's amendment. Advance care directives are a legal document which allow an individual to make clear arrangements for their future health care. This includes outlining how you wish to manage decisions regarding your end-of-life preferred living arrangements and other personal matters.

Advance care directives allow individuals to think about their dying wishes, such as situations that they may want to avoid or that they would find unacceptable. They also allow individuals to communicate other end-of-life wishes, such as the intention to be an organ and tissue donor or considerations such as spiritual, religious or cultural traditions.

This bill forms part of the government's commitment to amend the Advance Care Directives Act 2013, following a review of the act conducted by Professor Wendy Lacey in 2019 in accordance with section 62 of the act. The bill, if passed, will make improvements in legislation, which in turn will increase the uptake of advance care directives, as committed by the Marshall Liberal government in 2018.

This bill proposes several amendments to the act, including the provision to make copies of advance care directives available to healthcare professionals electronically, to make it clearer that other acts and laws still apply, and to impose clearer requirements on interpreters. This bill will also make it clear that there is no limit on the number of substitute decision-makers who can be appointed, and will also include provisions for listing substitute decision-makers in order of precedence. Lastly, it will strengthen how adults who are vulnerable to abuse are protected by the Public Advocate during resolution of disputes.

I am an advocate for preserving and saving life. The amendment proposed under section 36A is deeply personal and is something that I have grappled with. I do not stand here and pass any assumptions on why a person might attempt to take their own life. What I do stand for here in this place is the assumption that every life is equally important and that we must ensure there is clarity for health practitioners in providing life-saving treatment following an attempt to suicide.

Individuals make personal decisions and an attempt to cause serious self-harm may be a call out for help and may not necessarily mean that person wants to die. The Advance Care Directives Act 2013 ensures that any directives in relation to health care and the provisions relating to end of life are executed only under the most stringent circumstances. This protects the most vulnerable in our community and ensures that the person subject to the advance care directive fully understands the provisions being made.

Affirming life, promoting quality of life, treating the patient, supporting the family, should remain the treating clinician's primary focus. I believe that an attempt on one's own life or to cause serious self-harm should rightly suspend any advance care directive and, as such, I again indicate that I am supportive of the Minister for Health and Wellbeing's amendment introduced under this bill.

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

ROAD TRAFFIC (DRUG DRIVING AND CARELESS OR DANGEROUS DRIVING) AMENDMENT BILL

Introduction and First Reading

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

At 17:48 the council adjourned until Wednesday 17 November 2021 at 14:15.

Answers to Questions

LEGAL PROFESSION CONDUCT COMMISSIONER

In reply to **the Hon. F. PANGALLO** (25 August 2021).

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

The Attorney-General refers Mr Pangallo to her response tabled in parliament on 24 August 2021. She considers the remaining questions to be commentary.

SKYCITY ADELAIDE

In reply to **the Hon. C. BONAROS** (12 October 2021).

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

1. The operations of SkyCity Adelaide Casino are scrutinised by multiple state and federal regulatory agencies.

The Liquor and Gambling Commissioner (the commissioner) and officers from Consumer and Business Services are having regular ongoing meetings with AUSTRAC to discuss the operations of SkyCity Adelaide Casino and their investigation.

AUSTRAC is Australia's financial intelligence unit and anti money laundering and counterterrorism financing regulator. AUSTRAC's work builds resilience in the financial system against misuse by criminals. AUSTRAC collects and analyses information from regulated entities to create actionable intelligence and insights to support law enforcement and intelligence partners to assist them to detect, prevent and disrupt money laundering, terrorism financing and other serious crime.

It would be inappropriate for me to comment further in relation to meetings with AUSTRAC. However, I can confirm that where any potential issues of concern are identified by the commissioner or his staff through their supervision of SkyCity Adelaide Casino, appropriate action is taken including referring the matters to regulatory and law enforcement agencies with the relevant expertise and resourcing.

2. Further to the answer that I provided to the honourable member's question on 25 May 2021, I can advise that in addition to the daily monitoring of Casino operations by Consumer and Business Services' inspectors, Consumer and Business Services amongst other things, also:

- undertakes targeted investigation of premium player gaming activity and Casino loyalty reward schemes;
- undertakes analysis of facial recognition and host responsibility interaction data;
- requires all persons who are able to exercise discretion, influence or control over the business operations under the Casino licence or who carry out certain prescribed duties to substantiate their suitability to be involved in the ownership, management or operation of the Casino; and
- has carriage of regulatory approvals and review mechanisms in relation to the operation of the Casino.

Certain transactions under which persons may acquire control or influence over the Casino licensee and dealings affecting the Casino business must also be approved by the Liquor and Gambling Commissioner.

Furthermore, SA Police maintains probity records of persons who are designated persons under the Casino licence or who undertake prescribed duties at SkyCity Adelaide Casino and is required to make information available to the commissioner if there is cause for a person to be prohibited from such positions.

Additionally, monthly gaming revenue taxation receipts are remitted to the Treasurer and are subject to audit and reconciliation by RevenueSA.

The Casino licensee is also required by legislation to keep proper financial accounts and must have such accounts periodically audited by a registered company auditor. It is a mandatory requirement for the auditor of accounts to notify the commissioner of any suspected irregularity in the accounts or licensee's financial affairs.

3. There is nothing further to add to the answer that I provided to the honourable member's question on 22 September 2021.

SKYCITY ADELAIDE

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

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

1. The royal commission by the Hon. R Finkelstein AO QC was established by the Victorian government to inquire into, and report on, the suitability of Crown Melbourne Ltd to hold its Victorian casino licence and the suitability of its associates, including Crown Resorts Limited.

The precursor to this inquiry were the findings of the Hon. P. Bergin SC who found that Crown Sydney Gaming Pty Ltd was not suitable to hold the New South Wales Barangaroo restricted casino licence and that Crown

Resorts Limited was not suitable to be its close associate. The Bergin Inquiry had regard to the conduct of Crown through its Melbourne and Perth integrated resorts.

A further commission, inquiring into the suitability of Crown Perth to hold a casino licence in Western Australia and whether Crown Resorts Limited is a suitable person to be concerned in or associated with the organisation and conduct of the gaming operations of a licensed casino, is currently in progress and is expected to report early next year.

To be clear, these royal commissions are only concerned with the suitability of subsidiaries of Crown Resorts Limited to hold casino licences in NSW, Victoria and Western Australia. To date, none of these inquiries have alleged any wrongdoing or connection with the holder of the South Australian casino licence, SkyCity Adelaide Pty Ltd.

Noting the findings of the Hon. P. Bergin SC into the suitability of Crown to hold a restricted gaming licence in NSW, the Liquor and Gambling Commissioner announced his intention to undertake a review of the operations of SkyCity Adelaide.

As the honourable member is aware, the commissioner suspended his review following subsequent advice that AUSTRAC had commenced a formal enforcement investigation into SkyCity Adelaide following identification of potential serious noncompliance with SkyCity Adelaide's obligations under the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and Anti-Money Laundering and Counter-Terrorism Financing Rules.

The government welcomes the action taken by AUSTRAC. It would be inappropriate to disclose information relating to that investigation.

I can however confirm that the commissioner will continue to monitor the current casino royal commission in Western Australia. The outcomes of that royal commission, together with the findings of the Bergin and Finkelstein reports and the outcome of the AUSTRAC investigation, will better inform the commissioner's advice to government as to what action, if any, is required.

Certainly, while not wanting to pre-empt the findings of the ongoing royal commission or AUSTRAC investigation, further reform in South Australia may be required potentially involving changes to the Casino Act 1997, Adelaide Casino Responsible Gambling and Advertising Codes of Practice and Approved Licensing Agreement and formal directions being issued to the Casino licensee by the commissioner.

2. There is nothing further to add to the answer that I provided to the honourable member's question on 12 October 2021.

SKYCITY ADELAIDE

In reply to **the Hon. C. BONAROS** (27 October 2021).

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

1. No, I am prevented under part 11 of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 from disclosing information about AUSTRAC's investigation involving the Adelaide Casino.

2. As advised in response to the honourable member's questions on 26 May 2021, the Liquor and Gambling Commissioner commenced a review of the operations of SkyCity Adelaide shortly after the release of the report by the Hon. Patricia Bergin SC into the suitability of Crown Resorts to hold a restricted gaming licence in NSW.

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

The commissioner was subsequently notified of the formal enforcement investigation commenced by AUSTRAC into SkyCity Adelaide.

After discussing the investigation with AUSTRAC, the commissioner decided to put his review on hold. The commissioner's review remains on hold.

3. Specific details of the AUSTRAC investigation will be released if and when AUSTRAC chooses to do so. I do not expect to be in a position to tell this chamber specific details of the AUSTRAC investigation unless and until that occurs.

4. One of the functions of the Liquor and Gambling Commissioner is to ensure that an effective and efficient system of supervision is established and maintained over operations undertaken under the Casino Act 1997.

I described the checks and balances in place to ensure that SkyCity Adelaide is operating within its legal framework in my answer to the honourable member's questions on 12 October 2021. I have nothing further to add to that answer.