LEGISLATIVE COUNCIL

Wednesday, 17 November 2021

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:16 and read prayers.

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. N.J. CENTOFANTI (14:17): I bring up the 49th report of the committee.

Report received.

The Hon. N.J. CENTOFANTI: I bring up the report of the committee on Correctional Services (Miscellaneous) Variation Regulations 2021.

Report received and ordered to be published.

The Hon. N.J. CENTOFANTI: I bring up the report of the committee on Legislative Council petition No. 2 of 2020, Planning Reform.

Report received and ordered to be published.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2020-21—
- Administrator National Health Funding Pool
- Australian Children's Education & Care Quality Authority
- Commission on Excellence & Innovation in Health
- Controlled Substances Advisory Council
- Country Health Gift Fund Health Advisory Council Inc.
- Health Performance Council
- Health Services Charitable Gifts Board
- Lifetime Support Authority
- National Education & Care Services Freedom of Information Commissioner, Privacy Commissioner and Ombudsman
- National Health Funding Body
- National Health Practitioner Ombudsman
- Pharmacy Regulation Authority SA
- South Australian Medical Education & Training Health Advisory Council
- South Australian Public Health Council
- Veterans' Health Advisory Council
- Wellbeing SA

Maternal and Perinatal Mortality in South Australia 2018—Report by Wellbeing SA dated October 2020

Pregnancy Outcomes in South Australia 2018—Report by Wellbeing SA dated October 2021

Question Time

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding ramping.

Leave granted.

The Hon. K.J. MAHER: On Monday, figures provided by the minister's chief executive confirmed that South Australia had accumulated 21,043 hours of ramping between January and September this year. This compares to a figure of 3,111 for the same period in 2017. That represents an increase under this minister's watch of 576 per cent—not double, not triple but almost a sixfold increase. My questions to the minister are:

1. Why has ramping increased 576 per cent under you and your government's watch?

2. Will you apologise to the ambulance officers who are here today and in the greater South Australian community, and the wider community in general, for your government's failures to address ramping?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23): The honourable member referred to comments made by my chief executive in the Budget and Finance Committee last Monday. What he did not go on to say was that the chief executive also indicated that, in recent weeks, there has been a significant improvement in ambulance transfer of care times. We look forward to that—

Members interjecting:

The PRESIDENT: Order! I would like to hear the minister's answer, and I can't do that at the moment.

The Hon. S.G. WADE: The reality is that the big difference between 2017 and 2021 is that in 2017 there was not a pandemic and in 2021 there is. There is significant transfer of care delays right around Australia. In Western Australia, the ambulance operator, St John's, publishes data, which shows that—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. S.G. WADE: —Western Australia's transfer of care delays have been escalating significantly more greatly than South Australia. The common experience of Australian jurisdictions in the context of the pandemic has been taken up at both health ministers' level and at national cabinet level. At the local level, we are pleased with some reforms that have been agreed with the Ambulance Employees Association.

I know the Treasurer is looking forward to further discussions in the context of the EB, but also in terms of resourcing. It is the Marshall Liberal government which has increased the SAAS budget by over 31 per cent since the last budget; it's now a budget of more than $300 million. One of the—

The Hon. I.K. Hunter: And it still hasn't solved the problem of record ramping. You are not addressing the issues of ramping.

The PRESIDENT: The Hon. Mr Hunter!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: One of the key roles that the Ambulance Service is playing within the broader health system is being a key enabler of strategic reforms. For example, in the southern

area, the Ambulance Service is a partner with the Southern Adelaide Local Health Network to implement the care program, which sees ambulance officers working with geriatricians at a Repat-based unit to provide an alternative care pathway for people who need radiology and geriatric care and assessment before they return home and continue their recovery.

We are continuing to look at ways to improve patient flow, particularly through NDIS and aged-care discharges. We are looking at ways of continuing to improve flow in the emergency departments. We have invested more than $100 million in improving emergency departments. We have expanded the ambulance workforce by 74 in the most recent budget, which builds on a continuing growth in the ambulance workforce under this government. We will continue to work with the Ambulance Service to deliver the health needs of South Australians—

The Hon. I.K. Hunter: And month on month, the figures get worse. It hasn't happened overnight. Every month since you came to government.

The PRESIDENT: The Hon. Mr Hunter will remain silent!

The Hon. S.G. WADE: —and I take the opportunity to pay tribute to the professional skill of the paramedics and ambulances of this state and their dedication to deliver top quality care.

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Supplementary arising from the answer where the minister claimed the sixfold increase was because of COVID: minister, how many specific cases of ambulance journeys in the last six months have been a direct result of a case of COVID?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:27): If the honourable member is ignorant of the fact that this state has been one of the most successful states in dealing with the pandemic—of course, there would have been transfers of COVID-positive patients in relation to international travellers, but this state has been extremely well served by the health system, including the Ambulance Service, and as you know has had very few cases.

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Further supplementary in relation to the minister's answer that the sixfold increase, under his watch, can be attributed to COVID: minister, what percentage of the 576 per cent increase do you attributed to COVID?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): Sorry, I actually misunderstood the question. First of all, I am not saying that the only factor in relation to transfer of care is the pandemic, but there is no doubt that the escalating transfer of key issues right around Australia are not unrelated to the pandemic—

The Hon. I.K. Hunter: It started before COVID, Stephen. You were getting terrible figures before COVID.

The PRESIDENT: The Hon. Mr Hunter will be quiet!

The Hon. S.G. WADE: If that what's the opposition wants to claim—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —if that's what the honourable members opposite want to argue, then basically what they are saying is—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —'Don't have a pandemic response. In relation to your Ambulance Service, just continue business as usual.'

Members interjecting:

The PRESIDENT: The Hon. Mr Wortley is out of order, as is the Hon. Mr Hunter.

The Hon. S.G. WADE: That would be ludicrous because we have—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —got specific challenges in relation to our Ambulance Service and our care networks.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: That's why we have continually developed the Ambulance Service—

The Hon. I.K. Hunter: You're looking, you're looking, you're exploring, but you don't do anything.

The PRESIDENT: The Hon. Mr Hunter, order!

The Hon. R.P. Wortley interjecting:

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

The Hon. S.G. WADE: In particular, we have developed alternative care pathways where the Ambulance Service, for example, is a key partner in services such as the—

The Hon. I.K. Hunter: And your figures still go up. Ramping is getting worse on your watch. You are doing something terribly wrong, Stephen.

The PRESIDENT: The Hon. Mr Hunter, order!

The Hon. S.G. WADE: —Mental Health Co-responder Program.

The Hon. R.P. Wortley: He's outraged.

The PRESIDENT: Order! Before I go to the next question, I am going to go to the Hon. Ms Pnevmatikos, who has a matter.

Parliamentary Committees

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

The Hon. I. PNEVMATIKOS (14:29): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

Question Time

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Final supplementary question: in relation to the hours of ramping that the minister referred to, will he apologise to ambulance officers who have to deal with this system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): What I have already done is thanked the ambulance officers and paramedics of our community for their extraordinary service to the state—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The leader will be silent!

The Hon. S.G. WADE: —both before the pandemic and during the pandemic, and I look forward to a continuing—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Not only are they—

Members interjecting:

The PRESIDENT: Order! No, I won't tolerate that language. I think that the leader ought to be very careful about what he says across the chamber. So I put the leader on notice on that one. Now, minister, if you have concluded your response, I call the leader for his second question.

AMBULANCE RAMPING

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding ambulance ramping.

Leave granted.

The Hon. K.J. MAHER: Screenshots of the ambulance dashboard collected over the past seven weeks showed the ambulance dashboard has remained static on exactly the same set of numbers for ambulance delays outside of hospitals. My question to the minister is: why has the ambulance dashboard, that is designed to publicly report real-time ambulance waiting times, been frozen for the last seven weeks and, minister, when were you first informed of this and was this a deliberate decision so that the public wouldn't know about ramping?

The Hon. R.P. Wortley interjecting:

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

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): If this is the case, it has not been brought to my attention, but my understanding is that there are four live dashboards that are public facing in the health service. Two of those are, if you like, sister dashboards. One is the emergency department dashboard and one is the Ambulance Service dashboard. My understanding is that both the ED dashboard and the Ambulance Service dashboard convey delays, both inside the ED and in terms of ambulance arrivals. But I certainly will make inquiries to see whether the honourable member's claim is the case and, if it is the case, the reason for it.

AMBULANCE RAMPING

The Hon. C.M. SCRIVEN (14:32): 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. C.M. SCRIVEN: About an hour ago, Lynsey addressed a crowd gathered on the steps of Parliament House to present a petition signed by 44,000 South Australians—

An honourable member interjecting:

The Hon. C.M. SCRIVEN: Forty-four thousand—calling for an end to ramping. Lynsey said, and I quote:

> I have watched my friends' shoulders slump with the weight of expectation and responsibility to do 'just one more job'. To go without yet another break. I am no longer proud. I am saddened. I am embarrassed. I am ashamed. And I am utterly exhausted.

My question to the minister is: what does the minister say to Lynsey, a paramedic for more than 16 years who has attended Parliament House today, who also says that she has seen, and I quote, 'not one shred of empathy from this Liberal government'?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:33): As I said in my earlier remarks, I have no doubt that paramedics and ambulance officers in this state are working under significant stress. There is significant demand right across Australia and certainly here in South Australia. The delays are a major concern for the government and that's why we have invested more than $123 million in terms of our COVID-ready response. That is why we are recruiting 74 ambulance officers as a result of the last state budget, and ambulance officers such as Lynsey and ambulance

officers around the state, I assure you that this government is continuing tirelessly to look at strategies and implementing strategies to bring down transfer of care delays.

AMBULANCE RAMPING

The Hon. C.M. SCRIVEN (14:34): A supplementary: does the minister think it is acceptable that paramedics such as Lynsey and others are going without breaks as they go from one traumatic situation to the next and to the next?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): The government is very determined to bring down ambulance ramping, and the result of that will mean that more ambulance officers and paramedics will be able to get the crib breaks they are entitled to.

Members interjecting:

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

PORT BONYTHON HYDROGEN PRECINCT

The Hon. T.J. STEPHENS (14:35): My question is to the Treasurer. Can the Treasurer update the council on the status of the proposed hydrogen precinct at Port Bonython?

The Hon. R.I. LUCAS (Treasurer) (14:35): I acknowledge the honourable member's interest in issues in and around all of South Australia but, in particular, around Whyalla.

The government has actively engaged in working with a number of state, national and international companies that have come together, either in consortia or as individual entities, to respond to the expression of interest process in relation to the proposed hydrogen hub at Port Bonython. I think all members in this chamber would acknowledge the lead that the Premier, the Minister for Environment and Water and the Minister for Energy and Mining have adopted regarding matters relating to zero emissions by 2050.

South Australia is acknowledged as a national and international leader in relation to reduction of emissions, and is a strong supporter of many leading environmental policies across the spectrum. Part of this is the active work that is being done with the hydrogen hub. My understanding is that next week the government and the consortia have to make submissions to the federal government for funding under the hydrogen hub grant programs that the federal government has announced over the last 12 months.

There are significant sums of money that the commonwealth government has made available, and it would appear that the commonwealth government is interested in supporting a potential hydrogen hub in most, if not all, the jurisdictions that make application for it. Obviously they will have to meet threshold criteria to justify federal grant funding.

The state government has indicated its willingness to commit state government funds, together with significant private sector investment from state, national and international companies who have expressed interest, in the hydrogen hub. The process the government is going through involves the Treasury department, Energy and Mining and Infrastructure and Transport, as well as the planning department.

There is a working party, led by Treasury, which is seeking to assist private sector operators; the state government is working with private sector operators to make funding submissions for this hydrogen hub funding from the federal government. I'm not sure that the time frame for decisions from the federal government is explicit, but our understanding is that it may well be early next year that the federal government will make decisions about the success or otherwise of the funding submissions from state jurisdictions.

Our officers are extraordinarily confident that there is a very viable proposal being developed that will be submitted by South Australia, with strong support from the private sector. We believe we are well placed, we hope, for favourable consideration by the federal government under their funding proposal.

AUSLAN INTERPRETERS

The Hon. T.A. FRANKS (14:38): I seek leave to make a brief explanation before addressing a question on the topic of Auslan interpreters to the Minister for Health and Wellbeing.

Leave granted.

The Hon. T.A. FRANKS: Throughout most of the pandemic we have had the fantastic addition of Auslan interpreters at government press conferences on COVID updates and announcements. However, in recent months we have seen a decline of Auslan interpreters at those press conferences; sometimes they are present and sometimes they are not, but the reality of the pandemic and the need for all members of the public to be informed continues. That has not changed. My question to the minister is: why aren't Auslan interpreters at each and every government press conference on COVID anymore?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): I will certainly make inquiries on behalf of the honourable member. Certainly, there are Auslan interpreters at government press conferences in relation to COVID often, but, as the honourable member says, they have not been at every press conference. I will raise it with SA Health comms to try to gather the criteria on which a decision is made as to whether an Auslan interpreter is needed for a particular press conference.

AMBULANCE RAMPING

The Hon. J.E. HANSON (14:40): 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: Today, I met Mel, who gathered on the steps of parliament while a petition of 44,000 handwritten signatures was handed over. Mel and her brother Jason were ambulance volunteers for 10 years. One night in 2019, Jason went into cardiac arrest at the family home in Goolwa. Mel's parents had to perform CPR on their son for 25 minutes before paramedics could arrive on the scene, which was too late to save Jason's life. That evening, the Goolwa and Victor Harbor ambulances were ramped in Adelaide. I have two questions for the minister:

1. What does the minister say to Mel, who is an ambulance volunteer for more than 10 years, who has attended Parliament House today and whose brother died of cardiac arrest while waiting for an ambulance?

2. What steps has the minister taken since the budget to reduce the over 500 per cent increase in ambulance waiting times?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): The government and the Ambulance Service certainly regret delayed care and delays in transfer of care and the impact that it has on patients. In relation to the case the honourable member refers to, I was aware of that case some time ago, but I don't have the details with me currently. But as I said, to that family and to all Australian families, the Ambulance Service strives to deliver a world-class, quality service, and they do so consistently.

From time to time, we don't meet our own goals, if you like, but I would remind honourable members that the Ambulance Service continues to have very high customer satisfaction, usually between 80 per cent and 90 per cent. We are certainly working with the Ambulance Service to ensure not only they have the resources they need to deliver care in a timely way but also that the health system as a whole works with them in their quest.

In that regard, the honourable member asks me to highlight some of the recent initiatives the government has been taking to improve the quality of care for people who are using the Ambulance Service. I have already mentioned one, which is the Complex and RestorativE project at the Repat, which involves six treatment bays. It involves access to radiology, heavily supported by the Ambulance Service and also engaging conferencing resources to engage clinicians with people in the community.

I also mentioned the mental health co-responders project, but I think I was cut short by opposition interjections, so let me remind honourable members that the mental health co-responders program is yet again another example of a partnership, a partnership where the Ambulance Service works with mental health clinicians to respond to people with mental health challenges in the community, again demonstrating the versatility and professionalism of the Ambulance Service.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The opposition will remain silent and give the minister the opportunity to answer the question that's been asked by one of your team.

The Hon. S.G. WADE: Let me give you a third example of where the Ambulance Service is providing support for—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: —innovative responses to the needs of South Australians needing urgent care, and that is in the clinical telephone assessment service where a person who contacts 000 receives a rapid secondary clinical review over the phone by a registered paramedic.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: All of these initiatives are part of the government responding to the needs of the South Australian community—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —and doing so in partnership with an Ambulance Service which is rich with people with extraordinarily versatile skills and a very strong commitment to delivering top quality health care to South Australians.

PUBLIC HOUSING

The Hon. J.S. LEE (14:45): My question is to the Minister for Human Services regarding housing. Can the minister please provide an update to the council about how public houses that were clearly neglected under Labor are being brought up to standard by the Marshall Liberal government since the last election?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:45): I thank the honourable member for her—

Members interjecting:

The PRESIDENT: The Hon. Mr Wortley will remain silent. I would like to hear the answer.

The Hon. J.E. Hanson: It will be the same one as yesterday, Mr President.

The PRESIDENT: Order!

The Hon. J.E. Hanson: Just more blather.

The PRESIDENT: Yes, the Hon. Mr Hanson should put his mask back on.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —interest in this important program. In 2020-21, the South Australian Housing Authority spent a record $168 million in maintenance funding, which has supported some 1,300 full-time equivalents through the trades who perform the maintenance, both

the regular maintenance programs but also the specific upgrades which we have been able to bring forward through the generosity of our erstwhile, ever-benevolent Treasurer.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It is quite apparent, and we know from the historical experience, that the Labor Party regularly cut the maintenance budget. We fully expect, given their stance on a number of these issues, that if they were to be re-elected next year they would once again cut the maintenance budget, probably in preference for pet programs that South Australians have little interest in.

That funding has enabled peeling paint, rundown exteriors, holes in walls in very dated properties from the 1950s and 1960s, kitchens and bathrooms—we have been able to improve the amenity for a number of our walk-up flats through landscaping, lighting and a range of areas. We certainly have had our trades extremely busy and the walk-up flats and upgrade of some 1,400 properties has been completed. That includes properties in Parkside, Glengowrie, Christie Downs, Fullarton, Elizabeth and Oaklands Park. There have also been some properties on Kangaroo Island as well as throughout the metropolitan area, so a range of properties have been improved.

We are also re-tendering the maintenance programs, so the invitation to tender closed on 1 September. What we know through the existing maintenance contracts is that a lot of the subcontractors have missed out, so under the existing contracts the price escalations provided for the multitrade contractors who had the overhead, if you like. They weren't required to pass any of those profits through to the subcontractors, so for some of those subcontractors it has meant that it has not been economical for them to do the jobs and that has unfortunately reflected in certain tasks being moved down their list of priorities.

The new criteria will include customer service. We are expecting that there will be better ways of communicating with our clients, improved service delivery and a focus on strategic asset management. So we believe that when these contracts are renewed, we will have a much more responsive and better service for our tenants, which I am sure they will greatly welcome.

PUBLIC HOUSING

The Hon. J.E. HANSON (14:49): Supplementary: when will the new multitrade contract mentioned by the minister be announced?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): The current contracts expire in December, so the team would be working through those processes at the moment. Obviously, that has to go through all of the appropriate due diligence before we can reach that point.

PUBLIC HOUSING

The Hon. J.E. HANSON (14:49): Another supplementary: does the minister have any concerns that the expected cost will exceed current budget?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50): No, I don't, because we can vary those as required. It's quite an involved process. I don't think it's quite as complicated as the Medicare Benefits Schedule. In fact, I say that tongue in cheek, because of course it's not, but there is certainly a very extensive list of tasks that are involved in that. That has been quite an involved process to try to get those right.

LAND TAX AND STAMP DUTY

The Hon. F. PANGALLO (14:50): I seek leave to make a brief explanation before asking a question of the Treasurer about land tax bills and stamp duty.

Leave granted.

The Hon. F. PANGALLO: Following delays caused by the Department of Treasury and Finance having to grapple with complexities of this legislation, land tax bills are finally going out in the mail. As you would expect, they are causing grief and panic among some mum-and-dad investors

as well as some commercial landholders, who tell me they are now having to engage professional land valuers to challenge the government-assessed values placed on their properties.

One landowner told me, 'It's going to be a valuer's picnic as more bills flow.' However, an accountant I know has also told me one of her clients has just received a big land tax bill for their own family residence. I didn't think you could be slugged land tax on your own home, but it seems to be happening. My question to the Treasurer is:

1. Is it correct that land tax bills are being sent in error to home owners?

2. Can you provide us with the number of bills that have been sent out in error?

3. Can you provide figures on how many landlords are now challenging their land tax bills?

4. Has your department prepared an amended estimate of how much land tax is likely to be collected in the current financial year, and how much does it differ from original estimates?

5. Can you provide the chamber with how much stamp duty the state government has been able to rake in since property prices ballooned, from March last year to October this year?

The Hon. R.I. LUCAS (Treasurer) (14:52): The second question will be released in the Mid-Year Budget Review next month. That will outline that there have been significant increases in conveyance duty nationally as a result of the huge success of the commonwealth government's HomeBuilder campaign. Literally tens of thousands of young Australians have been assisted into first-home ownership as they have clamoured for support from federal and state governments. They have clambered over each other to line up for the largesse from federal and state governments.

In South Australia, federal Treasury estimated, when the scheme was first announced, just under—their view—2,000 applications for HomeBuilder grants. Our advice to them was that if you combine a $25,000 federal grant with a $15,000 state grant that $40,000 in the Adelaide market means something, it doesn't mean quite so much in the Sydney market or in the Melbourne market, and that they had massively underestimated the extent of interest in these HomeBuilder grants.

To be fair, our state Treasury people thought that maybe there might have been, instead of 2,000, 3,000 or 4,000. Everyone was massively wrong. I think the last number, when we checked, was about 13,000 or 14,000 applications. As a result of that, the huge success of the HomeBuilder campaign has seen a massive expansion in transactions and significant increases in conveyance duty for all state and territory governments last year but also this year with the flowthrough of the impact of the HomeBuilder grants.

In relation to land tax, the first issue the member has raised is really not an issue for state Treasury. I would suggest he have a quiet word in the shell-like ear of the Hon. Mr Darley sitting just behind him, because the issue of the Valuer-General and valuations is the issue to which the honourable member is expressing some concern. That is, if there are people employing valuers to challenge their valuations then that's an issue for the Valuer-General. The Valuer-General is the person and the office, together with the privatised contract that the former Labor government entered into with LSSA, responsible for the valuations upon which state taxing authorities use the issue. So that's an issue for the Valuer-General.

In relation to the problems that RevenueSA within Treasury have experienced in terms of getting bills out, I am happy to take advice in relation to the number of actual land tax bills which are being challenged on the basis of the land tax rulings as opposed to the valuation of the properties, because the valuations of properties, as I said, are not issues that we have direct control over.

Certainly if someone has a principal place of residence they do get a principal place of residence exemption, so if he or she has received a bill for a principal place of residence they should immediately raise that issue with RevenueSA and, almost inevitably, that will be corrected in terms of, if that's their only property, the principal place of residence is clearly an exemption together with various other exemptions which exist within the land tax legislation.

In relation to the many other questions that the member raised about numbers of errors and complaints, I am happy to seek advice from RevenueSA on those issues and, to the extent that I can, provide him with some sort of detailed response.

AMBULANCE RESPONSE

The Hon. T.T. NGO (14:56): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about health.

Leave granted.

The Hon. T.T. NGO: On 11 July 2020, Stacey's friend Stephen went for dinner at her Strathalbyn hotel. He was found choking and unable to breathe. Stephen passed away after waiting 32 minutes for an ambulance. My question to the minister is: what does the minister say to Strathalbyn publican Stacey, who has attended parliament today, whose dear friend passed away in her pub while waiting for an ambulance?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): To the lady the honourable member refers to and to all South Australians who don't receive timely care, the government apologises. That is why we are continuing to invest resources, that is why we are continuing to invest in reform, to make sure that the Ambulance Service continues to evolve, continues to meet the needs of South Australians.

CHILD AND ADOLESCENT VIRTUAL URGENT CARE SERVICE

The Hon. H.M. GIROLAMO (14:58): My question is for the Minister for Health and Wellbeing. Minister, can you please update the council on the new virtual service being offered to children as an alternative to attending the emergency department at the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I thank the honourable member for her question. Having a sick child and not knowing what is wrong with them can be extremely distressing for a parent. A visit to the emergency department can also be daunting for both the child and their parents. The Women's and Children's Health Network is trialling a new video telehealth service called the Child and Adolescent Virtual Urgent Care Service, which aims to make emergency care more accessible.

The virtual ED allows parents and carers of children who are well enough to avoid hospital to link up to emergency department clinicians online. Nearly 500 families have now benefited from this important service in its first three months and the feedback has been overwhelmingly positive. Families are receiving more timely access to care. They are seen straightaway in a majority of cases and avoid the inconvenience and loss of time travelling to hospital. Very few children who have used the service have needed to go on to present at the Women's and Children's emergency department. That frees up the ED for those who need face-to-face care.

The virtual ED is also lessening the potential spread of infection by providing families with medical assessment advice and referrals from the comfort and safety of their own home. Assessments can be conducted via video telehealth on a smartphone, a computer or a tablet. It is suitable for paediatric patients with conditions such as minor head injuries, abdominal pain, respiratory distress, mental health issues, fever, ear and throat pain, allergies, and minor injuries, including sporting injuries, sprains and strains.

South Australian GPs can now access the virtual service for real-time support from paediatric emergency doctors and nurses on behalf of their patients. SA Ambulance Service can also now refer suitable patients to the service. SAAS crews currently transport an average of 20 to 30 patients a day to the Women's and Children's emergency department, some of whom have low acuity conditions that do not require acute emergency services.

The attending SAAS clinician will remain with the patient during the start of the virtual assessment and will be guided by the ED doctor. Typically, the crew will then be advised if they can clear the scene. Paramedics have been trialling this over the past month, and I am advised they have found it to be safe and effective. It has reduced transportation, as many patients have been able to be managed on site. Importantly, this is putting ambulances back on the road at a time we are experiencing increased pressure.

The service operates every day from 1.30pm to 8.30pm. Initially, self referral is limited to metropolitan and some Adelaide Hills patients. Regional GPs can access the service on behalf of

their patients, and preparations are currently being made to roll the service out to regional patients so they can access the service directly.

Recently, we heard from a Darwin mother, Teresa, whose teenage son, Jakob, lives at a boarding school in Adelaide. This is what she had to say about the new virtual assessment service:

> When I was informed that Jakob had injured his finger, and then again to say he was on his way to the hospital because the injury was on the same finger that he had surgery on late last year, and as a mother who is so far away, I worry. I worry because I couldn't be there with him for support and to be involved in his health care.
>
> When Jakob sent me a text to say that 'someone will call you', I assumed that I would just get a phone call. To my surprise, the message to my phone came with a link, clicking on the link took me to a video call and I quickly realised I was in a virtual consultation with the treating Doctor and Jakob. I was so thankful and impressed to have had the opportunity to access this service. The consultation was thorough and professional, and I was given a full explanation and provided with visuals of Jakob's X-ray, the findings and treatment.
>
> The Virtual Urgent Care Service provided me with the opportunity to be a part of my son's health care when he is over 3,000 kilometres away—something that I haven't experienced before.

What great feedback. I congratulate the staff involved at the Women's and Children's Local Health Network for this innovative and patient-centred service, which is helping parents receive more timely care for their children and giving parents who live apart from their children the opportunity to be involved in their care as it happens.

COVID-19 VACCINATION ROLLOUT

The Hon. R.A. SIMMS (15:03): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Health and Wellbeing on the topic of the COVID-19 vaccine rollout for those experiencing homelessness.

Leave granted.

The Hon. R.A. SIMMS: Back in July, the government announced its trial COVID-19 vaccination clinic for South Australians experiencing homelessness in the city, as part of its outreach program. Given South Australia's borders are set to open next Tuesday and there are an estimated 6,000 people in South Australia currently experiencing homelessness, it's critical that the vaccine rollout continues to prioritise some of our most vulnerable. My question to the minister therefore is: is the government confident that the 80 per cent vaccination target to trigger the reopening of our borders will be met with those experiencing homelessness?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): Starting my answer to the honourable member's question, there are difficulties in terms of assessing the level of vaccine take-up amongst the homeless community. One of the factors there is that people experiencing mental health issues, domestic violence, homelessness or a combination of these issues are not required to self-identify for the purpose of recording their vaccination status on the Australian immunisation record. This is for their safety and wellbeing, but it does mean that it is very difficult to determine how many people experiencing homelessness have been vaccinated.

The government is continuing to roll out a targeted campaign to deal with vulnerable groups, such as people experiencing homelessness. In the context of homelessness we are working particularly with key stakeholders, like the alliances and the larger providers of homeless services, to provide access to the vaccines. SA Health, the Ambulance Service and the sector are partnering to deliver a tailored approach to the vaccination of people experiencing homelessness.

I was privileged to launch the rollout for people sleeping rough in July this year at Westcare, a launch that attracted national interest. Since then, the rollout has continued across the metropolitan area, with vaccination sites being used, including SHINE, mental health facilities in the Parklands, and mobile services targeting vulnerable groups, which have been active in the suburbs of Playford, Gawler, Onkaparinga and in the regions.

The Central Adelaide Local Health Network is providing vaccines to people who attend the Hutt Street Centre, with additional vaccination services provided to a range of organisations working with the homeless community, including the Salvation Army homeless service, the Western Adelaide Homelessness Service, Streetlink, Uniting Care Gawler, Fred's Van and St Vincent de Paul Society.

Vaccinations have also been provided in clinics for people experiencing domestic and family violence.

The government is continuing its efforts to ensure the vaccine is widely available, and that all vulnerable cohorts are a priority. More than 2.4 million doses of the vaccine have been delivered. I want to thank all South Australians who have rolled up their sleeve to be vaccinated, and encourage those who haven't to present at one of our clinics or engage with a GP or pharmacy. The vaccine is our pathway out of the pandemic, and it has never been easier to be vaccinated.

COVID-19 VACCINATION ROLLOUT

The Hon. R.A. SIMMS (15:07): Supplementary question: noting the minister's reply, can the minister explain how close the government is to the 80 per cent vaccination target for people who are homeless, and can he provide specific information on what process is in place to ensure booster shots are being made available to those who are homeless?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07): With regard to the second question of booster shots, it is certainly our anticipation that we will continue to partner with SA Health and with our partners to continue to deliver vaccines into next year, including booster shots. The booster shots are particularly recommended for vulnerable communities, so it will be a particular focus with vulnerable communities. I do not have specific data in relation to the percentage of homeless people who are thought to have been vaccinated, but I will see what information I can obtain for the honourable member.

AMBULANCE RAMPING

The Hon. R.P. WORTLEY (15:08): 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: SA Health Chief Executive, Chris McGowan, told parliament this week, and I quote, 'I do recall somebody saying that that week months ago was the worst on record.' My questions to the minister are:

1. Is it correct that there was a recent week that was the worst ramping that South Australia had ever experienced?

2. When was it?

3. How much ramping occurred in that week?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): The situation in terms of ramping has continued to be an issue here in South Australia. We are not seeing the escalation that Western Australia has continued to see, and for that I am grateful.

Members interjecting:

The PRESIDENT: Order, leader! The Hon. Mr Wortley asked a question, allow the minister to respond to it.

The Hon. S.G. WADE: The honourable member refers to the comments of my chief executive, where he indicated that there was a peak week. My understanding is that week was in October but, as I reminded honourable members earlier, Chris McGowan indicated there had been a significant improvement since then. We are continuing to roll out strategies—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —to continue to ease ambulance ramping and we will certainly have more announcements to make in the context of the COVID-Ready Plan.

The PRESIDENT: The Hon. Mr Wortley, supplementary.

AMBULANCE RAMPING

The Hon. R.P. WORTLEY (15:10): How much ramping did occur in that particular week in October?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): I have never heard of the instance of the former Labor government releasing weekly ramping data.

DISABILITY HOUSING

The Hon. N.J. CENTOFANTI (15:10): My question is to the—

Members interjecting:

The PRESIDENT: Order! I would like to hear the Hon. Dr Centofanti. Start again, please.

The Hon. N.J. CENTOFANTI: My question is to the Minister for Human Services regarding disabilities. Can the minister please update the council on how the Marshall Liberal government has cleaned up Labor's mess in the disability accommodation space and also supported—

Members interjecting:

The PRESIDENT: Order!

The Hon. N.J. CENTOFANTI: —South Australians with disabilities since—

Members interjecting:

The PRESIDENT: Order!

The Hon. N.J. CENTOFANTI: —the last election?

Members interjecting:

The PRESIDENT: Order! I am not—

Members interjecting:

The PRESIDENT: Order! I am not sure the minister heard the whole of that question, but I will ask her to continue.

Members interjecting:

The PRESIDENT: Order! If the minister would like the question in full again, we will have it.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:11): I might have an inclination of the contents of the question.

The PRESIDENT: Proceed.

The Hon. J.M.A. LENSINK: Yes. I do note that the honourable member hit a nerve when she mentioned those key words 'cleaning up Labor's mess'.

Members interjecting:

The Hon. J.M.A. LENSINK: Well, let me begin.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter will cease!

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: In terms of the accommodation services provided by the South Australian government, this is one of the very pleasing areas in which there has been a huge amount of reform that has taken place to make sure that the service is providing the highest quality and best service possible. The team, in that respect, have identified deficits in clinical oversight, in compliance, in ensuring that there is appropriate leadership over service practice, engaging clients to provide them with a voice and ensuring that they are asked about their services. I have already spoken

several times in this chamber over some time about the critical incident reporting that I demanded be improved.

We have done a restructure for the liaison staff. We have provided capacity building officers to empower our clients to make their own choice, and quality and safeguarding officers to improve practices within the service. We have implemented a quality and safeguarding framework, including a 'zero tolerance to abuse to people with disability' policy, and that has included extensive training and education programs to frontline disability workers. We have undertaken announced and unannounced internal audit site visits of homes, in addition to visits from the Community Visitor Scheme, and broadened the definition of 'critical client incidents' to ensure that I am notified of any incidents that have been reported to the police.

These initiatives have meant that staff, families and clients are much more likely to report issues now than they have been in the past. The phrase that families have certainly used is that in the past they used to pick their battles because they were concerned that if they raised a number of issues they might be seen as vexatious, even though those were genuine complaints, and that is I think quite disturbing because it speaks to a culture of tolerating that people with disabilities don't need to be treated with the same respect as everybody else.

Following these major service reforms, further work has occurred over the past 12 months to embed these improvements in our accommodation service spaces, including: the establishment of a service agreement between clients and accommodation services; consistent training and development for all staff so they understand all of their responsibilities; improved reporting through anonymous complaints options, which includes for staff, clients and their families; a review of all restrictive practices in use with appropriate documentation orders in place; and the CCTV pilots to explore the use of visual reporting and monitoring in the homes of people in our accommodation services.

We certainly have had very good feedback across the service from clients, their families and staff that these improvements have meant that we are providing much higher quality services and we look forward to continuous improvement continuing in this service.

LAND TAX

The Hon. J.A. DARLEY (15:15): My questions are to the Treasurer concerning land tax:

1. Can the Treasurer advise whether all land tax accounts for the 2020-21 financial year have now been issued to property owners?

2. Can the Treasurer advise the estimated total land tax for the 2021-22 financial year based on the Valuer-General's ill-conceived and shambolic revaluation initiative and how this compares with the total land tax due for the 2020-21 financial year?

The Hon. R.I. LUCAS (Treasurer) (15:15): I am sure as the Hon. Mr Darley will acknowledge, the revaluation initiative was an initiative of the former Labor government in 2016-17, when the Valuer-General was provided between $15 million and $20 million extra to conduct the revaluation initiative over a period of years. I will let that lay where it lays.

In relation to the honourable member's questions about land tax collection, certainly RevenueSA and the budget branch are updating their projections for 2021-22 in the Mid-Year Budget Review, which will be released next month and so it will be publicly available then. Certainly, the early indications are, as the former Labor government budgeted for and we have acknowledged, there will be increased revenue from the revaluation initiative and increased valuations because increased valuations lead to increased land tax and that has been publicly acknowledged.

It was budgeted for by the former government and it has been acknowledged by this government as an impact of the revaluation initiative. My advice two weeks ago, which was my last recollection of advice on the impacts of the state's most comprehensive land tax reform package, is that we are likely to be collecting less land tax as a result of those land tax reform initiatives than we had originally been projecting.

That is, there is more relief being provided to land tax owners as a result of the reform initiatives, in particular, the reduction of the top land tax rate from 3.7 down to 2.4 per cent. The

various other reductions in the rates that were approved as part of that comprehensive land tax reform package and the increases in the thresholds have led to, as I said on the last advice I had a couple weeks ago, likely to be a lower level of tax than we were originally projecting as a result of our land tax reform initiative.

I hasten to say, the former government budgeted and we acknowledged that there was increased land tax revenue as a result of the revaluation initiative, but if I can get any more information before the Mid-Year Budget Review I will provide it, but it is more likely that when the Mid-Year Budget Review is released will be the next publicly available information on what we collected for 2020-21 and what our latest estimate for collection for 2021-22 will be.

AMBULANCE RAMPING

The Hon. I. PNEVMATIKOS (15:18): My question is to the Minister for Health and Wellbeing regarding health. I seek leave to make a brief explanation before asking that question.

Leave granted.

The Hon. I. PNEVMATIKOS: In June, the Premier told a press conference that his state budget would, and I quote, 'definitely fix ramping' and that would happen, and I quote, 'almost immediately'. Since then, South Australia has had three of the four worst months of ramping in South Australia's history. My question to the minister is:

1. Why has the minister failed to meet the Premier's commitments that his state budget will fix ramping almost immediately?

2. Was the Premier lying, or is the minister unable to deliver on a promise?

The PRESIDENT: The honourable member ought to be careful with the way she phrases that question and I might ask her to just rephrase that.

The Hon. I. PNEVMATIKOS: Sure. My question is:

1. Why has the minister failed to meet the Premier's commitment that his state budget will fix ramping almost immediately?

2. Why has the minister been unable to deliver the Premier's promise?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): I thank the honourable member for giving me the opportunity—in fact, for having highlighted this government's investment in health in the most recent budget. It continues a strong record of investment in health over the last four years—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —so that we are now investing $7.4 billion—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: —in health.

Members interjecting:

The PRESIDENT: Order! The minister will resume his seat. The Hon. Ms Pnevmatikos asked a question, and I reckon she is having as much trouble hearing the answer as I am because of members of the backbench on the opposition side, including the whip.

The Hon. S.G. WADE: That record—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —$7.4 billion investment in health includes a significant increase to the SA Ambulance Service budget. Since Labor's last budget there has been a—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. S.G. WADE: —31 per cent increase in—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —the budget of the SA Ambulance Service, in terms of the—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, order!

The Hon. S.G. WADE: —government's initiatives in relation to reducing ambulance transfer—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —of care delays.

Members interjecting:

The PRESIDENT: Leader! We have about a minute and a half left, and I want to hear the minister.

The Hon. S.G. WADE: Thank you, Mr President. As I was saying, the government, as part of its record—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —$7.4 billion investment, has increased the budget yet again to the SA Ambulance Service, with an additional 74 paramedics—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —being funded through that budget. As I said, the Treasurer is having—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter and the Leader of the Opposition are out of order.

The Hon. S.G. WADE: —ongoing discussions.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the leader!

The Hon. S.G. WADE: One of the key initiatives of the last budget, in terms of providing alternative care pathways, has been the expansion of the Urgent Mental Health Care Centre in the city. This provides treatment spaces—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —so that mental health patients can receive—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —the care they need outside our busy EDs. In this most recent budget, the Treasurer invested—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —and put the money where the evidence showed we are having a real impact, and we are increasing—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —the hours of the Urgent Mental Health Care Centre to 24 hours a day.

The Hon. K.J. Maher interjecting:

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

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: So the Ambulance Service, the police and the walk-in—

The Hon. K.J. Maher interjecting:

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

The Hon. S.G. WADE: —mental health patients will now, under this budget, under the custodianship of Premier Marshall and Treasurer Lucas, is investing in services—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —that will deliver on the needs of all South Australians.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley ought to be careful with his language.

The Hon. S.G. WADE: I would like to thank the Hon. Irene Pnevmatikos—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —for giving me another opportunity to highlight another innovative service that the Marshall Liberal government—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —is investing in with this $7.4 billion investment in health, the My Home Hospital program, which means that people can receive the care they need in the community. The contribution—

The Hon. K.J. MAHER: Point of order: I have not been able to hear the minister address the question once in his whole answer, sir.

The PRESIDENT: Well, some might say it might be difficult to work that out given the noise that has been coming from my left.

The Hon. S.G. WADE: Yes, and whilst I am a politician and not a clinician, I would suggest—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —that if one continues to yell one is very unlikely to hear.

The PRESIDENT: The time for questions has expired.

Matters of Interest

PORT RIVER DOLPHINS

The Hon. T.A. FRANKS (15:24): I rise today to speak about the few remaining bottlenose dolphins that call our Port River home. Throughout the years we have seen many reports of dolphins becoming entangled in fishing equipment, fatally injured by boat propellers and, since June this year, we have seen potentially five dolphins suffer from mystery illnesses.

Things are not looking great for this pod of dolphins, and the actions—or rather, lack of action—from Minister Speirs is only making matters worse. There are over 6,700 concerned signatories to a petition calling for that minister, Minister Speirs, to allow the Australian Marine Wildlife Research and Rescue Organisation to treat all sick, injured and entangled dolphins. Currently, they are only permitted to take action within this dolphin sanctuary if the minister gives that permission. Unfortunately, this permission, this bureaucratic barrier, often takes a very long time to be approved.

Numbers of the permanent population of this pod have ranged from 30 to 50, and they have been considered 'the most reliably present urban dolphins in the world'. We should be proud of this. It is now estimated that approximately 10 to 12 dolphins remain in that pod. We should be ashamed of that. The 2019 summer breeding season saw every dolphin calf die, and on Monday the 15th, news broke that the three-year-old calf Mimo (also called Squeak) is suffering from similar symptoms to the four other dolphins that have fallen ill this year, two of which disappeared and are presumed dead. This has led to concerns that the whole population will eventually die out. This would be an unacceptable, deeply shameful and totally avoidable outcome.

The Department for Environment and Water is currently investigating the cause of their ill health. In 2019, speed limits were changed in some areas in the Port River, which is welcomed, but more is needed to be done to protect this treasured pod of dolphins. Whilst there were some adjustments made to those speed limits in some areas, there are still some areas of the Port River where there remains no speed limit at all, most notably surrounding the Adelaide Speedboat Club, which happens to sit near the St Kilda mangroves.

Perhaps this particular environment of the Port River and the St Kilda mangroves indicates an area of disinterest for our environment minister. It has been suggested that the neglect of the mangroves has potentially had some negative impact on the Port River dolphins, but I digress. Having no speed limits and holding racing events in these critical areas puts those few remaining dolphins in danger and is something that should be reconsidered and, further, allowing the Australian Marine Wildlife Research and Rescue Organisation to perform rescues and administer antibiotics if required without having to wait for DEW bureaucrats to arrive and either approve the rescue or decide to take no action.

As I mentioned earlier, if the dolphins in this sanctuary are to be treated, permission needs to be given, and that often takes far too long. This unnecessary bureaucracy wastes precious time, and there have been several occasions in which the Australian Marine Wildlife Research and Rescue Organisation have had to cease rescue operations, while DEW chose not to take any action, compromising the welfare of the animals.

The last possible, and very doable, action I want to mention—and trust me, there are so many more—is the banning of certain fishing equipment and techniques within the dolphin sanctuary, such as heavy gauge fishing line, trolling and the use of ganged hooks, which is the act of using multiple hooks linked together on a fishing line, as well as live bait and squid jigs. Too often dolphins are found with multiple fishing hooks and fishing line in and around their mouths, causing cuts, which lead to infections and, if not treated in a timely manner, death.

There are other human factors that are placing these dolphins in danger, such as pollution, increased tourism and other recreational activities, such as fishing, boating and kayaking, as well as industrial development and people approaching and harassing these dolphins. There are also issues

of disease and food shortages, which may not be directly caused by human activity, but it is likely that human activity is impacting these areas.

Obviously, having a dolphin population so close to an urban and industrial area will provide some unique challenges, but instead of recognising these challenges and finding a way to mitigate them to ensure both humans and dolphins can enjoy the area, we have seen these challenges made worse. We are seeing the consequences of not just our own actions but the inaction of the Minister for Environment and Water, David Speirs. It is time; there needs to be the political will in this place to protect these dolphins in what we have declared a dolphin sanctuary.

WINE AND WILD FOOD DINNER

The Hon. N.J. CENTOFANTI (15:29): On Friday 29 October, I had the pleasure of attending the 2020-21 Wine and Wild Food Dinner, which was a five-course degustation feast hosted by the Conservation and Hunting Alliance of South Australia, otherwise affectionately known as CHASA.

What a delight it was. The room was full and several colleagues of mine were present including the member for Stuart, the member for Chaffey, the Hon. Terry Stephens MLC and the member for West Torrens. There was magnificent food, there was good company but, most of all, there was excitement and enthusiasm in the air about the important work that CHASA has been doing in our state.

CHASA aims to preserve and promote in a respectful way the rights of hunters to participate in sustainable hunting. They work with hunting organisations and the South Australian Department for Environment and Water to restore wildlife habitats, guide hunting seasons, develop hunting education and ensure wildlife is only hunted at sustainable levels.

CHASA member organisations and the state government, through the Department for Environment and Water, have a track record of working collaboratively together. Examples include the development of the *Modern Hunting Guide*, which has been widely distributed and has received very favourable feedback.

A further example of collaboration is the memorandum of understanding between CHASA and DEW, which works to achieve a great deal for community and government, for hunters and for conservation. The MOU was signed by CHASA and the state government in September 2019, following years of planning and collaboration. As outlined in the MOU:

> CHASA and DEW's common ground lies in biodiversity conservation, through managing and utilising land sustainably and through helping people connect with the natural environment.

That approach benefits both people and the environment.

The benefits of this partnership for both CHASA and DEW include providing a conduit between the hunting community and the government for open communication and understanding of each other's perspectives. It creates a forum for hunting groups to have a coordinated voice to the department and for DEW to be able to communicate directly to and with the hunting community.

It also creates more connections between people and nature. Hunters already have a strong connection with the environment. They love being outdoors and appreciate all the physical, mental, social and nutritional benefits that can be derived. Through this partnership, hunters have opportunities to deepen and strengthen that connection with the land. In some cases, hunters go from visiting a reserve once or twice a year during duck season, to becoming active stewards of that land, really getting to know it and actively caring for it, and this can help reset the broader community's perception of hunting.

Joint activities that occur through this partnership include: feral animal and weed control, wetland management, revegetation, trail and facility maintenance, and monitoring and research. There have been a large number of specific projects that CHASA and its members have been involved in relating to these activities. For example, the Conservation and Wildlife Management Branch of the Sporting Shooters Association of Australia partnered to manage feral animal numbers in parks statewide.

Significant habitat restoration has been carried out in the Loveday and Noora Wetlands in the Riverland. CHASA has been actively involved as a member of the Tolderol Game Reserve

Working Group for many years and has contributed over $40,000 to help support wetland restoration and management of the reserve, not to mention enormous in-kind contributions from members. More recently, a Land Stewardship Agreement has been signed between CHASA and DEW to facilitate park activity by a CHASA member group in parks in the Riverland.

CHASA represents the modern hunters who love the environment, contribute to a sustainable future and enjoy harvesting healthy and wild food. By working together to build respect and understanding for our hunting communities and surrounding environments, and by encouraging seasoned, emerging and novice hunters to join a hunting organisation, means that the message of conservation and responsible and sustainable hunting practices are shared and promoted. Their work will ensure that we can all enjoy the benefits that hunting brings for generations to come.

I would like to thank the Chair of CHASA, Mr Graham Stopp, and his board for all their hard work, not just on the evening but for their continued work with hunting organisations and the South Australian Department for Environment and Water.

MOUNT COMPASS GOLF COURSE

The Hon. I.K. HUNTER (15:33): I rise today to speak about a community issue that is causing some concern for the people of Mount Compass. The Mount Compass Golf Course Estate Code Amendment is currently being considered by the Attorney-General's Department, with consultation having closed last month, I am advised.

Currently, the golf course is zoned as neighbourhood and recreation use. This limits development prospects and preserves the Mount Compass Golf Course. But Mr Connor, the owner of the golf course, I am advised, submitted a plan in March of this year to carve up the golf course into 682 housing allotments, which I also understand was a plan rejected by the Alexandrina Council.

Mr Connor has decided that he wants to take it further by appealing to the government and wants to develop the golf course area, turning it into housing. His previous plans would have more than doubled the size of the existing township, I am advised.

The proposal before the Attorney-General's Department seeks to rezone the area to 'golf course estate', which would allow for some further development of the area. Some people are very concerned that this second proposal is a bit of a Trojan Horse and that it is a convoluted attempt to eventually get to where the original proposal intended.

Members of the Mount Compass community are concerned that it will carve up the town and leave the people of Mount Compass to clean up the consequences of a vastly increased population without the necessary infrastructure to service that increased population. The Mount Compass community's concerns are very real, and they are genuinely held. They raise questions around good governance and the limited community consultation that has occurred.

We know that there are native and threatened species in the area of the Mount Compass Golf Course where this development is proposed. We know that the Fleurieu swamps on the Golf Course Estate and surrounding lands are critically endangered and that they are listed under the Environment Protection and Biodiversity Conservation Act. What we do not know is what the government has done to properly consider these issues of the environmental impact of the housing development on the site.

What communication has occurred with the commonwealth environment department in relation to the 170 native plant species that grow in and around the nearby swamps? What environmental impact assessment has been undertaken? The Mount Compass Golf Course Estate is also in a high bushfire risk area and has limited points of access, I am advised, so we do not even know what assessment of the area has been taken into consideration to ensure that any development of this land takes into consideration bushfire risks and ensures the safety of the residents and potential future residents.

Mount Compass is at the head of one of two branches of the Tookayerta catchment, which is prone to flooding downstream. We do not know what considerations and consultations occurred with farmers downstream who rely on this water source for their stock. What guarantees have been made to the people in this area that the Tookayerta catchment can handle additional housing and

the other developments associated with it upstream without negatively impacting those downstream with existing use of that catchment?

New stormwater catchments from additional roads upstream would, of course, increase dirty water going into the aquifer and downstream of it. We do not know what planning has been consideration in regard to that run-off. Has it even been considered?

The Mount Compass Golf Couse Estate relies on water supplied by the company Compass Springs, which, coincidentally, is also owned by Mr Connor, and it has utilised the underground springs of Mount Compass. There has already been public outcry from the community at the increasing cost of the water supplied by Mr Connor's business to existing homes in the estate. We do not know if there is any guarantee at all for the new residents that they too will not have to pay prices that are much higher than what other people pay to SA Water.

We do not know whether the school has enough capacity to handle however many new families would move into Mount Compass Gold Course Estate. We do not know whether the local post office, which does not have a roadside delivery, will be able to handle the excess housing and families that will move into the estate. There are so many questions that just either have not been addressed or where we have not been advised or the community has not been told they have been even taken into consideration.

I am advised that Mr Connor is currently selling properties advertising a golf course view, despite the fact that he intends through his proposal of development to carve up those golf course views and turn it into housing. Why is the government allowing a developer to carve up the Mount Compass Golf Course when the zoning principles currently do not allow for such a development and when the local council has rejected that development? Why are they considering this when the community clearly does not want it and, as I said, the local council has been fighting the proposal?

This kind of development is consistent with the divided Marshall Liberal government's disdain for our southern communities, and I ask the question: why are they doing this to the local community of Mount Compass?

MUSIC INDUSTRY

The Hon. F. PANGALLO (15:39): I want to recite slightly altered lyrics from an iconic pop song:

A long, long time ago, I can still remember how that music used to make me smile,

And I knew if I had my chance that I could make those people dance,

And maybe they'd be happy for a while.

But March 2020 made us shiver,

With every paper they'd deliver,

Bad news on the doorstep,

We couldn't take one more step.

I'm sure many cried when we read about all those who had lost their lives,

But something touched us deep inside,

The day the music died.

That is based on Don McLean's *American Pie.* However, when it comes to 'Australian pie', COVID has dealt a grave blow to our music industry. The Marshall government is doing nothing to resuscitate it before generations of talent and industry skills are lost for good. I am talking about performing artists, composers, promoters, DJs, MCs, event organisers, booking agents, production companies that supply PAs, lights, sound equipment and staging, and production crew, such as sound engineers, lighting operators, roadies, technicians, behind-the-scenes support workers, clubs and pubs. All are profoundly impacted by confusing and illogical restrictions placed upon them.

The SA music industry employs more than 6,300. Before the pandemic, it contributed more than $375 million annually to the economy—nothing to sneeze at. The combined losses now run at tens of millions of dollars. These contributors should not be viewed in the context of one-off events like the Fringe or Festival of Arts. They are the foundations of our entertainment industry. To earn their bread and butter, they must work up to seven days a week. It is not great dough but they love it, and we love what they produce because their creativity lifts our spirits in times when we need it, and don't we need it now.

To coin yet another iconic song title, this one from one of Adelaide's greatest rock bands, The Angels, are we ever going to see their faces again? In many cases, probably not. They are throwing their hands in the air, along with their mics and instruments, 'giving it all away' as Leo Sayer and Roger Daltrey sang.

I attended the recent music industry summit at the Arkaba Hotel, pulled together by one of the state's best-known music figures, Rob Pippan, performer Jessee Catalano, also known as Mr Buzzy, and Jack Jericko, entertainment manager for the Hurley Group. Apart from the Leader of the Opposition, I was the only MP there. The room was as packed as it could be. They probably would have filled it 10 times over had it not been for restrictions.

We heard distressing, despondent and desperate pleas for help now that JobKeeper is over. So why is this government and our Premier—it is his portfolio—not listening? Pardon the analogy with another famous hit, Mr Marshall, but SA Health and the Transition Committee are killing them softly with their COVID song. It rings true in their ears and now in mine.

Some snippets from the guest speakers: Rob Pippan, who has lost or cancelled more than 100 shows since the start of the pandemic, says it is the worst crisis his industry has faced in his 40 years in the business. He wants:

- industries to be heard on the floor of parliament;
- immediate financial support;
- dance floors reopened and vertical consumption returned as they are, paradoxically, at private functions; and
- the Transition Committee to consult with them.

Singer Rachel Vidoni has been abused by patrons at her events because they cannot dance or have fun. She says:

> I'm drained. What's the point anymore? I don't do it for the money. I don't do it for the fame and glory. I do it because I'm an entertainer. I want to make people happy. And when you're not making people happy, based on restrictions that you don't put in place, it's very, very hard.

Ben Whittington sold off his 10 guitars to survive after making a decent living for the past 10 years. He says, 'We're losing our income; we're scared to pay the bills.' Robert Butliva is now living in an old bus. Before COVID he was married, had built a successful music business with his wife and was planning to move into a new home to start their family. When COVID hit, their income dropped by 75 per cent. His wife miscarried. Their dreams were shattered. Rob's poignantly sad words stick in my mind. His disillusioned wife told him one day:

> We have no customers to worry about now. We have no baby on the way. So if there's ever a time to end our marriage, is now. That was the bullet straight to the heart. And by mid 2021 I was a Covid divorcee.

The message in this huge bottle of despair and uncertainty is clear: time to listen to the music.

SA MULTICULTURAL FESTIVAL

The Hon. J.S. LEE (15:44): It is with great pleasure and privilege that I rise today to speak about the magnificent SA Multicultural Festival, which was held on Sunday 14 November in the heart of our beautiful city at Victoria Square/Tarntanyangga. This biennial flagship event was proudly presented by the Marshall Liberal government through Multicultural Affairs, the Department of the Premier and Cabinet, for all South Australians to come together to taste, experience and celebrate our state's cultural diversity.

As honourable members may recall, the weather conditions on Sunday morning were not particularly conducive to an outdoor open event, because it was cold and windy and it rained quite heavily in the earlier part of the morning. However, just before the gate to the festival was opened to the public, the sun emerged, the wind calmed down and it turned out to be a perfect day, attracting a large, happy crowd, turning up to enjoy the festivities, participate in intercultural workshops, sample delicious international cuisines, discover unique arts and crafts, and enjoy traditional music and colourful cultural performances throughout the day.

The COVID pandemic has been very challenging for everyone. Many community members cannot travel overseas due to border closures, therefore this year's Multicultural Festival became a beacon to bring world cultures to Adelaide. It allowed all South Australians to be reconnected with each other and to gain a deeper appreciation of the state's cultural diversity and how we have all benefited greatly from all aspects of our multicultural society.

It was a great honour to represent the Premier of South Australia, the Hon. Steven Marshall, to officially launch the 2021 Multicultural Festival with Her Excellency the Hon. Frances Adamson AC, the new Governor of South Australia. It was a pleasure to have the wonderful support of so many of my parliamentary colleagues, including many honourable members, such as Minister Wade, Minister Gardner, Minister Sanderson, Minister Patterson, Josh Teague (member for Heysen), Heidi Girolamo MLC and other members of parliament.

It was great to have the chair of the South Australian multicultural commission, Adriana Christopoulos, and many board members support the festival. I wish to take this opportunity to thank all the multicultural community organisations, performers and volunteers for their contributions and support in making this year's festival into an outstanding success. Over 70 community groups showcased more than 50 cultures throughout the festival. I was delighted to visit many stalls with Her Excellency, and everyone was very excited to meet our delightful and engaging new Governor.

To manage such a large-scale event in a COVID-safe and professional manner is no easy feat, and I express my sincere gratitude to everyone involved for their dedication and passion to celebrating unity in diversity and promoting harmony and interculturalism within our proud multicultural state.

I would like to acknowledge and show my deep appreciation for the Department of the Premier and Cabinet, especially the Multicultural Affairs team, for their exceptional work behind the scenes in the lead-up to the event and on the day. It has been an honour to be entrusted by the Premier to work with the department on all matters relating to multicultural affairs. It is truly a blessing and a privilege to work with such a dedicated team.

A very special thankyou must go to Steve Woolhouse, Justine Kennedy and Eloise Dreimanis, the events team, who together with 30 departmental staff volunteered their time and worked tirelessly from 6.30am in the morning until 7.30pm at night on Sunday to deliver a spectacular festival safely and seamlessly. The festival this year had over 7,000 people attend it throughout the day. It was an amazing show of confidence and a great effort by all, given the COVID-19 new normal.

Multicultural Affairs has been working closely in partnership with SA Health from the beginning of the pandemic, and I am proud of how our multicultural communities have been a part of our solution to keep our state safe and strong. Thank you especially to the Hon. Stephen Wade, Minister for Health and Wellbeing, and Professor Nicola Spurrier for arranging a pop-up clinic at Victoria Square for festival goers to get vaccinated.

I am proud to be a part of the Marshall Liberal government, which aims to advance multiculturalism, to expand interculturalism through the passage of the multicultural bill, to offer multicultural affairs grants to support community, and to strengthen the social harmony of our state as one of the safest and best places to live, work and raise a family. Congratulations to all.

ROYAL LIFE SAVING SOUTH AUSTRALIA

The Hon. R.P. WORTLEY (15:49): While I am sure nobody here today would question the importance of teaching young children how to swim and be safe around the water, the Marshall government has cancelled funding for the body whose very existence is to achieve those goals. The government has simply and inexplicably stopped funding to Royal Life Saving South Australia.

This is either a truly dangerous oversight or a shameful, calculated, economic decision. Why dangerous? Because young children learn to swim in swimming pools, almost at the exclusion of every other possible option, and the last thing we should be doing is cutting funding to the service that teaches water safety to children in swimming pools.

Children in their infancy do not and could not reasonably be expected to learn to swim among the waves, tides and rips of the ocean and other water bodies, such as rivers. I do not know of many people who did not learn to swim in a swimming pool with somebody watching over them every second of their lesson. That is where I learned to swim, and that is where I assume everyone else here today learnt.

The government has quite rightly allocated funding for the Surf Life Saving association, which has done a great job in this state since the first club was formed at Henley Beach 96 years ago. Since then, Surf Life Saving has been providing confidence and reassurance for beachgoers, and keeping swimmers safe on our beaches. We go to the beach knowing that, in the unlikely event we get into trouble and we are swimming between the flags, Surf Life Saving lifeguards will be there.

The Surf Life Saving association deserves all the government and community support it can get, but nobody believes this should be done at the expense of Royal Life Saving South Australia. Last year, there were a frightening and distressing 294 drowning deaths across Australia. From the coast to the rivers and swimming pools, the number was up 20 per cent on the previous year.

The 25 drowning deaths of infants aged up to four years was a staggering 109 per cent increase. Forget percentages, that is an additional 13 preschool children who drowned. Who in their right mind then would want to take away funding from a body that works to make children safer in the water and help reduce these terrible tragedies?

The services provided by Royal Life Saving South Australia are invaluable. They include education, training, health promotion, commercial and home pool inspections to guarantee safety or otherwise or advise on ways to improve it, patrol services for inland waterways and Inclusive Swim, a program which helps people of all abilities learn to swim at a level at which they are comfortable. It also supports Hills Swim School, a program based at Blackwood in which youngsters from surrounding Hills areas with limited access to pools and the beach are taught swimming and water safety skills.

As we strive to make the world safer in so many ways, the state government has, for reasons only it can explain, cut funding for an area of children's lives that can be most dangerous, but does not have to be with the right education. While Royal Life Saving South Australia is expected to pass the tin around to raise funds for its tireless work, the state government has taken the very strange step of choosing to close the Strathmont Centre pool.

This is a facility set within an expanding inner northern area where many children, including those with disabilities, have for a long time learnt to swim and be safe in the water. Yes, it needed upgrading, but the government took the short-sighted view that closure was a better option than fixing the facility at a cost of $300,000, in a residential area that has experienced massive growth over the past decade.

Certainly, the increased population would have patronised it, and the children would have needed it, but the suggestion at the time of the decision to close it was that they could travel elsewhere, perhaps to Tea Tree Gully, Payneham or North Adelaide, located between seven and 10 kilometres away. This is far too serious to be an either/or matter.

Every year, when governments have to balance the budget, the first thing they should consider is the safety and future of our children. The state government only needs to look at the harrowing drowning figures and then remember that every one of those numbers is a real person—often a child who should not have drowned.

Royal Life Saving SA is the peak organisation for inland water safety and drowning prevention. Over 37 sites across regional South Australia have now moved to the Royal Life Saving holiday swim to deliver an inland water safety program in their community. This is now over 3,000 enrolments that have been made across these sites that Royal Life Saving has had to fund itself.

I call on the state government to take a long look at their budget and to find some funding for Royal Life Saving SA, so that they do not have to go around shaking a tin for donations and can get on with the job of teaching our children water safety and ultimately helping save lives.

CITY OF ADELAIDE CLIPPER

The Hon. J.A. DARLEY (15:54): I recently had the opportunity to view a film on the recovery of the clipper ship *City of Adelaide* at Port Adelaide where the ship is located. The most important historic ship in Australia, the *City of Adelaide* was specifically designed and built to carry immigrants to Adelaide. It undertook 23 return journeys between London and Adelaide between 1864 and 1887, carrying up to 300 passengers and freight each trip. It is of international significance and is now located in Port Adelaide.

The remarkable campaign to save it from being broken up in Scotland, the massive engineering and logistical operation to transport it to Adelaide and its ongoing restoration and public display has been and continues to be undertaken by volunteers. Their objective is to preserve the *City of Adelaide* and make it the centrepiece of a seaport village, a maritime version of Ballarat's well-known Sovereign Hill.

Currently, the restoration focus is the repair of the saloon deck, which housed first-class passengers in 14 cabins. Construction of two replica cabins is also now underway. Serving as a passenger ship, cargo carrier in the North Atlantic, and isolation hospital in Southampton, a Royal Navy drill ship, renamed as HMS *Carrick*, and Navy Reserve clubrooms on the River Clyde, it ended its life virtually derelict in Scotland and facing deconstruction.

Saved by Adelaide volunteers and recovered after a campaign that started in 2000, the vessel arrived in Port Adelaide in February 2014. The engineering task of planning, lifting and moving the 545-ton load from Scotland to Australia was formidable, but successfully achieved. Engineering firms from across South Australia made an invaluable contribution.

The vessel was renamed from *Carrick* back to its original name, *City of Adelaide*, at a special ceremony in London on 19 October 2013 by His Royal Highness the late Prince Philip, as it was being transported from Scotland to Adelaide. The enormous ship is undergoing preservation and limited restoration by volunteers. It is a major tourist attraction sitting on a barge in Dock Two and next year will be moved onto adjoining land provided on a peppercorn lease by the South Australian government. It has already attracted tens of thousands of visitors since its arrival in 2014.

Daily tours are conducted by volunteers, providing a unique experience of being inside an original, authentic 1864 sailing ship. A quarter of a million descendants in Australia can trace their heritage as passengers and crew of the *City of Adelaide*, making it an iconic part of our social history and of great educational value. The *City of Adelaide* is five years older than the only other remaining composite vessel in the world, the famous *Cutty Sark* in London. Composite ships with a wooden hull over iron frames were relatively rare, being the transition from wooden sailing ships to iron steamships.

The ship is owned and the project is managed by the Clipper Ship *City of Adelaide* Limited, a volunteer run not-for-profit organisation. The majority of the income has come from privately raised funds, including from corporate organisations, community groups and individuals. The volunteer group proposes to develop the remainder of Dock Two with its seaport village and other activities so that it provides a sustainable income source to fund the ongoing restoration of this most important vessel.

Parliamentary Committees

SELECT COMMITTEE ON THE PRIVATISATION OF PUBLIC SERVICES IN SOUTH AUSTRALIA

The Hon. R.A. SIMMS (16:01): I move:

That the report of the select committee be noted.

Very briefly, the privatisation committee was established back in May and handed down its report earlier this week. I would like to take this opportunity to thank the members of the committee for their efforts: the Hon. John Darley, the Hon. Heidi Girolamo, the Hon. Frank Pangallo and the Hon. Irene

Pnevmatikos. I also acknowledge the contribution of the former member, the Hon. David Ridgway, who departed the committee in June. I acknowledge the work of Leslie Guy in the Secretariat and I want to thank her for all of her efforts in ensuring that the committee ran so smoothly and that we were able to provide a timely report to this chamber.

In terms of a brief summary, we received 22 submissions and there were six public hearings. The committee heard a range of evidence. In particular, it is clear that privatisation has had adverse impacts on services in South Australia and also on the experience of many staff working in public services that have been privatised.

The report made a range of recommendations for the future that would improve the accountability of private corporations that run public services and safeguard them against the sell-offs of our public services without due consideration of the impact. In terms of some of the key recommendations from the majority report, these include:

- the establishment of an independent regulatory body to provide oversight over services that have been privatised;
- the establishment of a standing parliamentary committee to review existing privatisations and make recommendations on any proposed privatisations prior to government approval;
- subsidiaries of multinationals awarded contracts for delivering public services to publicly report on their domestic and international revenues and tax payments;
- protections of employment standards for those working in government services that are privatised; and
- a moratorium on further privatisations on government services until all recommendations are actioned.

That is just a snapshot of the recommendations. There were 13 recommendations in total, and I certainly think that if these were implemented they would greatly improve the transparency around privatisations in our state. With that, I conclude my remarks.

The Hon. H.M. GIROLAMO (16:04): Today, I rise to speak about the Select Committee on the Privatisation of Public Services in South Australia. Firstly, I would like to begin by thanking the witnesses who appeared before the committee and provided their evidence. I would also like to thank the committee's Chairperson, the Hon. Robert Simms MLC, and the other honourable members of the committee and our secretary, Ms Leslie Guy.

I would like to advise the council that the South Australian government and I wholeheartedly support accountability, transparency and honesty throughout the South Australian Public Service, and the area of privatisation is no exception. However, the South Australian government does not support unnecessary layers of bureaucracy, administration and red tape, which costs taxpayers with little return.

For many years in South Australia, various Labor and Liberal governments made decisions to privatise certain services under the recommendation that it was both publicly supported and in the best interest to do so. I would like to state that I do not support the establishment of the independent regulator or the establishment of yet another parliamentary standing committee focused on privatisation. Furthermore, I do not support any moratoriums on current and future privatisations or the reverse of current privatisations, given that the decisions that were made were done so in the public's best interest.

For the purpose of the committee, privatisation also includes the use of external providers and public-private partnerships. These arrangements often reduce fiscal burden, create growth in competition, reduce political interference and provide optimal utilisation of resources. This often means getting work done that is of better quality and at a faster pace. There are often benefits seen with government outsourcing services, which allow for more cost-effective, specialised and tailored service delivery.

It should also be noted that it was under the former Labor government that South Australia saw large examples of privatisation, with the privatisation of ForestrySA, SA Lotteries and the Motor Accident Commission, to name just a few. It is also worth noting that the former Labor government also investigated the possible privatisation of HomeStart Finance, EzyPlates and Medvet, along with a hefty payment of $100,000 to KPMG for a secret report into privatising SA Water.

This makes it difficult for the committee to continue its focus on the government of the day when many of the changes were seen under the former Labor government. A standing committee, too, only lengthens the red tape and unnecessarily extends the process. It is for these reasons I do not support the recommendations of the majority.

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

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

The Hon. J.A. DARLEY (16:07): I move:

That the report of the select committee be noted.

On 5 May 2021, a select committee was established to inquire into matters relating to the operations of the Office of the Valuer-General upon a motion I moved earlier this year. The committee received eight written submissions and conducted 10 hearings between 15 July 2021 and 30 September 2021.

Our committee heard evidence from the Office of the Valuer-General, Land Services SA, various councils, the Local Government Association of South Australia, the Law Council of Australia Taxation Committee (SA), and members of the public. The committee heard evidence of inadequate policymaking, resourcing issues, unnecessary delays and concerns about the accuracy of valuations. The committee also heard concerns about lack of transparency, delays and barriers in the objection process.

During evidence, I had real concerns regarding the evidence given by the deputy to the Valuer-General regarding the Department for Infrastructure and Transport advisory function of the Office of the Valuer-General. The deputy to the Valuer-General had difficulty in explaining the role of this unit to the committee, and his description did not accord with advice from the CEO of the Department for Infrastructure and Transport on this matter. The deputy to the Valuer-General finally conceded that he was not an expert in the field, notwithstanding the fact that he is in charge of the advisory unit.

The committee proposes 11 recommendations for consideration. The recommendations relate to the staffing of the Office of the Valuer-General and the allocation of further functions to Land Services SA to alleviate resourcing and delay concerns.

Recommendations have also been made in respect of policy direction to Land Services SA by the Office of the Valuer-General to increase the reliability and fairness of valuations. The committee also recommended further engagement with stakeholders during the valuation and objection processes to increase transparency. I trust these recommendations will go some way in remedying the concerns expressed to the committee during its inquiry.

Finally, I would like to acknowledge and thank the following members of the committee for their work: the Hon. Ian Hunter, the Hon. Frank Pangallo and the Hon. Terry Stephens. I would also like to thank our secretary, Mr Peter Dimopoulos, and our research officer, Dr Kylie Doyle, for their assistance. I commend the committee's report to the council.

The Hon. F. PANGALLO (16:10): Briefly, I would like to commend Mr Darley and the members of the committee and those who assisted us in providing that report—as he has pointed out, the Hon. Ian Hunter and the Hon. Terry Stephens, as well as our secretary, Mr Peter Dimopoulos, and Dr Doyle for her report. Mr Darley's vast knowledge and experience certainly contributed to the outcomes from this report. It also exposed some glaring anomalies and inconsistencies in our valuation system. These have been compounded now by the revaluation initiative that is being rolled out.

We heard evidence from several sources, including, as mentioned, the Local Government Association and also the Charles Sturt council, which presented us with some examples that actually

raised our eyebrows about the way the valuations have impacted on particular types of properties. We also heard that there have been issues with inconsistent valuations. As Mr Darley has pointed out, clearly the Valuer-General's office perhaps needs to be more adequately resourced in order that the public do have confidence in their operations and in their decisions.

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

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE: LEGISLATION PERTAINING TO SERIOUS AND ORGANISED CRIME

The Hon. F. PANGALLO (16:13): I move:

That the report of the committee be noted.

On Wednesday 3 February 2021, the committee resolved of its own motion to commence the inquiry, and we have managed to progress it to completion across the course of the year. The terms of reference for the inquiry required the committee to inquire into and consider the operation of a number of acts, as amended, pursuant to a suite of reforms undertaken in 2012, seeking to address the activities of criminal organisations, their members and associates and, as identified in the committee's functions, set out in the Parliamentary Committees Act.

The committee received two submissions, one remaining unpublished, and five public hearings were held. Of note, the committee previously received evidence in 2015 and 2016 in respect of the operation of the Serious and Organised Crime (Control) Act and in respect of the Serious and Organised Crime (Unexplained Wealth) Act. The committee was of the view that such observations might continue to be relevant to its current deliberations. The committee was of the view that the suite of legislation, as amended in 2012 and later further amended in 2015, disrupts or restricts the activities of organisations involved in serious and organised crime.

Part 3B of the Criminal Law Consolidation Act is suppressing the public activities of such organisations, in particular outlaw motorcycle gangs and the intimidation and manifestations of violence associated with them. No persons not involved in serious crime appear to have been affected by the amendments to an unreasonable extent. This is not to say that criminal organisations are not operating in South Australia.

Other legislation, as set out in section 3 of the report, also sets out a range of limitations upon persons who are members or associates of criminal organisations beyond the legislation the subject of review. These provisions, for example, restrict the activities of members of criminal organisations or their associates from involvement in industries such as hydroponics, tattooing or liquor licensing, and the presence of gang members on licensed premises. It was also in the context of such further provisions that the effect of the legislation for review must also be considered.

Four recommendations result from the committee's work. The committee recommends that the minister give consideration to repeal of the control order provisions set out in the control act. No applications have been made for such orders since the well-known Totani decisions in 2009 and 2010, and it was considered unlikely that such orders would be sought.

Part 3B of the Criminal Law Consolidation Act now sets out effective provisions for the regulation of the association of members and associates of criminal organisations, and the evidence suggested that control orders are no longer required. The option to make public safety orders would continue to be available.

The committee's second recommendation is to the parliament, being that it give consideration to the establishment of a joint committee to inquire into and report on the potential benefits and issues associated with the legalisation of recreational use of cannabis in South Australia, including to examine the outcomes of such reforms in Canada and in a number of jurisdictions in the United States.

It appeared to the committee that there are challenges for prohibitive legislation seeking only to disrupt the supply of illicit drugs. Such laws do not appear to adequately recognise the demand for such products, or the lucrative nature of the trade. The committee was also of the view that it is time for other approaches to be given consideration. The committee considered this to provide an

opportunity for a broad discussion of the potential outcomes of such a reform in a public forum, which includes the potential to significantly disrupt the activities of organisations involved in serious crime.

The committee thirdly recommends that the minister give consideration to re-establishment of the functions of the Office of Crime Statistics and Research, a former office within the Attorney-General's Department, and to give consideration to the introduction of a requirement to track the use of provisions where an act requires that its operation be reviewed on the passage of a period of time.

It was noted that there can be limited available statistical information regarding the operation of legislation, which can limit the opportunity for effective discussion of policy outcomes, and options for improvement. The committee was, however, satisfied with the evidence in terms of both opinion and anecdotal evidence, suggesting that the entire suite of laws the subject of this review are disrupting and restricting the activities of criminal organisations.

The committee's final recommendation is that the minister give consideration to reviewing treatment options available to persons with drug dependency issues and the causes of drug dependency. Again, this recommendation recognises that policies seeking to disrupt criminal organisations involved in the illicit drug trade might best seek to limit demand for the products they seek to provide.

The committee commends a holistic approach to addressing serious drug offending and to the disruption of the activities of organisations involved in their supply. In conclusion, I thank our executive research officer, Mr Ben Cranwell, who continues to provide valuable assistance to the committee's inquiry work.

I would like to thank the members of the committee for their contributions to the inquiry: firstly, to those former members who ceased to be so during the course of the inquiry, the Hon. David Ridgway, who is now our Agent-General in London, and the Hon. Dan Cregan, member for Kavel, now Speaker in the other place; to those members appointed during the course of the inquiry, the Hon. Heidi Girolamo and the member for Heysen, Mr Josh Teague, who it must be said on the basis of his recent appointment had only limited opportunity to contribute to the inquiry; and to those members who contributed throughout the course of the inquiry, the Hon. Justin Hanson and, from the other place, the member for West Torrens, the Hon. Tom Koutsantonis, and the member for Davenport, Mr Steve Murray. Each member contributed enormously to the deliberations of the committee. I commend the report to the council.

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

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO ISSUES RELATED TO BOW AND CROSSBOW HUNTING IN SOUTH AUSTRALIA

The Hon. N.J. CENTOFANTI (16:21): On behalf of and at the request of the Hon. Dennis Hood, I move:

That the final report of the committee, on its inquiry into issues related to bow and crossbow hunting in South Australia, be noted.

The Hon. Dennis Hood is unfortunately unable to be here this afternoon and has requested that I speak to this report on his behalf.

On behalf of the Social Development Committee, I thank the witnesses for their written and oral submissions and their contributions to this inquiry. In particular, the committee thanks the following animal welfare organisations and individuals: the RSPCA and its CEO, Mr Paul Stevenson, Dr Suzanne Pope and the Animal Justice Party of South Australia, Ms Louise Pfeiffer and Mr Daniel Gluche. The committee also thanks all of the individuals and organisations who support animal welfare for their submissions.

The committee would like to thank the archers, arbalists and bow hunters and organisations they are represented by for their submissions. These include Archery SA, the Australian Deer Association and the Australian Bowhunters Association South Australia branch. Individuals include Mr John Clark, Mr Todd Wallace and Mr Mark Dibdin, who are thanked for their oral evidence, and the committee thanks all of the other organisations and individuals who provided written submissions.

As Presiding Member, the Hon. Dennis Hood thanks the committee members and the secretariat for their work on this inquiry.

The inquiry into the issues relating to bow and crossbow hunting was introduced on a motion of Mr Richard Harvey MP, a member of the committee, on 22 July 2019. The terms of reference called for a review of the legislation in South Australia that governs the ownership and use of bows and crossbows, how bows and crossbows are managed in the community and in relation to hunting activities. It also called for a review of the protections afforded to animals under animal welfare legislation and to examine how the other states legislate recreational hunting with bows and crossbows.

The committee received 82 written submissions and held six evidence hearings. The committee has made 12 recommendations to the Minister for Environment and Water, and I am pleased to be noting the report today.

The committee found there were three key issues that were at the heart of this inquiry. They are the availability and use of archery and hunting equipment in the community, how recreational hunting with bows and crossbows is regulated and whether bow and crossbow use are humane methods of dispatching animals.

The committee found that it is possible to purchase novelty, poor-quality or suboptimal archery equipment online, or from some recreation and sporting stores, without regulatory oversight. This does not include crossbows, however, as there is a requirement under the Summary Offences Act 1953 for a person purchasing a crossbow to be over 18 years of age and provide proof of that, but it is currently possible to buy a bow and some arrows of questionable quality and do bow shooting in the backyard or indeed in the local park.

The incidences of animals being shot with bows and arrows, such as those that have been reported in the media, the committee understands are likely to have been with these suboptimal bows and arrows. While such incidents are rare from the evidence received, they are likely to also have been carried out by persons not trained in the use of archery or bow hunting equipment, and they are therefore likely to cause more harm.

The committee heard animal welfare organisations are concerned at the availability and use of these types of inferior bows as they inevitably result in poor outcomes for animals and have low prosecution rates due mainly to lack of evidence. Concerns were also raised by the archery and bow hunting organisations who do not want their clubs associated with such incidents.

Archery SA, the Australian Deer Association (SA) and the Australian Bowhunters Association (SA) gave evidence that to the best of their knowledge such acts of animal cruelty are not likely to be carried out by members of their organisations and that bow hunters are aware of their obligations to the club code of ethics and under the Animal Welfare Act 1985; however, these clubs were also not against there being a training program put in place as part of an existing permit scheme and the introduction of a bow hunter code of practice.

The committee also heard that the sport of archery is a popular one in South Australia and the ability to practise it freely within a genuine archery club setting is of great benefit to many individuals, communities and the state. Archery SA and archers alike claim tighter regulation on the legitimate purchasing of archery equipment could have a detrimental effect on the sport.

The committee wishes in no way to negatively impact target archers; however, the committee considers removing poor quality equipment from being sold in retail outlets across the state, and having restrictions on the equipment being sold over the internet, is a good way to limit access to weapons that have inferior capabilities and can be purchased by persons with little or no experience in shooting a bow. To this end, it is hoped that the kinds of incidences described will be reduced and improve animal welfare outcomes without increasing regulatory burden for legitimate target archers and bow hunters to practise their recreational activities.

The committee commends the work and enforcement activities of the relevant agencies under the Summary Offences Act 1953, the National Parks and Wildlife Act 1972 and the Animal Welfare Act 1985. In terms of regulation under the Summary Offences Act 1953, SAPOL gave evidence that police powers are sufficient under the existing legislation. The Department for

Environment and Water advised that hunting-related offences or offences against native wildlife are rare, but authorised personnel are equipped to deal with them under the National Parks and Wildlife Act 1972.

Where other animal harm offences are concerned, such as the incidences mentioned in the media, the committee acknowledges it is more complex due to the difficulties authorities such as the RSPCA experience in policing where, and by whom, such offences occur. The committee hopes that, without calling for wholesale legislative change, the recommendations it has made, such as tightening the sale and purchase of inferior archery equipment and increasing training and permit requirements for bow hunters, will go some way to improving animal welfare outcomes.

The committee considers that to support and enhance these enforcement activities, collection of more data related to the sale of crossbows by SAPOL, and data concerning recreational bow hunting activities by the Department for Environment and Water, could be undertaken. The committee also considers there may be scope to increase penalties under the Animal Welfare Act and the National Parks and Wildlife Act, and it has recommended that this could be reviewed.

The committee understands, in terms of training for bow hunters, if a bow hunter is not a member of a recognised club, there is little in the way of appropriate training. The Department for Environment and Water published the guideline Modern Hunting in South Australia which aims:

- to encourage and enable hunters to hunt safely, responsibly and sustainably, and to contribute to conservation now and in the future;
- to provide information and advice about locations and species permitted for hunting; and
- to simply explain the rules and regulations for hunting in SA.

However, there is very little detail in relation to the practice of hunting with a bow or crossbow. Having reviewed the regulatory requirements, policies and codes of practice in other states, the committee observed that there is a general shift towards improved bow hunter education and training, as well as regulatory compliance.

Queensland, New South Wales and Victoria have tighter regulatory controls and greater training requirements for all bow hunters. The committee notes that New South Wales and Victoria have mandated bow hunting specific codes of practice. There is no code of practice in South Australia that is required by regulation or that is accepted as a model for bow hunters. The committee considers this could be reviewed by the minister with a view to introducing one in South Australia. Bow hunting organisations and some individuals who have provided evidence to the inquiry are supportive of this idea. The committee notes with interest that New South Wales and Victoria also have bow hunting specific permits and licences, something that could also be looked at for adoption in South Australia.

The committee has recommended that the Department for Environment and Water could review the need for improvements to the hunting permit system, including a bow hunting training program with evidence of passing the training being provided prior to a hunting permit being issued; a process for bow hunters to be tested in order to assess their knowledge, skill level and proficiency in hunting and in the use of their chosen weapon; a requirement that bow hunters should be a member of an approved hunting club or association prior to the permit being issued; and that as a requirement of receiving a permit bow hunters must declare that they are familiar with and will adhere to the code of practice for hunting with bows and crossbows.

The issue of bow hunting being inhumane as a way of dispatching an animal was raised as an ongoing concern by animal welfare organisations and individuals concerned for animals. The debate over whether this is accurate appears to the committee to be unresolved at this time. The calibre of evidence submitted to the committee by animal welfare organisations and individuals was high, but this evidence was also contested by those who practise bow hunting.

Other recommendations include that the authorities, under the Animal Welfare Act 1985 and the National Parks and Wildlife Act 1972, are enabled to undertake more rigorous policing of sites of hunting and that the Minister for Environment and Water review penalties under the Animal Welfare Act 1985 for harm to animals and legislate penalties relevant to hunting activities.

The committee acknowledges the concerns raised by animal welfare organisations. They are legitimate concerns and there are circumstances that require a stronger approach, as discussed in the report. However, the committee considers the recommendations made in the report, including controls over the sale of inferior equipment and greater education, training and skills testing for bow hunters, will contribute to improved outcomes for animals in the longer term without impacting on target archers or being legislatively burdensome for legitimate bow hunters. I commend the committee's report to the house.

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

Bills

FREEDOM OF INFORMATION (MINISTERIAL DIARIES) AMENDMENT BILL

Introduction and First Reading

The Hon. R.A. SIMMS (16:32): Obtained leave and introduced a bill for an act to amend the Freedom of Information Act 1991. Read a first time.

CANNABIS LEGALISATION BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:33): Obtained leave and introduced a bill for an act to legalise cannabis and cannabis products, to regulate the sale, supply and advertising of cannabis and cannabis products, to make related amendments to the Controlled Substances Act 1984, and for other purposes. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:34): I move:

That this bill be now read a second time.

It is high time we legalised cannabis for adult use in our state of South Australia. While jurisdictions all over the world roll back prohibitions from the last century, we lag behind. The Greens want to change this. South Australia deserves leadership based on facts, not on fear. It is time for South Australian politicians to concede that a prohibition approach, that so-called war on drugs, has failed. Despite billions of dollars poured into this drug war, one in three Australians have tried cannabis. Prohibition has failed, even by its very own standards.

A government war on drugs is in fact a war on their very own people. When it comes to cannabis, that war on drugs is often a war on sick people, disabled people and people desperate to get out of pain. It does not have to be this way. The ACT has taken a small step; South Australia can now take a great stride. Canada, Uruguay and others show us the way forward.

We can see from those areas that have legalised cannabis that such a move has brought significant tax revenues. We can also see that cannabis can have real tangible benefits being legalised. Medicinal cannabis can get people out of pain or control their symptoms so that they can live their best lives. We should be seizing this opportunity to take money out of the pockets of organised crime and put it instead towards the public good and prosperity of our state.

This bill envisions a state of South Australia where this long-demonised plant—a plant that our climate grows so well—is harvested and used to create a new source of wealth that can be put to good use, such as aiding our sick health system, a South Australia where cannabis profits are directed into preventative health and education, where cannabis users are diverted away from the criminal justice system, and indeed we take the money out of the pockets of organised crime.

With this bill to legalise cannabis we aim to make this vision a reality, to reimagine our state where those much-touted offerings that were initiated by the Weatherill government of fine food and wine from our clean green environment become fine food, wine and weed from our clean, green environment. It is possible and it is popular. There has been support from the expected quarters, but I draw members' attention to the Murdoch press and the piece by the business editor, Cameron England, in today's *The Advertiser*. Mr England states in today's newspaper—and *The Advertiser* is far from a radical, lefty *Guardian*-type operation:

The fact that we've had no serious debate about legalisation in this state in recent years must lead you to assume that our politicians remain beholden to staunch opponents of cannabis within their own parties, who currently sit outside mainstream thinking on this issue, at least around suburban barbeques, if not in the halls of parliament.

In the supposedly puritanical United States, where 14 states allow recreational use, and 36 allow medical sales, cannabis sales revenue hit US$17.5 billion in 2020, according to a report in Forbes earlier this year.

Those huge sales figures have translated into massive tax windfalls for the states, some of which have creatively filtered the money back into schools, health care and law enforcement.

Colorado, for example, which taxes cannabis sales at 15 per cent, set up a Marijuana Tax Cash Fund, which the state can use for just those purposes.

And it's not some tie-dyed hippy selling a few bags of leafy weed down at the corner pub.

The industry is sophisticated, with venture capital-backed firms producing a variety of smokable and edible products.

Cannabis sale outlets in the US have more in common aesthetically with the Apple Store than Cheech and Chong, and even the big alcohol firms are getting in on the act.

Make no mistake, cannabis is a drug and what I am arguing with this bill and what I am putting forward is a model where we treat that drug as a health concern and regulate it in the way that we have other substances, such as alcohol, which were once prohibited. Prohibition has failed. Let's look towards ensuring it can be provided safely and indeed keeping people out of the clutches of organised crime and keeping money out of the pockets of organised crime.

I am delighted to hear that the Crime and Public Integrity Committee today has made some recommendations to look at this very issue. They have, in their work looking at organised crime in this state, had that penny-drop moment I believe many South Australians have already had well before our parliament.

Let's look at the harm that our cannabis laws do as well. In fact, cannabis is the most used illicit drug for Aboriginal and Torres Strait Islander people. For every non-Aboriginal person in custody for drug use, four Aboriginal people are in custody for that drug use. As I have noted, one in three Australians has tried cannabis, but in South Australia it is estimated there are approximately 800,000 adult illicit cannabis consumers in our state, between the ages of 18 and 60, most typically.

It is big business for crime. It should be something that we seize and make safe and reduce harm for those who suffer. This bill provides a way forward. It establishes a legal market, which legalises the adult use and possession of cannabis. I note many people talk about recreational use, but I want members of parliament, as many members of the public do, to understand this is not simply recreation—it is much broader than that—but it is very much an adult use model that this bill puts forward.

This bill establishes an SA cannabis licensing agency to regulate the cannabis market with the aim of harm minimisation and ensuring compliance with conditions of what would be commercial licences. It is safer. It ensures that those cannabis consumers—and there are so many of them, even under the illicit system—have access safe and regulated products. It requires cannabis products to be labelled with health warnings and information about the strains—for example, the THC or CBD contents.

It prohibits those retailers who would participate in this industry from publicly promoting or advertising cannabis. It keeps cannabis out of the hands of minors and it prohibits cannabis stores being operated within 200 metres of a school or childcare centre. It ends the black market and breaks the organised crime business model. It also reduces the police resources that we currently put towards that war on people that is really the reality of the war on drugs.

It creates new green industry for our state and it increases tax revenue that can be invested in health and education. Beyond that, the bill also allows for the home grow of up to six cannabis plants, with more possible on compassionate grounds. This recognises that we have made legal medicinal cannabis, but also recognises that while it may be legal, it is still very much out of the ability for many who wish to alleviate their symptoms, their pain, their suffering, to access, not simply because the bureaucracy is so difficult and the red tape around it is so difficult, which I do acknowledge is becoming less burdensome, but of course the price remains out of reach for far too many, particularly those in poverty.

Of course, they are the patients who are resorting currently to the black market because they simply cannot afford the medicine that they need to live their best lives. This would allow those people to grow a plant that helps them heal. It also looks at the damage that we have done with previous cannabis convictions and it goes some way through that agency, the SA cannabis licensing agency, to look at the process of eliminating some minor past cannabis convictions for personal use.

Many members would be aware of Jenny Hallam, who of course was subject to a two-year good behaviour bond and went through many years in the courts for producing and making oils. She never grew a single plant to make those oils that people who were suffering and sick came to her to seek support to make. She took a loss on making those oils, which was recognised in her long and arduous journey through the courts.

She is very much somebody who has been greatly harmed by the criminalisation of cannabis in this state and people like Jenny are those who I hope that members of this parliament will have in mind as they consider this matter. That particular court case, I believe, did capture the interest of not just South Australians but all Australians. Jenny's house being raided the very month that we saw medicinal cannabis made legal in this state and then the many years of quite traumatic court processes that she was put through and subjected to due to our failed laws and our failed leadership.

I do not want to see anybody put through that again, simply because they have compassion for others or they seek to heal themselves and alleviate pain, sickness and suffering, whether it is a cancer patient who addresses the range of issues that going through those particular medical processes leads them. Whether it is the pain, whether it is the appetite stimulant, whether it is the nausea that they seek to address as they supplement the more orthodox medical processes, or whether it is those people who have chronic arthritis and the like.

We should not be criminalising patients in this day and age and I think with the legalisation of medicinal cannabis we have made that quantum leap in our thinking, but now we have to make another quantum leap and recognise that this is a plant. It is a plant that was once grown quite legally, it is a plant that has a long history and it is a plant that around the world increasingly governments are recognising, through the leadership largely of people, that should no longer be prohibited.

I refer members again to Cameron England in *The Advertiser's* article today and he sums up his opinion piece with:

> If South Australian politicians really want to set the economy on fire, they should move as fast as they can to be the first in the nation to legalise recreational cannabis, pun very much intended.
>
> It would be a massive boon for the state with hundreds of millions in pent up investment dollars sure to flow to the first Australian jurisdiction which allows the cultivation and/or sale of cannabis, with jobs and tax revenue not far behind.
>
> The fact that cannabis for recreational use remains illegal in Australia, despite its widespread use and social acceptance in the community, is both a missed opportunity and highlights the detachment of our political leaders from those they purport to represent.
>
> The illegal status of cannabis provides rivers of illicit gold for the outlaw motorcycle gangs we've been trying so hard to eradicate, while at the same time denying governments a lucrative revenue stream. It's bizarre really.

Mr England is somewhat pessimistic and believes that we will fail to seize this opportunity. I am not so. I also draw members' attention to the fact that we are not the only state investigating this issue, that Queensland has had a referral to their Productivity Commission in that state which certainly looked at the imprisonment and recidivism issues and, through that particular inquiry, noted and recommended the benefits of legalisation of cannabis and MDMA.

I draw members' attention to that particular document that has come out in the last few years, the 'Summary Report of the Queensland Productivity Commission into Imprisonment and Recidivism'. Page 22 of that document shows the benefits that could be drawn from the legalisation of cannabis and MDMA. Page 23 also outlines the growing support for drug reform and, indeed, the legalisation of cannabis in the community.

This is something where the community is far ahead of parliaments. But another parliament, in Victoria, has also taken a long hard look at this issue and I refer members to the work of the leader

of the Reason Party in the Victorian parliament, the Hon. Fiona Patten MLC, in cooperation with the Andrews government, where they have also undertaken an inquiry into cannabis use in that state.

These are the starting documents we can use as a foundation, as well as looking to the experience of the ACT in the progressive but minimal reforms they have undertaken for well over a year now, where we have not seen the sky fall in and where we have not seen an increase in car accidents and the like. What we have seen is a reduction in people being criminalised for consuming a plant. When you put it like that, it should be a reasonably simple argument but, of course, it is not.

I hope this bill is the start of a conversation. On behalf of the Greens, I can certainly say we will be taking this to the state election as a key reform that the next parliament should enact. I hope members will be interested in continuing this conversation, and there are many and varied ways to do that.

In the past, when things have been too morally difficult, we have referred things off to SALRI, and that is an option here. We have seen the Crime and Public Integrity Policy Committee call for further work and investigation and, should it happen, that work on the use of cannabis in this state and ways of breaking the business model of serious and organised crime should be cross party. One would imagine that we could do our heavy lifting as a parliament, as well as then perhaps draw on bodies such as the Productivity Commission, as the Queensland government has done.

This is not an intractable issue; this is an issue of opportunity. However, for me this is primarily an issue of compassion. I have been drawn into this debate through my experience and advocacy around medicinal cannabis, and the heartbreaking stories of those families, those people, who have struggled and been criminalised by the fact that over a century ago we prohibited a plant. I will not go into the reasons for that here, but anyone who has viewed the film *Reefer Madness* will question who really is mad in this debate. With those words, I commend the bill to the council.

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

TOBACCO AND E-CIGARETTE PRODUCTS (IMPORTING AND PACKING OF TOBACCO PRODUCTS) AMENDMENT BILL

Introduction and First Reading

The Hon. C. BONAROS (16:54): Obtained leave and introduced a bill for an act to amend the Tobacco and E-Cigarette Products Act 1997. Read first time.

Second Reading

The Hon. C. BONAROS (16:55): I move:

That this bill be now read a second time.

The bill intends to address the severely inadequate penalties for the importing and packing of illicit tobacco products in South Australia. While legal tobacco consumption in Australia is decreasing, illicit tobacco consumption is booming.

In its 2019 report on illicit tobacco in Australia, KPMG reported a massive 47.6 per cent increase in illicit tobacco consumption from the previous year. It amounted to 20 per cent of the total combined market. That is 3.1 million kilograms, representing $3.41 billion of missed federal excise duty. But it is not even the financial implications that we are most concerned about here. We are disturbed about the health ramifications of the consumption of unregulated products, products which have likely been manufactured overseas at low cost.

Just over half of the illicit tobacco consumption in Australia in 2019 was contraband, legitimately manufactured by the owner of the trademark but smuggled into Australia to avoid excise duty. Almost 45 per cent was unbranded tobacco, often sold as finely-cut loose-leaf tobacco, commonly known as chop-chop. It is anyone's guess what the chemical make-up of these products are. The widespread availability completely undermines the health initiatives of the last few decades.

The Australian tobacco market is one of the world's most regulated markets. Gone are the days when full-page ads littered glossy magazines, carefree images adorned billboards and buses, and cigarettes were handed out freely at nightclubs and events. Gone are the days of smoke-filled bars and restaurants. Smoking in outdoor food consumption areas has been banned in South

Australia since 2016. Nationally, plain packaging and health warnings were introduced in 2012, the same year as tougher penalties for excise duty avoidance.

Excise duty has steadily been on the rise, and in 2018 a series of new commonwealth offences were introduced. The low penalties currently prescribed in the South Australian Tobacco and E-Cigarette Products Act 1997 for the importing and packaging of illegal tobacco products are almost laughable, completely inadequate and of very little deterrence. The current expiation fee sits at $500, the maximum penalty at $10,000. This bill is proposing an expiation fee of $1,250 and a maximum penalty of $50,000.

Given the opportunity for substantial profits coupled with low risk, it is little wonder how freely available illicit tobacco is in South Australia. You only have to walk down very well-known streets if you are a smoker—Hanson Road, Prospect Road—and walk into particular shops and ask for what is kept under the counter. If you consider a packet of legal cigarettes can cost you anywhere up to $50 these days, I think even a bit more, it is easy to see why demand for these cheaper, inferior products is high.

I did mention that a lot of this product is actually brought in from overseas, but what we do know from the expert reports that we have seen is that a lot of that dry-leaf tobacco is actually brought here, and in backyards somewhere across South Australia—I am imagining all over South Australia—it is being rolled into cigarettes and packaged in what, under our laws, is illegal packaging.

We do not know what hygiene practices are being practised by those who are doing this, let alone any potential for negative health impacts. We have been told that organised crime is a big player in this space. Why face a lengthy prison term for pushing illegal drugs when you can make big profits in the chop-chop trade?

Raising the maximum penalty to $50,000, which prosecutors may elect to pursue instead of issuing an expiation fee, is at least a start. Smoking rates in Australia have been on a downward trajectory, particularly in the past 30 years. Between 1991 and 2019, the proportion of Australians aged 14 and over who smoke daily has halved to 11 per cent; 63 per cent have never smoked at all.

This is all very positive news. I know that we have all had to tackle the issue of vaping and e-cigarettes most recently, and the impact that has had on those figures, but those figures are positive nonetheless. Ideally the rates will continue along this downward trend but, at the end of the day, some people will choose to smoke and that is their right, but for those people a regulated product has to be the lesser of two evils.

I appreciate that we are introducing this bill in the final days of sitting. Clearly, I do not expect that it is going to get through in the final days of this sitting, but I think it is an important matter to be placed on the agenda and the radars of political parties going into the election. Of course, as is typically the case with some of the bills that I introduce in here at least, I acknowledge that there may be room for further improvement and invite feedback and collaboration on this issue.

The Hon. R.A. Simms: The Liberals might even copy it.

The Hon. C. BONAROS: Or we could hand it over to the government of the day and allow them to do as the Hon. Robert Simms has just outlined. I think it is quite telling, and this will be canvassed in another report that will be covered by this parliament very soon, and the irony of this for me is that trying to smuggle illegal cigarettes into a prison, into a detention setting in South Australia, actually carries a significant criminal penalty, a penalty as high as a maximum of imprisonment for five years.

Yet, in this case, where we have organised crime and a black market that is absolutely booming and costing Australia billions of dollars a year, the maximum penalty in South Australia for selling cigarettes that do not comply with our laws is a $500 expiation fee, and if you are caught a few more times than once you might be prosecuted and face a $10,000 penalty.

If I try to smuggle a packet of cigarettes into a prison, the maximum penalty, aside from the monetary maximum penalty, is five years' imprisonment. I can see the inconsistency. I think other members—I hope—can see the inconsistencies in our laws. But, more importantly, I think it is important that we address the issue of illegal tobacco, the trade that that is providing in South

Australia and elsewhere, the loss of excise to the federal government, the flow-on impacts of that to the state, particularly in terms of our health budget, but also the health risks that this illegal tobacco trade presents.

Lastly, I acknowledge those retailers who do sell cigarettes legitimately, and whether you agree with them selling cigarettes legitimately or not, they are, as the Hon. Tammy Franks was saying before, taking part in a legal trade but one that is extraordinarily heavily regulated. As I said, it is one of the most heavily regulated regimes in the world and they are bearing the brunt of that regime, and I imagine would be frustrated by the influx of cheap and nasty cigarettes, or chop-chop, which flies under the radar while they are required to meet the requirements under that very heavy regulatory regime. You cannot have both.

So this bill intends to at least put this issue on the agenda and hopefully act as a better deterrent than what we have now, because what we do know now is that the current laws act as no deterrent at all. If you are in the business of selling illegal tobacco for a living or for substantial monetary gain, a $500 fine or a $10,000 penalty is hardly going to deter you from continuing that practice.

I hope that all members will turn their minds to this issue, and I look forward to consulting with stakeholder and industry groups over the Christmas period and into the New Year.

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

Parliamentary Committees

COVID-19 RESPONSE COMMITTEE

The Hon. R.A. SIMMS (17:06): On behalf of Ms Franks, I move:

That the time for bringing up the committee's report be extended until Wednesday 1 December 2021.

Motion carried.

SELECT COMMITTEE ON HEALTH SERVICES IN SOUTH AUSTRALIA

The Hon. C. BONAROS (17:06): I move:

That the time for bringing up the committee's report be extended until Wednesday 1 December 2021.

Motion carried.

SELECT COMMITTEE ON WAGE THEFT IN SOUTH AUSTRALIA

Orders of the Day, Private Business, No. 3: Hon. I. Pnevmatikos to move:

Select Committee on Wage Theft in South Australia: Report to be brought up.

The Hon. I. PNEVMATIKOS (17:07): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

SELECT COMMITTEE ON REDEVELOPMENT OF ADELAIDE OVAL

The Hon. I.K. HUNTER (17:07): I move:

That the time for bringing up the committee's report be extended until Wednesday 1 December 2021.

Motion carried.

SELECT COMMITTEE ON FINDINGS OF THE MURRAY-DARLING BASIN ROYAL COMMISSION AND PRODUCTIVITY COMMISSION AS THEY RELATE TO THE DECISIONS OF THE SOUTH AUSTRALIAN GOVERNMENT

The Hon. I.K. HUNTER (17:07): On behalf of the Leader of the Opposition, I move:

That the time for bringing up the committee's report be extended until Wednesday 1 December 2021.

Motion carried.

SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST

The Hon. C.M. SCRIVEN (17:08): I move:

That the time for bringing up the committee's report be extended until Wednesday 1 December 2021.

Motion carried.

SELECT COMMITTEE ON DAMAGE, HARM OR ADVERSE OUTCOMES RESULTING FROM ICAC INVESTIGATIONS

The Hon. F. PANGALLO (17:08): I move:

That the time for bringing up the committee's report be extended until Wednesday 1 December 2021.

Motion carried.

SELECT COMMITTEE ON STATUTES AMENDMENT (REPEAL OF SEX WORK OFFENCES) BILL

The Hon. R.A. SIMMS (17:09): On behalf of the Hon. Ms Franks, I move:

That the time for bringing up the committee's report be extended until Wednesday 1 December 2021.

Motion carried.

Motions

RENEWABLE ENERGY

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Affirms that renewable energy is the future of South Australia.
2. Recognises the potential of rooftop solar to lower wholesale power prices for all consumers.
3. Calls on the Marshall government to set meaningful targets for a transition to 100 per cent renewable energy for South Australia by:
   (a) rolling out community-scale batteries;
   (b) subsidising solar panel and battery installation;
   (c) rolling out dynamic operating envelopes.
4. Calls on the Marshall government to block a ruling by the Australian Energy Market Commission that allows networks to charge solar customers fees for exporting solar energy to the grid.

(Continued from 27 October 2021.)

The Hon. C.M. SCRIVEN (17:10): I rise to indicate that I am the lead speaker on this item and to thank the Hon. Mr Simms for bringing this forward. The opposition supports the motion and opposes the mooted amendment by the Treasurer. As the Hon. Mr Simms said in his contribution when introducing this, these changes will unfairly impact on those who in good faith have made long-term investments in renewables. We saw a similar issue when we had the debate in regard to the government turning solar panels on and off without compensation. People who have invested in solar have done so under a certain set of rules and then those rules, potentially, are changed. We have a similar situation here.

What we need is no disincentives to encourage the uptake of rooftop solar. We need incentives. We need governments to encourage that uptake and not to penalise those who are doing the right thing, especially when these people have already made the changes necessary. So we are in support of the goals of this motion and I commend it to the council.

The Hon. R.I. LUCAS (Treasurer) (17:11): I rise to support the essence of the motion, but I move to amend the motion as follows:

Leave out paragraphs 2 to 4 and insert new paragraphs as follows:

2. Recognises the role of rooftop solar to the power system as the state's largest generator.

3. Commends the Marshall government for its policies that will ensure South Australians can continue to install and benefit from rooftop solar, helping to meet South Australia's aim to become net 100 per cent renewable by 2030:

   (a) free and subsidised household battery programs;

   (b) Switch for Solar program;

   (c) rolling out dynamic operating envelopes; and

   (d) Grid Scale Storage Fund, demand management trials and underwriting of interconnection with NSW.

4. Notes energy policies should protect energy consumers from unnecessary imposts.

I have a very long, erudite and what would be an eloquent contribution to make to this debate, which essentially summarises what wonderful things the Minister for Energy and the Minister for Environment and the government have done in relation to zero emissions, but given the time pressures this afternoon and this evening I can take that as read because I am sure even the Hon. Mr Simms acknowledges, as his motion does, that this government, unlike perhaps some others, has been at the forefront, has been a leader in relation to renewable energy, support for zero emissions by 2050 and very, very strong targets which I think the minister outlined again only in the last week or so.

He may or may not have introduced legislation this week in the parliament seeking to put in targets for 2030 for South Australia. So I am sure, whilst there might be occasional differences between the Greens and the Liberal government on some issues, on this particular area there should be furious agreement between the Greens with their policy prescriptions and the policies that Premier Marshall, Minister Speirs and the government have adopted in South Australia. So I will not run through a very long list of three pages of very important initiatives that the minister and the government have embarked on.

The amendment I have moved, in part I guess, in our humble view, has been largely determined and debated yesterday. That is, in relation to the last element of the honourable member's motion, which calls on the Marshall government to block a ruling by the Australian Energy Market Commission, etc., we had, I think it was yesterday, a debate about these particular issues—these days blur into each other—where the views expressed by the Greens and the Australian Labor Party, through this democratic institution the Legislative Council, were not supported by the majority of this chamber. SA-Best and the Hon. Mr Darley supported the government's position in relation to that issue.

So it just seems to be a reprosecution of something that has already been determined, a second bite of the cherry. I think it is a bit of a shame because, in the absence of that and with some minor changes, there is the chance for the Hon. Mr Simms to have a unanimous position supported by all and sundry in this chamber rather than seeking to reprosecute an issue that was already determined yesterday.

I think it would be disappointing if we had to end up dividing this chamber on reprosecuting an issue that we determined yesterday after a long and extensive debate. I do not want to go over that debate again, because we had it yesterday. As I said, with the support of SA-Best and the Hon. Mr Darley, that particular position was not supported.

The amendment that we are moving is consistent with the position we adopted yesterday, so we urge the chamber to, in essence, join us all in celebrating the position of South Australia being a leader in zero emissions. We can all take pleasure and glory in our role in South Australia being a leader in this area, rather than dividing us on an issue which we already determined yesterday, that was not supported by the majority of the Legislative Council.

The Hon. R.A. SIMMS (17:15): I will speak very briefly, because I am conscious that we have a lot to get through tonight. I will not reprosecute the arguments, but the Greens will not be supporting the amendment from the government. I recognise, as I have done previously, the work of all sides of politics in this place in terms of taking action on climate. However, the purpose of this motion is not a collective backslapping exercise or some sort of celebration of the virtues of the Marshall government, as the honourable Treasurer has proposed. We do not share that assessment.

Indeed, the motion does call on the government to go further, to set meaningful targets for a transition to 100 per cent renewable energy for South Australia, and also calls on the government to block the ruling by the Australian Energy Market Commission to allow networks to charge solar customers fees for exporting solar energy to the grid.

The honourable Treasurer has made the point that this issue was dealt with yesterday. My motion on notice was lodged some time ago, well before we dealt with yesterday's bill, which had been pushed back many times. This may provide an opportunity for members who perhaps made an error yesterday to think more carefully about their position and to remedy that today. That is always a positive thing.

Just to conclude, to sum up the contribution I made previously, this sun tax that is being proposed is going to allow networks the power to charge solar households in a way that was previously prohibited under the national energy rules. It has been argued that this is justified as necessary to fund required upgrades on the grid, but this is despite the fact that solar surges have been shown to occur at night and in areas of low solar uptake, and we are very concerned that these charges will unfairly impact those who in good faith have made long-term investments in renewables.

These are South Australians who are wanting to do the right thing, who are doing the right thing for our environment, and the Liberals want to stand by and allow them to be penalised. I do not wish to be divisive, as the honourable Treasurer has inferred, but when a party has got it wrong, when a government has got it wrong, we have to call it out. I urge members to support my original motion and to reject the amendment proposed by the honourable Treasurer.

The PRESIDENT: The first question I will put is that paragraphs 2 to 4, as proposed to be struck out by the Treasurer, stand as part of the motion.

The council divided on the question:

Ayes.....8
Noes 9
Majority 1

AYES

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

NOES

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

PAIRS

Bourke, E.S.	Lensink, J.M.A.	Maher, K.J.
Hood, D.G.E.		

Question thus resolved in the negative.

The PRESIDENT: The next question I will put is that new paragraphs 2 to 4 as proposed to be inserted by the Treasurer be so inserted.

The council divided on the question:

Ayes.....9
Noes 8
Majority 1

AYES

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

NOES

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

PAIRS

Hood, D.G.E.	Maher, K.J.	Lensink, J.M.A.
Bourke, E.S.		

Question thus agreed to.

The PRESIDENT: The question I will put now is that the motion moved by the Hon. R.A. Simms and as amended by the Treasurer be agreed to.

The council divided on the motion as amended:

Ayes 9
Noes..... 8
Majority..... 1

AYES

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

NOES

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

PAIRS

Hood, D.G.E.	Bourke, E.S.	Lensink, J.M.A.
Maher, K.J.		

Motion as amended thus carried.

Parliamentary Committees

SELECT COMMITTEE ON POVERTY IN SOUTH AUSTRALIA

The Hon. T.A. FRANKS (17:31): I move:

That the report of the select committee be noted.

I rise to note the final report of the Select Committee on Poverty in South Australia. The select committee was formed in May 2018 for the purpose of inquiring into and reporting on poverty in South

Australia, particularly its extent, nature and what practical measures could be implemented to address it.

Such a topic is, of course, a grand undertaking and so I would like to acknowledge and thank my fellow members who sat on this committee who remain within this parliament: the Hon. Frank Pangallo, the Hon. Irene Pnevmatikos, the Hon. Russell Wortley, the Hon. Terry Stephens and, previously on the committee, the Hon. Justin Hanson. I would also like to thank the hardworking committee staff and, in particular, our most recent research officer, Mary-Ann Bloomfield.

The committee received a grand total of 72 written submissions and saw 17 witnesses in this last tranche of work across Adelaide and Ceduna. This particular third report makes 16 recommendations which aim to address issues of poverty within South Australia and, in particular, looking to the Ceduna region where the cashless debit card trial has been underway for some time.

The submissions and evidence we received painted a resounding picture of the failure of the cashless debit card in this region. It was demonstrated to the committee that the cashless debit card trial not only failed to achieve its goals but, in fact, lessened the quality of life for its participants. The trial was rolled out to address the issues of alcohol, drugs, gambling, financial planning and money management as well as crime and family violence, health and wellbeing. These were the purported aims.

However, the committee found little evidence that the trial helped curb any of these issues. In fact, the committee found the Orima evaluation used by the government, the federal government, to claim the trial had been successful so far included inflated and skewed data simply to justify the continued existence of the trial. Instead of helping the people around the Ceduna region, the committee found that the trial further entrenched the stigma behind poverty within the region and made the purchase even of essential goods difficult and stressful.

Witnesses reported feeling as though they had no autonomy or control over their lives. Such feelings have been linked to an increase in mental health problems for those placed on the trial. The committee also heard many reports, particularly of Aboriginal people, feeling targeted and discriminated against by the manner in which the scheme was implemented. One witness told the committee that the cashless debit card was yet another version of Aboriginal people being 'in chains', only those chains are a 'little grey card'.

The cashless debit trial also failed to take into account many of the realities of living in poverty in our state, as seen in its assumed access to and knowledge of the needed technologies. It also neglected to address the underlying societal issues that lead to and reinforce poverty. Despite all of these failures, the trial has of course been extended several times, much to the detriment of this community. For these reasons, the committee has recommended that the government of South Australia, through the national cabinet, call on the federal government to end the cashless debit card trial in Ceduna by the end of next year, not to continue this trial.

The region of Ceduna struggles heavily with the burden of poverty, and it is currently not being supported by the government in the way it needs. The submissions and witness statements we received echoed this, pointing to a variety of measures that the government of South Australia ought to take to assist in alleviating poverty in the area. This would be far more effective than the cashless debit card trial has been.

These measures include the development and implementation of a long stay drug and alcohol rehabilitation centre in the Ceduna region as opposed to forcing people to travel long distances. The current closest centre is quite a distance away. As well as this, additional and continued funding and support needs to be invested in the existing programs in the region.

Housing and homelessness were identified by the committee as a large issue for this region, and it is essential that there be an increase in public housing tenancies. The committee was advised that a specific proportion of this housing should be designated for Aboriginal and Torres Strait Islander residents, who are disproportionately impacted by poverty in this region—indeed, across the country. Further focus on Aboriginal and Torres Strait Islander residents is also needed at multiple levels, and this was frequently raised with the committee.

The committee explored recommendations that the government be willing to work with community leaders, with elders, with the community as a whole, in the development of future plans for the region. The committee particularly explored the development of further employment opportunities within this region. It was recommended that the government work with the Indigenous community to develop training courses, employment programs and, of course, the unique tourism opportunities that would help not only with skill development and creating jobs but also make it easier for Ceduna's Aboriginal population to lead good and fulfilling lives.

On behalf of the committee I sincerely thank those stakeholders and interested parties who took part, whether they presented as witnesses or prepared submissions. We certainly appreciated their time and expertise. This report is a small step towards improving the lives of those living in poverty; however, there is so much more work to be done. It is a step towards listening to their voices and needs, rather than prescribing compulsory income management as a panacea. We know that particular approach has further entrenched the impacts and stigma of poverty.

As a state, as members of parliament, we need to take a human approach to poverty and recognise that the wide range of factors that influence and feed into the poverty cycle are not intractable, that we can help empower people to combat it. I believe this government can truly make a difference for the people of Ceduna and do the right thing in opposing the cashless debit card continuing in our state, instead prioritising the needs of the community and making good on the agreements and promises that were made to this community in exchange for the implementation of this trial. With that, I commend the report to the council.

The Hon. I. PNEVMATIKOS (17:38): I rise to speak on the final report of the Select Committee on Poverty in South Australia. The final report of the committee looks at the cashless debit card trial, which is currently continuing in the Ceduna region. This report details what the committee heard from individuals, non-government organisations and academics, and the shared stories from those with lived experience in Ceduna and the Yalata Aboriginal community.

The cashless debit card, or CDC, trial was imposed on the Ceduna region in 2016 by the Turnbull government. It was promised it would assist people out of poverty, improve employment opportunities, decrease alcohol, drug and gambling issues, decrease instances of crime and improve housing arrangements. However, as the report states, the impact of the CDC trial has shown no improvement to the lives and wellbeing of those who have participated.

The CDC trial is compulsory for anyone who receives Centrelink welfare. This includes Newstart, Youth Allowance, the single parent payment and some disability support pensions. Twenty per cent of the payment is deposited into the recipient's bank account and can be withdrawn and freely used. The remaining 80 per cent of the payment is placed on the CDC. This money cannot be withdrawn and does not allow for purchases of alcohol, illicit drugs, gambling products and some gift cards.

Implementation of these control mechanisms has not achieved outcomes foreshadowed by the federal government. In fact, many of the participants said they were worse of or life has become more difficult. This one-size-fits-all approach fails to acknowledge the compounding effects of poverty and welfare and further harms communities that are already disadvantaged, marginalised and discriminated against.

A lack of consultation and evaluation throughout the process of the CDC trial has made for an ineffective and unethical program that leaves the Ceduna community without proper support. Since the beginning of the trial, the commonwealth Social Security (Administration) Act 1999 has been altered not only to increase powers to the Department of Social Services and the Minister for Families and Social Services to oversee the program but to abolish the requirement for an independent evaluation of that program.

Acknowledging the federal government's lack of accountability, private organisations such as universities have heeded the call to assess the effectiveness of the CDC trial. These research papers were considered by the committee, and the findings were almost identical. The committee has seen a large body of research suggesting the CDC trial has further discriminated and entrenched poverty as a result of the adverse effects of the program in Ceduna. The program's logistical issues are evident in the plethora of technological barriers to the CDC system, which fails to consider

common barriers for participants in accessing funds such as EFTPOS, unavailability and card decline failures. Further, it excludes participants from cash economies in markets and small businesses.

The CDC trial further fails to recognise that participants may not have reliable access to internet and updated devices, which will bar them from viewing their account information. The Australian government claims the CDC trial creates a flow-on impact into the workforce participation through the reduction of harm in communities by barring participants from purchasing the alcohol, illicit drugs and gambling. This approach does not address, however, the lack of job opportunities in Ceduna and leads participants to circumventing the program.

The CDC trial fails to address the underlying issues of addiction, such as grief, trauma, poverty and homelessness. The committee has found it increases risk to participants who circumvent the program, who expose themselves to risks in order to get cash. Five years into the program, the Australian government does not have enough evidence to show that the harm caused by alcohol, illicit drugs and gambling has been reduced.

Flowing on from these unaddressed issues, crime rates have plateaued and, in some instances, increased. The committee heard concerning evidence of the elderly being targets for theft and assault over cash. The committee heard that the CDC trial has caused significant difficulty for participants with existing housing arrangements, particularly with fund transfers and cash only arrangements, exacerbating housing insecurity and poverty. Similarly, the cashless card is causing the children of participants to go without, as parents struggle to provide cash for consumables and school excursions.

As 75 per cent of the CDC trial participants are Indigenous, it is impossible to see this policy as anything else but discriminatory towards Indigenous people. The program perpetuates rhetoric of welfare recipients being incapable of looking after themselves and prone to addiction. Participants feel embarrassment, stigma and shame when they are outed as being part of the program every time they purchase something.

As the evidence suggests, there was no benefit to those who were forced to be part of the CDC trial. After hearing the evidence, we the members of the committee were disturbed to hear the language used by supporters of the CDC. Supporters portrayed the CDC as benevolent or philanthropic and used words to describe the CDC such as 'supportive', 'stabilising' or 'helpful'.

These comments are dangerous and fail to acknowledge the accumulating issues these disadvantaged communities face with the addition of the card. This simplistic view on welfare is degrading and dehumanising to those who are part of the scheme. Unfortunately, even after independent reports and constant backlash from advocates and those trialling the scheme, the federal government has continued its rhetoric and committed to continue the trial. You cannot take the human element out of an economic solution. Without considering issues holistically, there will not be any benefit to the wellbeing of people.

This reminds me of a fantastic episode of the satirical comedy show *Utopia*. In the episode it is suggested a new ID card tracking the location and spending of people is trialled in an effort to benefit government outcomes. When it is suggested that the ID card be trialled in Canberra, which would include staffers, members of parliament and lobbyists, the idea is instantly thrown out. It is scary how many parallels can be drawn between that show and the way this government operates, but on this issue, consider politicians having parameters on their personal spending.

Politicians receive their salary from taxpayers, the same as welfare recipients. If the same limits were to be placed on us, there would be uproar. In fact, it would not happen because there is no way anyone in this place or federally would agree to that, so why is it okay for the federal government to do that to others? The privilege that abounds in this place and the degrading initiatives government imposes on others is frightening.

This report has come at an apt time. Last week was Anti-Poverty Week. The Anti-Poverty Network and its adjoining organisations work to advocate for solutions that create structural changes and involve the perspectives of those with lived experience. This program flies in the face of what those activists and advocates are asking for. Poverty is a policy decision. Poverty is a political decision. The rate needs to be raised and the CDC scheme must be stopped.

The Hon. T.J. STEPHENS (17:47): I need to make a brief contribution. I attended most of the committee hearings, I think; however, when we signed off on the report I was unavailable. I certainly encouraged the committee to deliver a report so it was not me holding it up; however, I do need to put on the record that I support the federal government's policy on the card. I know from all the evidence we heard that it certainly needs tweaking and there were a lot of concerns raised that concerned me but I am sure it could be improved. I would like to thank all of those people who came to give evidence.

I have heard from many people from that part of the world, not just with this committee but in other committees that I have sat on and other visits that I have had to the Ceduna region. There are many different points of view and I am respectful of all of them; however, I need to put on the record that I do support the federal government's position on this.

Motion carried.

Motions

TOWN OF GAWLER BY-LAWS

The Hon. C. BONAROS (17:49): I move:

That by-law no. 6 of the Town of Gawler concerning cats, made under the Local Government Act 1999 and the Dog and Cat Management Act 1995 on 24 August 2021 and laid on the table of this council on 12 October 2021, be disallowed.

This motion is similar to all the other motions I have moved in relation to cat by-laws in this place. This one deals with the Town of Gawler. We have had others in here, canvassing a number of council areas. I have made the point in relation to these before. My firm view, particularly given the outcome of the Legislative Review Committee's consideration, is that we need a consistent statewide approach to cat management, and I certainly urge whoever is in government next year to make that happen swiftly so that we can stop coming back here and considering these by-laws in an ad hoc and inconsistent way.

It is safe to assume that in developing their cat by-laws, the Campbelltown council by-laws, which we are going to consider later today, were replicated by the Gawler council, simply copying the definition of effective control by means of physical restraint from section 8 of the Dog and Cat Management Act and substituting the word 'cat' in place of 'dog'. I have said it before, and I will say it again: cats are not dogs.

These by-laws are inappropriate and unacceptable forms of control mechanisms for cats—namely, by way of tethering, which has given rise to serious animal welfare concerns. The RSPCA has expressed these concerns, and I am sure members have had this communicated to them. I have certainly tabled, for the benefit of all members, the correspondence that we have received from the RSPCA, specifically in relation to the issue of tethering.

We now have two councils whose by-laws are at odds with the other councils because they deal specifically with the issue of tethering, and they are the two that will be going to a vote today because they include tethering. I should just mention for the record, because I think it may assist members, that there is another by-law, and that is the City of Marion by-law, which currently has tethering provisions. You would be forgiven for thinking that we are allowing one council to continue that conduct and not others, but I am pointing that out because there are new regulations coming in for Marion council which do not include tethering provisions.

As I said, there are a number of these on the *Notice Paper*. I think I have made my point. This is not an effective way of dealing with cats and the issue that plagues us with cats wandering at large. But that aside and the requirement for a proper review of this act next year aside, we do have to deal with those councils that have seen fit to include tethering provisions in their regulations. Those provisions go against the grain of every piece of advice we have received from the RSPCA.

The RSPCA has signalled to me that they are comfortable with these two particular provisions being the subject of disallowance motions because of those provisions. It is a serious animal welfare concern. It simply should not be included in these regulations. As I said before, cats are not dogs. You cannot just replace those provisions that apply to dogs and expect them to apply

equally to cats and off you go. With those words, I am urging all honourable members to support this motion.

The Hon. C.M. SCRIVEN (17:54): I rise today to indicate that Labor will be supporting the disallowance motion relating to by-law 6 2021 of the Town of Gawler, concerning cats, as we will on the similar motion regarding the Campbelltown City Council. These comments will be applicable to both of those disallowance motions.

Labor supports the efforts of local government and individual councils to curtail and minimise the damage done by wandering cats. As well as nuisance and noise, wandering cats have been known to cause damage to property, issues for other pets and are believed to be overwhelmingly responsible for the destruction of native wildlife, including birds, reptiles and small mammals.

However, while there is a need for laws to manage cats to prevent this nuisance and damage, these particular by-laws allow restraint of cats in the form of 'tethering to a fixed object'. The RSPCA has determined this form of restraint is considered to be animal cruelty, and I quote from the RSPCA:

> RSPCA retains extreme concerns about the animal welfare implications of a council advocating a practice of chaining cats in back yards:
>
> The nature of cats is that when threatened they will flee and hide. Leaving such animals exposed and unable to take flight will result in significantly increased risk of stress, injury or death.

For these reasons, Labor will be supporting the disallowance. In Victoria, this particular form of restraint or confinement has been legislated against for use with cats. The Code of Practice for the Tethering of Animals explicitly states that 'Cats must not be tethered under any circumstances.' Tethering of cats is also specifically banned in 13 US states and in the UK.

I and I am sure many of my parliamentary colleagues also have received communication from the CEO of the RSPCA outlining their concerns not only about animal welfare concerns caused by the inclusion of tethering in these particular by-laws. They have also expressed concern that if such language is to be used in one by-law, it will set a standard that will be replicated when drafting future cat management by-laws.

Across the state, multiple councils have drafted by-laws concerning cats and dogs. This is apparent when you look at the number of cat management by-laws on our *Notice Paper*. Of the numerous by-laws for consideration, only two use the following identical language when referring to effective control means of physical restraint with respect to a cat, specifically, 'tethering to a fixed object by means of a chain, cord or leash that does not exceed 2 metres in length'.

The remaining cat management by-laws, I am advised, allow for physical restraint measures but importantly exclude the means of tethering a cat to a fixed object. It is disappointing for all involved that one phrase could very well disallow these two by-laws, but alternatively the successful passage could result in an unacceptable use of wording that could be further replicated across other councils.

I agree with the Hon. Ms Bonaros that these laws should be coordinated in a statewide manner with input from the Dog and Cat Management Board, local councils, the LGA and other stakeholders to ensure a workable, effective and humane policy and framework is in place for councils to work with when drafting their own by-laws.

The shadow minister for environment, the member for Port Adelaide in the other place, has tabled a petition spearheaded by the fantastic Bev Langley at Minton Farm in the Adelaide Hills. Bev and her volunteers have seen firsthand the damage done by wandering cats and have collected more than 3,000 signatures calling on the Marshall Liberal government to address the damage and nuisance caused by cats wandering at large. The Dog and Cat Management Act is due for review and is the perfect opportunity to ensure that the balance is right.

This mix-and-match approach of individual council by-laws drafted without a supportive framework to work within is impractical and is unfair on councils, which invest a significant amount of time drafting and consulting on a set of words that are unknowingly not consistent with animal welfare practices. You only need to consider the very real impracticalities of the inconsistencies between council areas to realise why a statewide review is required.

For example, the owner of a cat in one council area which has no restraint by-laws in place may have their cat wander into another council area adjacent, one which has by-laws which include tethering, or even the destruction of wandering cats. That is the reality of the by-laws being considered by this motion.

For all these reasons, Labor supports this disallowance motion and looks to leadership by the Dog and Cat Management Board, in consultation with local government and other stakeholders, to find the right policy and framework to apply across the state, not just for the safety of our pets but for our neighbours, our environment and our native wildlife.

The Hon. R.I. LUCAS (Treasurer) (17:58): The government does not support the disallowance motion. The Local Government Act allows a council to make by-laws for the good rule and government of the area, where they are permitted to do so under the act or another act. The Dog and Cat Management Act provides for circumstances in which councils can create by-laws, including requiring dogs and cats to be effectively controlled, secured or confined in a specified manner and specified circumstances.

Whilst the government understands the honourable member's concerns about tethering provisions for the Town of Gawler's by-law, it is the government's position that the by-law is consistent with the by-law making powers in the authorising legislation. Neither the Dog and Cat Management Board nor the Legislative Review Committee considered that it was appropriate to intervene with the process of the council's by-law.

It was also relevant to note that this parliament has previously allowed other councils to introduce by-laws with identical or similar tethering provisions, including the Yankalilla council, which has an identical provision, and the Mount Barker District Council and the Adelaide Hills Council, which have similar provisions. The government's view is that parliament should be consistent with their decision-making, particularly within the parliamentary session.

Whilst it may be preferable to have a consistent cat management policy across all council areas, the Dog and Cat Management Board is currently preparing for a comprehensive review of the Dog and Cat Management Act 1995, which will formally occur during 2022, at which time consideration will be given to the cat management framework which is prescribed by the act. The government is supportive of the councils taking steps to improve cat management within their communities, which is allowed for by both the Local Government Act and the Dog and Cat Management Act. For those reasons, the government does not support the disallowance.

The Hon. R.A. SIMMS (18:00): We support the disallowance.

Motion carried.

Sitting suspended from 18:01 to 19:45

Bills

CHILDREN AND YOUNG PEOPLE (SAFETY) (INQUIRY INTO FOSTER AND KINSHIP CARE) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (19:46): Obtained leave and introduced a bill to amend the Children and Young People (Safety) Act 2017. Read a first time.

Second Reading

The Hon. J.A. DARLEY (19:47): I move:

That this bill be now read a second time.

The bill will set up an independent inquiry into foster and kinship care in the state to review the adequacy, amongst other things, of:

1. existing complaints mechanisms in the department;

2. existing consultation processes between the department, other persons and bodies and foster and kinship carers;

3. documentation and information held by the department, other persons and bodies and availability to foster and kinship carers; and

4. internal processes and arrangements within the department and other persons and bodies to examine that there is a sound partnership with foster and kinship carers and to ensure that rights of children in foster and kinship care are respected, addressed and realised.

In addition, the inquiry will make such recommendations for change affecting foster and kinship carers as it considers necessary. The inquiry will finish in six months and will report to the minister, who must cause a copy of the report to be laid before both houses of parliament. The timing of the report will allow it to contribute to the review of the act next year.

I have been approached by a group of foster and kinship carers who have expressed serious concerns over what has been occurring in the foster and kinship carer sector, preventing carers from achieving the necessary health and wellbeing outcomes for children under the guardianship of the chief executive.

I arranged for the carer project to meet with the Premier to present their concerns. This group, and the carers that they have surveyed, now believe that the only way their voices may be heard is via an independent inquiry, which will provide protection from bullying, intimidation and repercussions in their role as carers.

The group considers carers are not treated with natural justice and procedural fairness when making complaints, and this is affecting the retention of carers. They are concerned that their voices will not be heard in the legislative review next year and believe an independent inquiry is needed ahead of the legislative review scheduled for October 2022. An inquiry is needed focusing on the needs of carers.

No-one disputes their pivotal role in reducing costs in delivering the best outcomes for children in care. Adequate financial support and a supportive system of true partnership between carers and the government is essential in achieving these best outcomes. Many children in care have experienced some level of trauma, yet funding for children under the guardianship of the chief executive is set at poverty level.

A compassionate society demands all that is possible is done for this vulnerable set of children under the care of the state. Appropriate funding is needed to attract and retain foster and kinship carers as the requirements for their services continue to grow. Placing children in expensive residential care rather than within the families of foster and kinship carers is wrong. The purpose of the inquiry is to identify the needs and concerns of carers, and how carers can be better supported in order to achieve better outcomes for children under the guardianship of the chief executive.

Whilst there have been many reports, carers want the opportunity to express their views on how outcomes for children in care can be better achieved. The government's Statement of Commitment is a major joint acknowledgement by the Minister for Child Protection and key partners in the child protection sector of the vital role that carers play. The document provides a commitment from government that carers will be supported, consulted, valued and respected. Foster and kinship carers want an independent inquiry to assess how well this has been implemented.

I refer to *The Advertiser* of 5 November, pages 22 to 23, reporting on the first day of a coronial inquest. It refers to the CEO of DCP commissioning a report to find missing information about a child's experience in care and a decision to refuse extra funding to the foster-father. The placement ended because the carer could not afford to continue fostering, after payments were significantly reduced at the decision of the then acting DCP country director. It was found that there were 'major faults in the process and the decision'.

A number of people, including the school principal and police officers, petitioned for the child to be kept with the foster-father. It was found in the report that there had been 'underhand personal discrediting of the foster-father who was categorised as looking for a financial handout'. The report concluded that there were considerable issues with DCP processes, and that 'a senior bureaucrat made a decision about the clinical wellbeing of a child'. The CEO of DCP, after receiving the secret report, stated her reaction, 'We have much work to do.'

The Premier has recently written to foster carers stating that the CEO of Department for Child Protection, firstly, 'confirmed the department takes any matters raised by carers seriously and has made carer engagement and participation a key priority in recognition of the invaluable role carers play'; and, secondly, 'reviewing DCP communications on the division of responsibilities for the department paying expenses to carers and young people in care to ensure greater clarity'.

A proper investigation into the need for a review of procedures, including the handling of complaints, processed within Department for Child Protection, needs to be conducted to see if matters already uncovered in the coronial investigation have been addressed. There is an inherent enormous power imbalance between DCP officials and foster carers, who would be afraid, if they questioned decisions of the department, that they could lose custody of the children in their care. I put the following questions:

1. Has the work referred to by the CEO, now in the position for four years, been done to clean up the mess revealed in the coronial investigation so far?

2. Are senior bureaucrats still making financial decisions affecting foster carers and children in their care?

3. Are internal review mechanisms sufficient, given the uncovering of underhand personal discrediting of a foster carer?

4. Are processes established in DCP to ensure that carers can speak fearlessly of any concerns they may have?

5. Is there not a need for an independent investigation to confirm past indefensible, catastrophic, and dire, damning findings have been addressed?

6. Did the government not proceed with their legislation because this bill previously was a filed amendment attached to their legislation?

An independent review will establish whether, as the Premier stated in his letter, the department does take any matters raised by carers seriously and has made carer engagement and participation a key priority in recognition of the invaluable role carers play.

I alert the chamber that I will be seeking that standing orders be so far suspended as to enable this bill to pass through the remaining stages without delay. I commend the bill and the need for an independent inquiry to the house.

Standing Orders Suspension

The Hon. J.A. DARLEY (19:55): I move:

That standing orders be so far suspended as to enable the bill to pass through its remaining stages without delay.

The Hon. I.K. HUNTER: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

Motion carried.

Second Reading

The Hon. C.M. SCRIVEN (19:58): I rise to speak on this bill and indicate that Labor supports the principles of the bill. I thank the Hon. John Darley for introducing this important piece of legislation, which aims to achieve similar outcomes as Labor's proposed amendments to the Children and Young People (Safety) (Miscellaneous) Amendment Bill 2020—namely, a fair and just outcome for foster and kinship carers in South Australia.

In fact, like the Hon. Mr Darley, Labor moved a number of amendments aimed at improving outcomes through the Children and Young People (Safety) (Miscellaneous) Amendment Bill 2020, which the minister and the divided Liberal government simply refused to entertain. Not only did the government refuse to include any of Labor's or the crossbench amendments, but they have also failed to progress their bill through the parliament for reasons known only to them.

Foster and kinship carers are the backbone of the child protection system, looking after around 4,000 of the 4,671 children currently in care in this state. They are generous, kind people who open their hearts and their homes to some of the most vulnerable children in our state. They are united in their deep desire to ensure every South Australian child is enabled to thrive. Sadly, these outstanding people are not treated in the way that they deserve to be.

Many foster and kinship carers are unhappy with the foster care system in South Australia. Many report feeling overwhelmed, disrespected and powerless in their dealings with the Department for Child Protection and are dismayed and frustrated by the department's decision-making processes. An independent inquiry would enable these individuals and groups, and the groups who represent them, to raise these concerns and it could help to inform future policies and regulations around foster and kinship care in South Australia.

Recent surveys conducted by Connecting Foster and Kinship Carers South Australia and the carer project show major problems in the relationship between carers and the Department for Child Protection. On almost a daily basis, opposition and crossbench offices are contacted by carers raising issues of serious concern about their relationship with and their treatment at the hands of the department. Many say they feel undervalued and ill-informed and that they have to wait for timely information, for a timely conversation about children in their care, including about issues regarding access to medical treatments.

Far too many say that there is a culture of bullying and intimidation by the department whenever they object or question particular methods or particular decisions. This proposed inquiry will respond to the plethora of concerns that are regularly raised with the opposition and crossbenchers. An inquiry will address those ongoing cultural issues within the Department for Child Protection and provide a voice for the thousands of South Australian foster and kinship carers who are looking after the most vulnerable children in our state.

If we can address the issues impacting carers then we will see improvements in recruitment and retention rates, which are currently well below what is needed to support the record number of children who are going into care. Foster and kinship carers are calling out for procedural fairness and to be kept informed of decisions that impact their lives and the lives of the children and young people for whom they care. They want an independent structure for carers to have their complaints heard and resolved and Labor believes that an inquiry such as the one proposed by the Hon. John Darley will help to explore this.

This is a key component of Mr Darley's proposed independent inquiry, which Labor supports and which I am sure would be welcomed by foster and kinship carers. As mentioned, Labor does support the bill. We will also consider possible amendments between the houses to ensure that all potential issues are contemplated and considered in the inquiry.

The bill also deals with a key component of Labor's proposed amendments to the Children and Young People (Safety) (Miscellaneous) Amendment Bill 2020 in relation to the way outcomes and feedback relating to complaints are communicated to foster carers and to kinship carers. The department simply must better communicate its decisions and processes to carers, and I support the bill's aim to have the adequacy of existing consultation processes between the department and carers reviewed.

Some of the issues raised in the surveys mentioned earlier are deeply worrying. If they continue to go unaddressed, we fear people will stop opening their hearts and their homes to generously take in children. If foster and kinship carers do not feel they are being treated with dignity and respect, they will leave the system and more children will be forced into residential or commercial care.

It is abundantly clear the child protection minister has chosen to ignore the pleas of South Australian foster and kinship carers. While there are platitudes aplenty from the minister, when it comes to taking real action, like supporting Labor and Mr Darley's amendments aimed at giving a voice to carers, she baulked. Will she do it again? I sincerely hope not.

I would therefore encourage the minister to go back and read the survey results, talk with foster and kinship carers, and listen, truly listen, to their concerns. If she did truly understand the

nature of these issues, she would support this bill for a thorough and rigorous inquiry into foster and kinship care, and indeed would have already addressed and supported the amendments put forward on this topic. I urge members to support this bill.

The Hon. J.M.A. LENSINK (Minister for Human Services) (20:04): The government will not be supporting this particular bill. As the mover of this bill has already identified, there is to be a full statutory review of the children and young people (safety) legislation, which is due to occur in 2022 and which will trigger all the aspects of the child protection system.

I note that the Minister for Child Protection has had a bill before this house to amend the legislation in limited form. In particular, to provide for adoption directly from care, which was a very narrow scope indeed for that particular reform for this important area. I would also like to place on the record the government's thanks and appreciation for all the people who provide foster and support for children in the child protection system and acknowledge the amazing work they do in opening their homes to children who are not their own biological children, but clearly children who need support and will best respond to the love and care of a family environment.

I would like to place on the record some important reforms which have taken place under this government to improve the foster and kinship care system and these include:

- funding the peak agency, Connecting Foster and Kinship Carers SA Inc., to play a key advocacy role, to provide information services and conduct annual carer surveys, ensuring the voice of carers is heard;
- launching the statement of commitment for South Australian foster and kinship carers, recognising that the government must work in partnership and value carers as an essential and respected part of the care team. The commitment also highlights how carers can expect to be informed, supported, consulted, valued and respected;
- improving effective carer engagement and participation through the development of the online carer portal and expanding information resources for carers;
- developing departmental carer newsletters, ensuring carers are kept abreast of developments within child protection
- piloting a DCP consultation approach and introduced carer exit surveys;
- extending foster and kinship carer payments for young people up to 21 years of age, which has been quite significant and very welcome;
- introducing the joint education plan between the Department for Child Protection and the Department for Education to improve educational outcomes for children and young people in care;
- a new partnership with the Catholic education sector to provide 200 Catholic school scholarships;
- additional dental services under a new partnership with the Australian Dental Foundation, including fee-capped orthodontics for eligible children;
- increasing the number of staff within the Department for Child Protection to improve the carer experience; and
- expanding the number of staff within the DCP disability and development program, which supports the NDIS arrangements for children with disabilities.

It is unsure, in this proposal that is before us, what would constitute an independent inquiry and we would encourage that the review of the Children and Young People (Safety) Act needs to be examined holistically and that all parts should be included in such a full review, which is due to commence in 2022.

The Hon. J.A. DARLEY (20:07): I would like to thank the Hon. Clare Scriven for her contribution.

The council divided on the second reading:

Ayes.....12
Noes 7
Majority 5

AYES

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

NOES

Centofanti, N.J.	Girolamo, H.M.	Lee, J.S.
Lensink, J.M.A. (teller)	Lucas, R.I.	Stephens, T.J.
Wade, S.G.		

PAIRS

Bourke, E.S.	Hood, D.G.E.

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: If I could just ask the mover of this particular legislation if he could outline what he would view as an independent inquiry, perhaps who might lead that and how that would take place.

The Hon. J.A. DARLEY: We envisage that the government would perhaps appoint a retired judge to inquire into this.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.A. DARLEY (20:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (ADELAIDE PARK LANDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 October 2021.)

The Hon. C.M. SCRIVEN (20:15): I thank the Hon. Robert Simms for bringing this bill to the parliament, and I acknowledge the good intentions he has in doing so. The Hon. Mr Simms is proposing through the introduction of this bill that, if an amendment is made to the Planning and Design Code that varies or affects the operation of a provision or a boundary of the code that is

related to development in the Adelaide Parklands, then that proposal would need to be approved by resolution of both houses of parliament.

The bill is retrospective in nature, and it seeks to capture any Planning and Design Code amendments that vary a boundary of the Adelaide Parklands zone as of 27 October 2021. This would include the government's proposed Riverbank Precinct zones and subzones, including the health and innovation subzones.

When introducing this bill, the Hon. Mr Simms made comment during his second reading speech that, 'This is a simple change.' Unfortunately, while we appreciate the Hon. Mr Simms' good intentions with this bill, it is not such a simple change after all. The bill before us today could very well result in unintended, negative consequences for some of the community and vital publicly owned assets that are found within the Adelaide Parklands. These assets include the Adelaide High School, Botanic High School, the Royal Adelaide Hospital, the South Australian Health and Medical Research Institute and the proposed site of the much-needed and long-anticipated new Women's and Children's Hospital.

While the Hon. Mr Simms is seeking to move this bill to capture the Marshall Liberal government's proposed rezoning of the Riverbank Precinct that would allow for permanent and commercial developments to Pinky Flat, Elder Park and Helen Mayo Park, it does not exempt or identify essential public infrastructure, like a new hospital, from this process.

The bill does not include or contemplate the role of the Adelaide Park Lands Authority as a principal advisory body on Parklands matters. With five members appointed by the state government and five from the Adelaide City Council, the Park Lands Authority is already an important voice. It has a vested interest in the Parklands, and it is surprising that they are not included within the scope of this bill. Instead, this proposed system is overtly political in nature. While the bill may seek to remove politics from decision-making, the reality is it could very well create an incredibly powerful political weapon that could derail investments in good public policy that are essential to the health and wellbeing of the community.

Perhaps most concerningly, the bill before us would require the government of the day to debate matters relating to the Women's and Children's Hospital. This bill would not only require both houses of the parliament to consider the worthiness of public buildings like the new Women's and Children's Hospital, but it could also require the parliament to consider new developments or redevelopments to current public buildings and structures, such as Botanic High.

This great city is surrounded by 760 hectares of green gold—the Adelaide Parklands. They provide a space where residents and visitors can run, walk, cycle and simply relax, but they are also home to many public assets like the Adelaide Oval, Memorial Drive tennis precinct, National Wine Centre, Adelaide Zoo, the golf course club facilities, West Terrace Cemetery chapel, North Adelaide train station and so much more. These particular community assets are also listed in the Planning and Design Code under the Adelaide Parklands zone's performance outcomes.

Under this bill, variations to these community assets that are deemed a development, and even some redevelopments, could trigger a code amendment coming into this parliament. Under this bill, would the addition of a community garden adjacent to the new Women's and Children's site have to have its merits debated and passed by both houses of parliament? Could the installation of disability access to the Riverbank be delayed while waiting to be brought up and moved through both houses? What would be the cost to Botanic High School while waiting for approval of the parliament for renovations or campus upgrades?

I do not think this was the intention of this bill, that this parliament be potentially debating, delaying and obstructing changes to Botanic High or changes at the Adelaide Zoo, but that could be a very real consequence of this bill. I am confident that the true intent of this bill was to hold the Marshall Liberal government to account for its proposed rezoning of the Riverbank Precinct. I can assure the Hon. Mr Simms that that is something that we agree on.

An elected Malinauskas Labor government will not commercialise Pinky Flat, Elder Park or the River Torrens itself with structures like the proposed CBD basketball stadium nor a 20-storey development on the Riverbank. We have made it clear that we will not support the Marshall Liberal government's $662 million basketball stadium that takes in the Helen Mayo Park's treasured walking

and cycling paths, established Parklands and areas of cultural significance to the Kaurna people. We will cancel the basketball stadium and invest this $662 million in our hospitals, because that is what matters to South Australians.

The Hon. Mr Simms, in his second reading speech, referred to this bill being needed as a safety net to protect our treasured Parklands, but there is a very powerful safety net at the disposal of the people who hire and fire us to do just that. I have no doubt that on 19 March next year South Australians will use that safety net. They will use the state election to remind not only this government but future governments that community and culturally significant places like Elder Park, Pinky Flat and the River Torrens are for people, not for profit.

While we do agree with the sentiment and ideals expressed in this bill, the unfortunate reality is that it carries with it extreme risk of delays to valuable existing and future public assets, and it is simply not workable at a practical level.

The Hon. R.I. LUCAS (Treasurer) (20:21): I rise on behalf of the government to oppose the proposed bill from the Hon. Mr Simms. There are some elements of the contribution from the deputy leader with which the government agrees. We are not entirely convinced that they are unintended consequences. We think the policy position of the Greens is fully cognisant of what they are seeking to do, and I think that some of the issues the deputy leader—and some others that I will address in my contribution—are the intentions of the Greens in relation to the proposal.

What I will say is that it is somewhat ironic that the deputy leader is now very concerned about the importance—which we welcome now—of the Women's and Children's Hospital in its proposed location. The Labor Party's position, of course, at the last election and for some time afterwards, as I understand it, was to leave the current Women's and Children's Hospital in its current location in North Adelaide. So we welcome the new-found commitment of the opposition to the government's visionary proposal for co-locating the Women's and Children's Hospital in that precinct, in and around the new Royal Adelaide Hospital.

We also note the fact that the Riverbank arena, will be in essence the third extension of the Convention Centre, which various governments over the decades have taken decisions to extend. The former Liberal government in the 1990s was responsible for the first extension, and the Labor government, after 2002, was responsible for the second extension.

The Marshall Liberal government will be responsible, in the Riverbank arena, for the third extension of the Convention Centre, which will allow the mega conferences and conventions, which we currently cannot attract to South Australia, to be able to come to and enjoy the wonders of Adelaide and South Australia, and also bring with them all the dollars and spending of interstate and international delegates into South Australia and be a huge job creator in the arena. It will, of course, have additional benefits in relation to entertainment, concerts and sporting pursuits as well.

I do acknowledge today what seems to be a new position from the Australian Labor Party. The deputy leader of the Labor Party committed all $662 million of the Riverbank arena to hospitals. Up until this stage, the public statements have been that $100 million of that was going to go into country hospitals, but we note the commitment from the Australian Labor Party that evidently all $662 million is going into hospitals.

We note that over the next three years that comes to a sum total of about $30 million, and given in that particular period we will be spending approximately $22 billion on health, I am sure $30 million is going to make a huge difference in terms of funding the health commitments of the Australian Labor Party as they lead into the election.

The deputy leader has highlighted some of the, as she said perhaps generously, unintended consequences, but which I think are the intended potential consequences of this legislation. I am advised that there are other issues that the legislation, if it is implemented, would potentially impact as well.

Our advice is the bill captures any amendments to Parklands within the meaning of the Adelaide Park Lands Act 2005, and therefore it would apply not only to the Adelaide Parklands zone in the code but also the city Riverbank zone and any overlay or general development policies

applying within the Parklands—very clever drafting from the Greens, and the impacts of that very clever drafting will be apparent as I outline it.

The use of those words 'overlay' or 'general development policies' applying within the Parklands means, as I am advised, it will have an application across multiple regions across the state, and of which some 17 overlays apply across the Adelaide Parklands. It would mean that none of those could occur without the concurrence of both houses of parliament. Given the overlay and general policy set out overarching planning rules that are state or region based, there are likely to be numerous changes to such policies over the coming years that could not occur unless parliament were to agree.

These include important overlays and zones such as the state heritage overlay, the significant tree overlay, and potentially the flooding and bushfire hazards overlay, which also apply to various regions across the state. As a result of these consequences, the bill is likely to impact detrimentally on the ability for planning policy in South Australia to remain contemporary and would undermine the intention of the planning reforms.

As I said, it is a very clever piece of drafting from the Greens that issues such as significant tree overlay and state heritage overlay policies, are all caught by the sneaky tentacles drafted by that Machiavellian master, the Hon. Mr Simms—

An honourable member: Exposed!

The Hon. R.I. LUCAS: Exposed in this apparently seductive, 'We're only trying to impact on this particular development,' but he has now been exposed for all his evilness in relation to this planning policy.

In addition to some of the projects that the deputy leader has outlined, we are advised that the bill may significantly limit the City of Adelaide's scope to progress some of their key projects such as the redevelopment of the North Adelaide Golf Club facilities, their proposed regional aquatic and wellbeing centre, and some of the other substantive recreational facilities.

There are a range of projects that the Adelaide City Council is either currently looking at, or has been looking at, or is proposed to look at in relation to those projects and others which are potentially impacted by these particular insidious but very cleverly drafted proposals from the Greens.

As I said, the deputy leader is much too generous a person I think in terms of her analysis of this—generous to a fault, I know—but let me reveal, on behalf of members, all the evilness of the member's intentions. For those reasons, the government is opposed.

I might also put on the public record that the Premier has made it quite clear with regard to the Riverbank code amendment, which has been discussed in this debate and also publicly, that the government has no intentions and has certainly ruled out any commercial developments on Pinky Flat which, evidently, has quite reasonably attracted some opposition from people concerned about the Pinky Flat area. For all those reasons, the government is strongly opposing this particular legislation.

The Hon. T.A. FRANKS: Point of order, Mr President: the Treasurer stated 'the evilness' of the intent of the mover of this bill. I ask him to withdraw that as it is against the standing orders.

An honourable member interjecting:

The PRESIDENT: I did not actually hear that comment. If the Treasurer wishes to—

The Hon. R.I. Lucas: No, I don't, Mr President.

The PRESIDENT: No. I did not actually hear that comment. Anyway, I think the Hon. Mr Pangallo wants to make a contribution.

The Hon. F. PANGALLO (20:31): Thank you, Mr President, only a short one—

Members interjecting:

The Hon. F. PANGALLO: It is.

The PRESIDENT: In future, it would be helpful to have it on the list, but proceed.

The Hon. F. PANGALLO: I am sorry, but after all that banter from Labor and the Liberals, I thought we needed to get up to express our support for the Hon. Robert Simms' proposal.

Members interjecting:

The PRESIDENT: Order!

The Hon. F. PANGALLO: Of course, you could have knocked me over with a feather duster after hearing Labor get up and then say that they were opposing what the Hon. Mr Simms is doing. Here we are, having Labor leaving the door ajar for a resurrection of the basketball stadium. In the event that they decide that they will do a backflip on that, it will become part of the Convention Centre. Labor's move should be seen for what it is: a cynical each-way bet.

Remember that Labor, when it was in government, wanted sell off portions of the old Royal Adelaide Hospital site, now known as Lot Fourteen, to developers, and I understand that this government had to extricate itself from that deal at great cost to taxpayers. Hearing the list of projects and assets that could be at risk here, I am sure that parliament would be able to intervene in the event that some of these were going to be threatened or endangered.

I do not think that was ever the intent of the Hon. Robert Simms' bill, particularly with iconic treasures like the Adelaide Zoo, which is about to enter its 150th year. Who could possibly suggest that this place could ever entertain that place and others being razed?

The Hon. R.I. Lucas: There are people who want to move it out of the city.

The Hon. F. PANGALLO: I do not think they would, though.

The PRESIDENT: The Hon. Mr Pangallo should continue.

The Hon. F. PANGALLO: I am confident that the intent of Hon. Mr Simms' legislation is to actually protect land that belongs to South Australians from being further eroded and developed. He is not advocating or being a harbinger of threats to future assets there. It does not surprise me, of course, that the Liberals will gleefully accept Labor's support for this because they in turn will sell it as: 'Have a look at Labor, leaving the door ajar for the basketball stadium.' In saying that, SA-Best will support the Hon. Robert Simms and the Greens.

The Hon. R.A. SIMMS (20:34): I thank the Hon. Frank Pangallo for his support, and I express regret at the position of the Labor and Liberal parties. They often have stoushes in this place, but they always get back together again, particularly when it comes to taking over our public green space, and that is what we are seeing happening here tonight.

Make no mistake that what the Labor Party are doing here in opposing this bill is they are facilitating the government's plans to take over our public green space. They are facilitating the rezoning of the Parklands. They are opening the door not only to the sports arena, which they say they oppose, they are also opening the door to the other rezoning the government has proposed: cafes, shops, apartment towers, nightclubs, low level industry, because the government can do all of this without bringing the matter to parliament.

That is precisely what my bill was trying to address. It was trying to ensure this parliament has a say on changes that would fundamentally change the character of our Parklands and of our city's green space. Sadly, the Labor Party have totally missed an opportunity here to show some backbone, to stand up to the Liberals and to defend our Parklands from what is in effect a takeover from the development sector.

The idea of giving the Liberals the keys to develop our Parklands is like giving Count Dracula the keys to the blood bank. Once the development sector sink their teeth in they will change the character of our public space forever. I agree with the Labor Party on one thing: we do not need a multimillion dollar sports stadium. After all, if members of the South Australian community want to come along and watch an Olympic-style backflip they can come to this chamber and watch the Labor Party in action, because that is what we are seeing tonight: an embarrassing backflip, an appalling capitulation to this Liberal government.

The Treasurer has got me. Sneaky Simms has been exposed again, because he is right: I am no supporter of the planning regime that was set in place by the previous Labor government. I

am no fan of the idea that we can see development on our public land—on our national heritage-listed Parklands—without even giving the parliament a say.

It is pathetic that the Labor Party have not joined with the Greens in supporting this and that they have not had the moral courage to stand with us and with the SA-Best party and others and say to the government, 'If you are wanting to rezone our public space, you have to come to this parliament and defend what you are doing.' As a result, tonight the sports arena is well and truly on the agenda. The minister can give the green light to that rezoning at any time, and not only that but the raft of other commercial development the government has in its sights.

The Treasurer can say, 'We don't plan to do anything on Pinky Flat.' Well, why on earth are they seeking a rezoning? If they do not want to do anything with that space, why are they trying to rezone it? They are trying to rezone it because they want to let the genie out of the bottle and give developers a chance to move into our Parklands. This is a really dark day for our public green space.

I will be calling a division on this matter so that all members of the community can see who stands with the community in defending our national heritage-listed Parklands and who stands with the big end of town and the development sector that want to exploit this public land.

The council divided on the second reading:

Ayes 4
Noes..... 15
Majority..... 11

AYES

Bonaros, C.	Franks, T.A.	Pangallo, F.
Simms, R.A. (teller)		

NOES

Centofanti, N.J.	Darley, J.A.	Girolamo, H.M.
Hanson, J.E.	Hunter, I.K.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Maher, K.J.
Ngo, T.T.	Pnevmatikos, I.	Scriven, C.M.
Stephens, T.J.	Wade, S.G.	Wortley, R.P.

Second reading thus negatived.

AGEING AND ADULT SAFEGUARDING (RESTRICTIVE PRACTICES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 October 2021.)

The Hon. K.J. MAHER (Leader of the Opposition) (20:42): I rise to speak on this bill and indicate that I will be the lead speaker for the opposition. All South Australians deserve compassionate treatment and care, respect and dignity in their older years. We want to know that our loved ones will be treated well if they enter an aged-care facility and that restrictive practices will only ever be utilised when there is absolutely no alternative.

The bill before us seeks to regulate restrictive practices used by prescribed aged-care service providers to older people in residential or home care. I understand that this bill was inspired by the similar restrictive practice legislation for the disability sector and that, while the work on this legislation predated the findings of the royal commission into aged care, the royal commission findings were supportive of such efforts to reduce restrictive practices. Specifically, as the Hon. Mr Darley has already noted in the council, recommendation 17 of the commission's final report stated that restrictive practices should not be used unless:

…recommended by an independent expert…as part of a behaviour support plan…and reviewed quarterly by the expert…when necessary in an emergency to avert the risk of immediate physical harm, with any further use subject to the recommendation by an independent expert…with a report on the constraint to be provided as soon as practical after the restraint starts to be used.

This bill ensures that restrictive practices are confined to a limited number of instances: they must be the last resort, for the shortest possible time frame and in the least restrictive manner possible. Importantly, the legislation makes it clear that such practices cannot be used because of understaffing, a lack of appropriate resourcing, as a punitive measure or out of convenience.

The introduction in this legislation of a substantial authorisation process to enable restrictive practices means that aged-care providers are prompted to think about what other strategies might be the best available to them. It is important to note that restrictive practices refers not only to the use of physical restraints but equally to chemical restraints, the use of medications to control behaviour before other approaches have been considered and attempted.

It is abundantly clear that the Hon. John Darley and his office have spent many hours on this legislation, and we commend their efforts. While the opposition supports the principles of the legislation, and we do highly support its intent, we also note that this bill is extremely detailed in nature. We note the substantial number of very extended submissions we have received and continue to receive from various stakeholders on this bill.

The Australian Nursing and Midwifery Federation (SA Branch) flagged a substantial number of potential amendments and requests for further clarification. They raised concerns regarding the potential duplication of existing frameworks. They cite behaviour support plans, serious incident response schemes, and the National Aged Care Mandatory Quality Indicator Program as examples. They go on to highlight a substantial number of clarifying questions in relation to the bill.

The ANMF, along with the Aged Rights Advocacy Service, Council on the Ageing and Lived Experience Australia recommend the appointment of a senior practitioner role. However, concerns have been raised in relation to whether this practitioner can reasonably meet the outlined expectations within existing resourcing limitations.

Similarly, the psychological association of Australia raises concerns that staff with inadequate training attempting to manage response behaviours meet with varying levels of success. Dementia Australia, while supporting the intent of this bill, recommend clarification on clause 37S(1), and Lived Experience Australia, again while strongly supporting the intention of the bill, point out that the bill establishes an authorisation process for positive management plans ensuring transparency and accountability. They welcome this, but have concerns for its operationalisation use within everyday practice.

The Council on the Ageing, while supporting, again, the intent of the bill, have listed a number of aspects that they require further clarification on, including the fit with commonwealth legislation, the fit with the Aged Care Quality and Safety Commission and the senior practitioner role that I mentioned earlier.

SASMOA supports the principle of avoiding restrictive practices wherever possible and only using them as a last resort and for the shortest period possible. They raise concerns over the potential and unintended consequences for the Public Service in hospitals when practitioners are unable to manage the challenging behaviours of nursing home residents. SASMOA listed a number of concerns in terms of further clarification.

Suicide Prevention Australia raised concerns regarding clarity around restrictive practices where there is not a positive behaviour support plan in place. Sir—

The ACTING PRESIDENT (Hon. T.A. Franks): Sir?

The Hon. K.J. MAHER: Ma'am; I have just looked up, Madam Acting President.

The ACTING PRESIDENT (Hon. T.A. Franks): It is not the first time I have been called sir.

The Hon. K.J. MAHER: Madam Acting President, ideally this bill would have come via a government-led process, with all the support and departmental resources it brings to the drafting

process, but in the absence of that we sincerely thank the Hon. John Darley and his office for bringing it to the house as a private member's bill.

It is a complex new legislative framework and needs careful consideration. The opposition, having clearly heard a variety of different feedback on this legislation about matters that need to be considered, will continue to analyse and consider the detail of the bill, given the substantial feedback we have received from stakeholders, between the houses.

I indicate that, as is not unusual practice, we are happy to support the bill in this chamber today. We are happy to support this bill in the chamber today. As I have said, ideally—

The Hon. S.G. Wade: What a joke! You are not going to do the work. You haven't had a single voice in support of it.

The ACTING PRESIDENT (Hon. T.A. Franks): Order!

The Hon. K.J. MAHER: Ideally—

The Hon. S.G. Wade: You haven't had a single voice in support of it.

The Hon. K.J. MAHER: If the government had been willing to do something about this—

The Hon. S.G. Wade interjecting:

The ACTING PRESIDENT (Hon. T.A. Franks): Order!

The Hon. K.J. MAHER: —it would have been a much better thing to do, but in the absence of the government doing this work—

Members interjecting:

The ACTING PRESIDENT (Hon. T.A. Franks): Order!

The Hon. K.J. MAHER: —we will be supporting the Hon. John Darley.

The Hon. S.G. Wade: You are just playing games.

The ACTING PRESIDENT (Hon. T.A. Franks): Order!

The Hon. K.J. MAHER: The government does not want to support the Hon. John Darley. They often do not support crossbenchers and opposition. If it is not their idea, all too often they do not want to support it. We are not going to do that. We will support it.

The Hon. S.G. Wade interjecting:

The ACTING PRESIDENT (Hon. T.A. Franks): Order! The member will be heard in silence.

The Hon. K.J. MAHER: We are happy to look at changes between the houses and we thank the Hon. John Darley for doing the sort of work that the government has not.

The Hon. F. PANGALLO (20:49): I rise to say that SA-Best will support this bill in principle, but we do believe—

Members interjecting:

The Hon. F. PANGALLO: It can be fixed.

Members interjecting:

The ACTING PRESIDENT (Hon. T.A. Franks): Order! The member will be heard in silence.

The Hon. F. PANGALLO: We will support it in principle, but we still believe there needs to be much more work on it, and we are prepared to see where it goes between the houses. If the government has amendments or ideas to improve the bill, we will certainly look at them.

The intent of the bill is to curb the abuse of the elderly through the use of various restrictive practices, be they restraint devices or through the abuse of anti-psychotic drugs and other methods. Of course, the royal commission into ageing recommended that the use of restrictive practices in aged care must be based on independent expert assessment and subject to ongoing reporting and monitoring. It found that restrictive practices should be prohibited, unless recommended, and only

used as a last resort to prevent serious harm after the provider has exhausted all avenues to mitigate harm. They should be proportionate to the risk of harm and for the shortest possible period of time.

There is a current employment crisis in aged and disabled care, but certainly in aged care. They are struggling to find enough care workers. Many are finding employment now in the disabled sector. Where there is a shortage of workers participating in aged care, it places enormous pressure on those operators and also the staff there to maintain the high standards of care that are expected. As we know, it can lead to neglect of residents and, as we continue to see, even after the royal commission, so many instances of abuse continuing. Such is the frustration that is being created because of this crisis in the aged-care sector. This should never happen.

I do appreciate and understand the enormous difficulties that can occur with residents who have complex medical conditions and needs, like dementia or psychiatric disorders. Restraints should only ever be used as a last resort, as the royal commission found. They cannot be used—and this is an area that I have highlighted to the Hon. Mr Darley, and perhaps an area that needs to be explored—without the express consent of a resident, if they are capable of making that decision, or their families or someone designated to be their power of attorney or holder of an advance care directive.

Drugging residents to the point where they are left in an almost vegetative state is reprehensible. I have been in many aged-care facilities over the years, and even more recently, and it continues to happen. I find it disturbing and I am quite alarmed when I see aged-care residents almost in a comatose state in their chair or in a lounge after they have been drugged, basically to try to calm them down.

As I mentioned, sometimes there is a necessity because these residents could be a danger to themselves and also to the staff and other residents there. But, as has been pointed out, it needs to be done, firstly, through an attempt at some kind of holistic therapy and, before they resort to drugs, specialist advice should be sought by families so that they consider any harms or benefits of taking these drugs.

One of the aims of this bill is to encourage these more holistic approaches before other methods are applied and we certainly endorse that. When you read the bill and research what has happened in other facilities with the use of restraint, what really jumps out at you is something that I have been quite passionate about since I entered parliament three-and-a-bit years ago; that is, the beneficial role that CCTV cameras in residents' rooms and in open areas can play here. Not only can they be used to alert staff to incidents requiring urgent attention or medical assistance, but they can also be used to gather evidence in the event that residents are in fact being abused. With that, we will support this bill in principle at the second reading.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (20:55): The Ageing and Adult Safeguarding (Restrictive Practices) Amendment Bill was introduced by the Hon. John Darley on 27 October. That was less than one month ago. As the Leader of the Opposition has indicated, it is complex and it needs a lot of work. The bill seeks to amend the Ageing and Adult Safeguarding Act 1995 to introduce a new scheme in South Australia for authorising the use of restrictive practices in aged care, both residential and home care settings, and includes the appointment of a senior practitioner.

The bill provides that the amendments come into effect six months from the Governor's assent. In response to the findings of the Royal Commission into Aged Care Quality and Safety, the commonwealth government has made recent changes to the Aged Care Act 1997 and the Quality of Care Principles 2014 relating to the use of restrictive practices in residential aged care and will also establish a new role of senior practitioner. In addition, the South Australian Attorney-General's Department is undertaking a project to assess and develop a uniform approach to the regulation and authorisation of restrictive practices in South Australia across all settings—aged care and beyond.

Given the significant work being undertaken in relation to restrictive practices for older people at a state and national level, further consideration of the amendment bill is required to ensure the provisions are complementary rather than duplicative of work that is already underway. Whilst the government is committed to improving the current restrictive practices authorisation process, the bill requires significant work to ensure it is workable, cost-effective and will achieve its objectives.

The opposition has detailed a range of clear advice from stakeholders, that in spite of their support for the principles they do not believe this bill is workable. But what the opposition has said today is just as they could not be bothered doing the work for Oakden, they could not be bothered to do the work on this bill. This government cannot support the bill in its current form.

The Hon. J.A. DARLEY (20:58): First of all, I would like to thank the Hon. Kyam Maher, the Hon. Rob Simms, the Hon. Frank Pangallo and the Hon. Stephen Wade for their contributions, and I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: Mr Darley, the honourable Leader of the Opposition indicated that concerns had been raised with him by stakeholders such as SASMOA, Lived Experience Australia, COTA, ANMF and so on in relation to this bill. I just wonder if you have received those representations and what your response to them is.

The Hon. J.A. DARLEY: The answer to that is we have not received that correspondence.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. J.A. DARLEY: I move:

Amendment No 1 [Darley–1]—

Page 5, lines 9 and 10 [clause 4, inserted section 37B(4)(a)]—Delete ', or an express or implied threat that force will be used against another person'.

This amendment removes the discretionary judgement that is not needed in this legislation. It is not necessary to leave a discretionary judgement with the provider in the definition of harm. The commonwealth legislation governs any judgement a provider may make prior to the development of a positive support plan.

The use of restrictive practices under this legislation is only authorised in relation to a positive behaviour support plan, the detail of which is in accord with section 37W and will be laid down in regulations which will include guidelines.

The Hon. S.G. WADE: I ask the honourable member: considering this is a Darley amendment to a Darley bill, what was the stimulus for the need to amend his own bill?

The Hon. J.A. DARLEY: In developing this bill, we had discussions with parliamentary counsel and we also had access to a similar bill that was passed in the Australian Capital Territory. As a result of that, we needed to amend our original bill.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 2 [Darley–1]—

Page 5, line 11 [clause 4, inserted section 37B(4)(b)]—Delete ', or an express or implied threat of self-harm'.

Similar with amendment No. 1, it is not necessary to leave a discretionary judgement with the provider in the definition of harm. The commonwealth legislation governs any judgement a provider may make prior to the development of a positive behaviour support plan.

The use of restrictive practices under this legislation is only authorised in relation to a positive behaviour support plan, the detail of which is in accord with section 37W and will be laid down in regulations which will include guidelines.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 3 [Darley–1]—

Page 5, lines 32 and 33 [clause 4, inserted section 37C(1)]—Delete 'in each case being an act or omission done without the consent of the person,'.

This amendment removes from the definition of 'restrictive practices' consent as an exclusion from the meaning of restrictive practices. It is not necessary nor does it add to our understanding of what restrictive practices are contained in the definition.

It does, however, insert a problem of informed consent freely given. The intention is not to allow a provider to pressure a resident or family to agree with restrictive practices so that a provider can avoid preparing a positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 4 [Darley–1]—

Page 7, lines 36 and 37 [clause 4, inserted section 37I(b)]—Delete ', or may cause,'

As with amendments Nos 1 and 2, it is not necessary to leave a discretionary judgement with a provider in the definition of harm. The commonwealth legislation governs any judgement a provider may make prior to the development of a positive behaviour support plan. The use of restrictive practices under this legislation is only authorised in relation to a positive behaviour support plan, the detail of which is in accordance with section 37W, and will be laid down in regulations which will include guidelines.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 5 [Darley–1]—

Page 7, line 40 [clause 4, inserted section 37I(c)(i)]—Delete 'is, as far as is practicable, consistent with' and substitute 'takes into account'

This amendment seeks to amend the relationship between restrictive practices and to acknowledge that human rights must be taken into account. It is understood that protection from harm is the only factor in using restrictive practices and must always be done in a manner that takes the person's human rights into account. Section 37I(c)(i) and (ii) clearly specifies this relationship.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 6 [Darley–1]—

Page 8, lines 8 and 9 [clause 4, inserted section 37I(d)]—Delete ', if possible, be done in a way that is consistent with, and in accordance with,' and substitute 'be done in accordance with'

This amendment removes any ambiguity, clearly stating that restrictive practices must be done in relation to a person's positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 7 [Darley–1]—

Page 12, line 32 [clause 4, inserted section 37R(3)]—After 'must' insert:

, in accordance with the requirements set out in the regulations,

This amendment clearly links the positive behaviour support plan being kept under review to regulations.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 8 [Darley–1]—

Page 12, line 43 [clause 4, inserted section 37R(5)]—Delete 'as soon as is reasonably practicable' and substitute 'within 24 hours'

This amendment ensures that any variation or revocation of the positive behaviour support plan must be notified to the senior practitioner within 24 hours.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 9 [Darley–1]—

Page 13, line 2 [clause 4, inserted section 37S(1)]—Delete 'may' and substitute 'must'

This amendment ensures that the aged-care provider must apply to an accredited approval panel for approval of a positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 10 [Darley–1]—

Page 13, after line 5 [clause 4, inserted section 37S]—Insert:

(1a) A prescribed aged care service provider who, without reasonable excuse, refuses or fails to comply with subsection (1) is guilty of an offence.

Maximum penalty: $5,000.

This amendment inserts a penalty for a provider not complying with the requirement to apply to the accredited approval panel.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 11 [Darley–1]—

Page 13, line 16 [clause 4, inserted section 37S(3)(b)]—After 'granted' insert:

(or such shorter period as may be specified in the approval)

This amendment stipulates that an approval of a positive behaviour support plan for 12 months from approval can also be for a shorter period.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 12 [Darley–1]—

Page 14, line 17 [clause 4, inserted section 37U(1)]—Delete 'may' and substitute 'must'

This amendment ensures that the aged-care provider must apply to the senior practitioner for registration of a positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 13 [Darley–1]—

Page 14, after line 20 [clause 4, inserted section 37U]—Insert:

(1a) A prescribed aged care service provider who, without reasonable excuse, refuses or fails to comply with subsection (1) is guilty of an offence.

Maximum penalty: $5,000.

This amendment inserts a penalty for a provider not complying with the requirement to apply to the senior practitioner for registration of a positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 14 [Darley–1]—

Page 14, lines 31 to 40 [clause 4, inserted section 37V]—Delete inserted section 37V

This amendment deletes the general provisions, as they are not necessary. The provider would be following the process laid out for the preparation and authorisation of a positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 15 [Darley–1]—

Page 15, line 17 [clause 4, inserted section 37W(3)]—After 'person' insert:

in accordance with the person's positive behaviour support plan

This amendment makes clear that restrictive practices mentioned in this subclause are in accordance with the person's positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 16 [Darley–1]—

Page 15, lines 21 to 23 [clause 4, inserted section 37W(3)(b)]—Delete 'for as long as is reasonably necessary to prevent the prescribed person from causing harm to themselves or others' and substitute:

no longer than is reasonably necessary to prevent the prescribed person from causing harm to themselves or others, in accordance with the person's positive behaviour support plan

This amendment puts the proposition of the length of time a restrictive practice may apply in the positive assertive form and in any case in accord with the person's positive behaviour support plan.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 17 [Darley–1]—

Page 16, after line 14 [clause 4, inserted section 37X]—Insert:

(3) To avoid doubt, nothing in this Part provides protection to a prescribed aged care service provider who uses restrictive practices in relation to a prescribed person other than in accordance with the prescribed person's positive behaviour support plan.

This amendment inserts a provision making clear that no protection is given to a provider who uses restrictive practices other than in accordance with a person's positive behaviour support plan. Although commonwealth legislation provides guidelines for a provider in the area of restrictive practices, this bill requires a provider to report to the senior practitioner within 24 hours and no protection is given to the provider in this process.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 18 [Darley–1]—

Page 17, lines 4 to 20 [clause 4, inserted sections 37ZA and 37ZB]—Delete inserted sections 37ZA and 37ZB

This amendment deletes sections 37ZA and 37ZB, which refer to the NDIS and are not particularly relevant to the operation of this act. The senior practitioner will be able to use his discretion to notify other parties without the insertion of these sections.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 19 [Darley–1]—

Page 21, line 7 [clause 4, inserted section 37ZM(2)]—Delete '12' and substitute '3'

This amendment changes the number of sitting days after the annual report is received by the minister before the minister must table in parliament. This is to enable the report to be tabled in the same calendar year.

The Hon. S.G. WADE: If I can speak on this amendment, I would like to thank the Hon. Mr Darley. On reflection, he has made 19 amendments to his own bill without access to a range of stakeholders the opposition had access to, and his amendments do improve his bill. I think it does reflect on the laziness of this opposition, that they had a range of strong advice from stakeholders that there were serious operational issues with this bill—from SASMOA, from ANMF, from Aged Rights Advocacy Service (ARAS) and Lived Experience Australia—

The Hon. K.J. Maher: And what did you do? What amendments did you move?

The CHAIR: Order, the Leader of the Opposition!

The Hon. S.G. WADE: —and they could not even be bothered—

The Hon. K.J. Maher: You did not even have one amendment.

The CHAIR: Order!

The Hon. S.G. WADE: —to have one amendment to this bill.

The Hon. K.J. Maher: You did not even move a single amendment.

The CHAIR: Order, Leader of the Opposition!

The Hon. S.G. WADE: A lazy opposition that has no commitment to improving aged rights.

The CHAIR: I will call the Leader of the Opposition.

The Hon. K.J. MAHER: I will calmly reflect upon on the facts, sir.

The Hon. S.G. Wade: Lazy, lazy.

The CHAIR: Order! The minister is out of order.

The Hon. S.G. Wade: Oakden all over again.

The CHAIR: Order! The Minister for Health and Wellbeing is out of order.

The Hon. K.J. MAHER: It is well out of order, sir. It is quite embarrassing is it not, sir?

The CHAIR: No; I will make those judgements.

Members interjecting:

The CHAIR: Order! The leader has the call.

The Hon. K.J. MAHER: I am not really sure what has got into the 'minister—

The CHAIR: Order!

The Hon. K.J. MAHER: —for wealth and hellbeing' tonight, sir, but it is quite unbecoming. I will just point out that the Minister for Health and Wellbeing talks about the opposition not having moved amendments. The government themselves have whole departments to look at this—

The Hon. S.G. Wade: And we are doing the work. We are working on it. We are not doing a botched job.

The CHAIR: Order!

The Hon. K.J. MAHER: —and, sir, I do not think they have moved many amendments either. It is a curious thing that the government would seek to outsource the work that they might do, with all their departments and hand them to the opposition. But I can understand if the government—

The Hon. S.G. Wade: Why talk to stakeholders?

The CHAIR: Order! The Minister for Health and Wellbeing is out of order.

The Hon. K.J. MAHER: —do not wish to do that, that is their business.

The Hon. S.G. Wade: What's the point? Why talk to stakeholders when you won't move amendments?

The CHAIR: Order, minister!

The Hon. R.P. Wortley: It's outrageous.

The CHAIR: The Hon. Mr Wortley is out of order as well. I am going to put—

Members interjecting:

The CHAIR: Order! I am going to put the question that the amendment be agreed to.

Amendment carried.

The Hon. S.G. Wade: Oakden all over again.

The CHAIR: The Chairman is talking.

The Hon. R.P. Wortley: You shirk your responsibilities.

The CHAIR: Order! The Hon. Mr Wortley should know better, having sat in this place. The question now is that clause 4 as amended be agreed to.

Clause as amended passed.

Title passed.

Members interjecting:

The CHAIR: Order! The President is on his feet.

Bill reported with amendment.

Third Reading

The Hon. J.A. DARLEY (21:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

JENKINS, MRS A.

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Notes the strong and enduring cultural, sporting, tourism and business ties South Australia and Adelaide continue to have with Malaysia, in particular the 48-year sister-city relationship with George Town, capital of Penang.

2. Recognises that Annapuranee 'Anna' Jenkins went missing on 13 December 2017 while she was on a family visit to George Town, Penang, Malaysia, and was reported missing the following day.

3. Calls for the Royal Malaysia Police, the Australian Federal Police, Interpol and the Department of Foreign Affairs and Trade to:

   (a) provide details of any formal investigations carried out into Mrs Jenkins' unexplained and sudden disappearance, and whether they are satisfied with the outcomes of those investigations;

   (b) confirm the subsequent discovery of skeletal human remains and personal effects, identified as being those of Mrs Jenkins by a member of her own family, in June 2020 has been fully investigated, and that a suspicion of foul play/murder be fully examined;

   (c) ensure a comprehensive excavation search of the area, and surrounding areas, where the human remains and personal effects were found is undertaken.

4. Calls on the Minister for Foreign Affairs, the Hon. Marise Payne, to:

(a) contact the Prime Minister of Malaysia, Dato' Sri Ismail Sabri bin Yaakob, and Malaysia's Minister for Foreign Affairs, Dato Saifuddin bin Abdullah, to ensure these actions contained in paragraph 3 are undertaken as a matter of urgency;

(b) demand the Malaysian government repatriate skeletal remains of Mrs Jenkins to South Australia Police for further forensic examination, along with all DNA reports, the post-mortem reports of the Police Report # 2519/2020 and relevant case notes.

5. Requests the President of the Legislative Council write to Yang di-Pertuan Agong, the constitutional monarch and head of state of Malaysia, to express the concern of the Legislative Council of South Australia that the disappearance of Mrs Jenkins, an Australian national, may not have been properly investigated and request he refer the matter to the Royal Malaysian Police Inspector-General as an urgent and high priority.

6. Acknowledges the continuing trauma and distress this is causing Mrs Jenkins' husband, Frank, her children, Greg Jenkins and Jennifer Bowen, two grandchildren and extended families in such harrowing circumstances.

(Continued from 27 October 2021.)

The Hon. J.E. HANSON (21:18): I rise today to inform the council that Labor will be supporting the motion of the Hon. Frank Pangallo. With regard to the late hour, I have only a few comments to make. Our federal colleagues have been engaged in regard to the matter raised by the Hon. Mr Pangallo and his original comments on this matter.

We have had direct contact, I understand, with Greg Jenkins. The matter has been raised in a federal estimates hearing, and also we have been receiving regular consular briefings in regard to the matter. It goes without saying that we wish to express our sympathies to the Jenkins family, whose hurt and sadness in relation to this matter must be quite significant and incredible. I have nothing really further to add to the motion. I commend it to the council.

The Hon. R.I. LUCAS (Treasurer) (21:20): I rise on behalf of the government to share the concerns of honourable members in relation to the disappearance of Anna Jenkins. There has been, as all members will appreciate, much publicity in relation to the case. The conduct of the Malaysian police has been called into question. The family of Mrs Jenkins has travelled to Malaysia to find their own answers.

The government amendments, which I will move in a moment, are not intended to take away from the significance of the case. Rather, they are intended to reflect its ongoing nature and the appropriate bodies to deal with it. The government notes that the Department of Foreign Affairs is in contact with Mrs Jenkins's family and continues to provide consular assistance. The government has been advised the Department of Foreign Affairs also continues to engage with Malaysian authorities, including the Royal Malaysia Police. The government is further advised that the circumstances of Mrs Jenkins's death are currently before the Coroners Court in Malaysia.

The government, again, expresses its sincere condolences to the Jenkins family. It acknowledges the continuing trauma and distress this is causing to Mrs Jenkins's husband, children, two grandchildren and extended families. I move to amend the motion as follows:

Leave out paragraph 3 and insert new paragraph as follows:

3. Notes the Department of Foreign Affairs and Trade is in contact with Mrs Jenkins's family, continues to provide consular assistance to Mrs Jenkins's family and is engaged with Malaysian authorities, including the Royal Malaysia Police in relation to Mrs Jenkins's disappearance;

Leave out paragraphs 4 and 5.

The Hon. F. PANGALLO (21:21): I thank the contributors to my motion, the Hon. Justin Hanson and the Hon. Rob Lucas. After I raised the matter in parliament, the story has generated quite a deal of interest in the Australian media as well as overseas, notably Malaysia. The family of Mrs Anna Jenkins are here tonight once more, and I welcome Mrs Jenkins's son Greg, daughter Jen and grandkids Will and Henry. They have been overwhelmed by the amount of support they received here and in Malaysia.

It is just a pity that it had to take front-page news in the national newspaper and follow-up editorials by journalist David Penberthy, who highlighted the abject failure of the Royal Malaysia Police to investigate Anna's likely murder with any serious conviction, to elicit a tepid response from

our own government through the office of Marise Payne, and that is where it has stalled, again. It was followed up with an excellent story by one of my former colleagues, Pippa Bradshaw, on the Nine Network's top-rated current affairs program *A Current Affair*.

For Malaysian police, this was an unwanted spotlight, yet it did at least get them off their backsides to hold a press conference addressing the concerns I have raised. I am now hearing reports that in Malaysia it is very difficult to access any media reports on this on the internet. There seems to be some attempt to try to black out any information about this case.

Penang police say they are waiting for the Coroners Court to fix an inquest date to look into the appearance and death of Mrs Jenkins. Penang police chief Datuk Mohd Shuhaily Mohd Zain said that the Penang prosecution director's office had on 14 October instructed for an inquest to be held. Why did it have to take three years? While it is a welcome if not belated move, it is not set in concrete yet.

Police only completed their investigation papers on the case, which was classified as sudden death, in August this year. Greg Jenkins says that statements still need to be taken from many people. So what is in their papers?

When I asked why it took a year after Mrs Jenkins' remains were found for the reports to complete, the police chief said that he is not the expert conducting tests for the report, so it is beyond his scope to reply. Again, it is not known if those tests are even accurate, which is why the family would like the remains sent here for proper professional analysis.

Mohd Shuhaily also stressed that based on the reports they could not find any criminal elements in the case. Of course they could not, because by the time they reacted the evidence and any potential witnesses had all but vanished. There was little chance of gathering useful intelligence; yet, he said the case was classified as a sudden death report and full investigations were conducted and police found no signs of foul play in the case. It is hard to comprehend or believe.

Mohd Shuhaily has welcomed detractors—and I guess he probably includes me in it—to meet police and discuss it with them. The Jenkins family has tried on so many occasions with little success but plenty of disappointment. I will quote Mohd Shuhaily who said, 'We can progress this way and Australia is an advanced country, maybe we can share experiences.' All I can say is that that is a poor excuse for their ineptitude. They do not have the proper resources to conduct the type of thorough investigation that is required, and that is where Australia can assist, which is why I have called for our Federal Police and Interpol to work with the Malaysians in this motion.

I want to refer to an article in the freemalaysiatoday.com site by Predeep Nambiar in which the group Citizens Against Enforced Disappearances' Rama Ramathan fully backed my complaints that Malaysian police were incompetent in their handling of Anna's case and, as it turns out, many others brought to their attention. Rama even said that the Malaysia Human Rights Commission (or Suhkam) had found the police were 'lackadaisical in looking into cases of missing persons'. He said Suhkam also found police officers had given false evidence during some cases of suspected abduction. He went on to say that an independent integrity body to investigate police complaints was sorely needed in that country.

I would like to address the Treasurer's amendments, which I totally reject, and I urge members in this chamber to reject them as well. It is disappointing that it is an attempt to essentially water down my criticism and calls for more strident action that is required to get the Jenkins family justice. This amendment is based on limp quotes given to *The Australian* by the office of Marise Payne. It attempts to portray that DFAT still has an active role, when the family say all they get are mere updates.

We need to show that we really do care about Anna Jenkins' fate and we want to see her family find some peace and justice, which has been denied so far. This is why I have insisted that we contact their government leaders, the Prime Minister, the foreign affairs minister and their King, because action is the urgent priority as the fourth anniversary of Anna's disappearance approaches.

Mr President, I have also asked that you write personally to them to lend the weight of the Parliament of South Australia. It was very effective when this chamber voted for a motion I moved more than two years ago that the then President, the Hon. Andrew McLachlan, write to the Norwegian

parliament expressing our state's concerns over drilling for oil in the Great Australian Bight. They did take notice of it. I went to Oslo and met with a Greens MP, and then their minister for energy and his department chiefs, along with Equinor's executive.

I am sure this intervention by the Legislative Council may have contributed something to Equinor's decision to eventually pull away. I do hope that this step can also achieve a positive outcome in the matter, and I strongly urge and commend the motion to the chamber.

Amendment negatived; motion carried.

Bills

SOCIAL WORKERS REGISTRATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 October 2021.)

The Hon. C.M. SCRIVEN (21:32): I rise today to speak on the Social Workers Registration Bill. As the Hon. Tammy Franks has already noted, this bill has been a long time coming. For close to two decades, I am advised, social workers have been advocating for professional recognition and registration. Our former colleague, the Hon. Jack Snelling in the other place, worked hard to advocate for the establishment of a national model for many years but was unfortunately unsuccessful during his tenure as health minister.

Social workers are an important part of a holistic health system. They work alongside doctors, nurses, psychologists and other specialists to support and achieve the best outcomes for patients and their carers and families. Of course, outside of health care, they also play a vital role in ensuring the wellbeing of South Australians.

It is time that, like the professions they work alongside, social workers have their profession recognised and registered. Of course, like the professions I have mentioned, a national model of registration through a body such as AHPRA would be the most ideal outcome. But even after the 20-plus years of advocacy for professional social workers, we are still waiting for a national register to be adopted. So it is now up to us at a state level to pass this legislation as the next best thing. It is time for South Australia to lead the way.

The recommendations from the joint committee of this parliament that heard evidence advise that this is the next best thing. We have consulted with the Australian Association of Social Workers and they are looking forward to this legislation to lead the way and be the first domino to fall, as it were, in what they hope will be similar legislation adopted in other jurisdictions.

But if we are being honest, we knew that this was the next best option before the joint committee was even established. We knew this when the current government made election commitments for social workers registration before the last election and yet, although the AASW has been advocating for two decades, and the current government made an election commitment in 2017 and a joint committee was formed in 2018 and the report of that committee had bipartisan support in 2020, and the shadow minister for child protection had a draft of this bill to move in government time in February 2021, despite all that, we find ourselves here on the final scheduled sitting day of the year, after the dinner break, in private members' time, moving a bill that could have been progressed long ago.

Yet again, it is left to the crossbench or to the opposition to drag the government kicking and screaming to pass legislation that was one of their own election commitments. But even worse, we now have to debate what some have called a total word salad of amendments, which have been filed at the eleventh hour—or, more accurately, the eleventh hour and 55th minute.

The minister filed 25 amendments on I think Monday and a further 17 this afternoon. Given this legislation was an election commitment of the Marshall Liberal government, we cannot assume that these last-minute amendments are some kind of Machiavellian attempt to delay this bill. We have talked about Machiavelli a lot tonight in this chamber.

We cannot make that assumption. We can only assume that it must be incompetence on behalf of the minister. Or, considering the commitment to this legislation has mysteriously disappeared from the government's original election commitments published on their website, perhaps these last-minute amendments are in fact an attempt to delay this bill.

Either way, it is not respectful to social workers in this state. The minister should be embarrassed at the way they are being treated. Even with the department at her disposal and this legislation being introduced by the Hon. Tammy Franks almost three weeks ago, the minister has filed more than 30 amendments at the last minute. Labor looks forward to debating these amendments and the successful passage of this bill.

The Hon. C. BONAROS (21:36): I rise on behalf of SA-Best to speak in support of the Social Workers Registration Bill 2021. We all acknowledge that this is a well overdue piece of legislation. Despite the commitments this government gave while in opposition, which included an election promise, it has dragged its feet. Once again, the crossbench is here to do the heavy lifting and I commend the Hon. Tammy Franks for all her work on this issue and for not letting this one slide.

Since the original bill was introduced, further and extensive consultation has taken place on the bill. The joint committee report was tabled some time ago now. There has been ample opportunity for the government to shake off its apathy and fulfil its commitments. I think there is consensus that a national scheme would be ideal and may well come in the future, but we cannot and do not need to wait any longer for that.

Social work is a fundamentally important profession, providing support and services to a very vulnerable cohort of people. The many fields of social work practice include mental health, child protection, disability, education, family and sexual violence, family support, aged care, substance abuse, and housing. The capacity for serious harm by a few bad eggs is compounded by the very nature and life circumstances of their clients.

Many clients, children in out-of-home care included, cannot speak for themselves and so I think, as a result of this bill, we are here to speak for them. There have been many calls for the registration of social workers and everything that comes with it for over 20 years now. A majority of the 3,000 or so social workers in South Australia are university qualified, yet some have no qualifications at all. We urgently need a framework for mandatory registration, binding professional standards and consequences for breaches, among other things.

It has been recommended time and time again, including in the report of the review of child protection in South Australia, chaired by Robyn Layton QC; in the Mullighan report on the Children in State Care Commission of Inquiry; and by the former state Coroner, Mark Johns, following the inquest into the death of Chloe Valentine.

About half of Australia's social workers are members of the Australian Association of Social Workers, which has been extensively consulted over this bill. Its members are required to adhere to a code of ethics and professional standards, but in reality membership of a professional association is voluntary and anyone can call themselves a social worker, particularly in the private sector.

Australia is out of step with international standards and we should be ashamed of that. The safety and wellbeing of people who rely social worker support and counselling are at risk and remain at risk for as long as this bill sits before this chamber. The government has come very late to the table and filed amendments earlier this week, after some last-minute consultation with the Department for Child Protection—on Friday, I believe it was.

This is not a new bill. As I said, there has been ample opportunity to consult. The minister herself was involved in the inquiry process, so if anybody had opportunity for input into the model that we are looking at it is the minister herself.

On this side of the bench, we intend to follow the lead of the mover of the bill as to the appropriateness of those amendments based on the discussions that have taken place with stakeholders and the advice that has been received back from those stakeholders. I understand some are minor and acceptable and some from far left field.

I will take with a grain of salt the advice, with respect, from the Department for Child Protection on the appropriateness or otherwise of or the requirement for this bill. I am certainly going to take the word of the Mullighan report, the review of child protection in South Australia, and the former Coroner who has inquired into so many of the failures of that very same department which is now providing advice to the government on the appropriateness of this bill, before I take the advice from the Department for Child Protection.

With those words, we once again commend the Hon. Tammy Franks for her hard work on this very important issue and look forward to South Australia leading the way in the passing of this bill.

The Hon. J.M.A. LENSINK (Minister for Human Services) (21:41): I rise to place some remarks on the record in relation to this bill. Social workers are one of the largest professional groups in Australia, responsible for protecting and supporting the wellbeing of some of our community's most vulnerable people. This is why the government committed to consider options for a registration scheme for social workers and to advocate for social workers to be included under the National Registration and Accreditation Scheme.

The Hon. Tammy Franks introduced the Social Workers Registration Bill 2018, which was referred to a joint committee process, as other speakers have referred to. Consistent with the government's election commitment, the preferred approach that was advocated for by a number of stakeholders in the joint committee process is a national system implemented under the Australian Health Practitioner Regulation Agency (AHPRA).

The government and other stakeholders continue to advocate for a national scheme, which, of course, requires the agreement of states and territories. An object of any state-based legislation in this context is to support as far as possible a smooth transition to a national scheme once agreement is secured.

The joint committee handed down its report on 3 December 2020, and it was tabled in parliament on the same day and attached a revised draft bill. The Hon. Ms Franks has spoken on the report in this house on 17 March 2021, and I was pleased on that occasion to offer the government's support for the report findings and the draft legislation. The government remains committed to working collaboratively with stakeholders to establish the scheme.

The amendments introduced by the government have two primary goals. These amendments seek to improve the state's ability to transition while recognising that participation in a national scheme, if agreed, will invariably require further changes to the SA legislative framework and the scheme at a future point in time and to make minor amendments to discrete parts to reduce ambiguity, make it more consistent with other regulatory schemes or make more efficient the administration of the act and the implementation of the scheme.

Specifically, the suite of proposed amendments relates to limitation in board member terms, allowing for additional functions of the board, protecting the use of the title 'social worker', delegations and subcommittees of the board and transitional provisions. These amendments have been finalised in discussion with the Australian Association of Social Workers, whose role in supporting the social work profession in Australia remains invaluable, and we thank the AASW for their willingness to support us in this process.

These amendments will bring the bill into closer alignment with the national model while recognising the support for a state-based scheme to be implemented until a national model can be agreed. Importantly, this brings us one step closer to providing appropriate recognition, regulation and support to the social work profession. I commend the persistence and the hard work of the Hon. Tammy Franks in proposing this legislation.

The Hon. T.A. FRANKS (21:44): I would like to thank all the members who have made a contribution to this bill not just today but the first time round back in 2018 and thank you to all those who were on the joint committee with me as we worked together to come up with the best model that we could for the registration of social workers in South Australia, which is the bill before us now today. I would reflect again on the length of time it has taken us to get here—several years—and here we are again still waiting for action but now considering this particular legislation that came from that joint committee process.

I would also like to reflect on the words of the now Minister for Child Protection, the member for Adelaide, Rachel Sanderson, back in 2016 when she was the shadow minister, recognising the importance and the then urgency of the registration of social workers in South Australia. I quote her:

> The longer this important reform is delayed, the greater the risk to vulnerable children in South Australia's completely dysfunctional and chaotic child protection system.

The now minister then went on to say:

> If a Weatherill government again fails to advance this issue, I propose to draft a bill providing for the registration and regulation of social workers within South Australia.

That is the member for Adelaide in 2016. They are her words from her press release. I remind members that these things are kept by the library, so even if you take them off the website we can actually track them.

Minister Sanderson has now been in government since the beginning of 2018, yet we have not seen her take active steps to pursue this legislation, despite being on that joint committee that inquired into this bill, the bill that I brought to the parliament back in 2018, despite having sat in the room and endorsed the recommendations that the legislation before us today be passed with some urgency.

I have to say that, despite her having said in 2016 that it would be amongst her 'highest priorities', to quote her, we are still waiting. Indeed, we are waiting for this promise of the then Marshall opposition to be delivered. Yes, there was reference to a national scheme, but I will read word for word the 'Strong Plan for Real Change' Marshall opposition promise for registration of South Australian social workers, on page 3, which is the first page with actual text on it, 'What we will do'. It states:

> If elected in March 2018, a Marshall Liberal government will ensure a system of registration for social workers is introduced. This could involve the inclusion of social workers under the national registration accreditation scheme, the government scheme overseeing the regulation of qualification standards and practices for health practitioners in Australia. A state Liberal government will draft legislation to require the registration of social workers in South Australia to lobby to have social workers included under the national registration accreditation scheme with oversight from the Australian Health Practitioner Regulation Agency.

Indeed, it goes on to wax lyrical about how great it is to have the registration of social workers and I fully agree with that and I fully agree with the then Marshall opposition election promise to register social workers in South Australia. We would all prefer a national system. We are well into two decades of campaigning for a national system. Unless a jurisdiction leads, this may never happen.

I have to say that it is really disappointing to be here having to put this up as a private member's piece of legislation. Post acceptance of the report, I had been informed that the Marshall government and, I believed, Minister Sanderson would be bringing forth a piece of legislation. I got tired of waiting for that to happen, and as the sitting weeks grew fewer and fewer, I introduced the legislation that we believed had been agreed to be introduced to this place.

Here we are, in what is the last non-optional sitting week of the year, although we now know that we will likely be sitting at least the next optional sitting week, and we are finally seeing that Marshall opposition 2016 election pledge brought into practice.

In 2016, the minister also said, 'Multiple different groups have lobbied for this,' and, 'It shouldn't take the death of a child to get action.' I am astounded that in the lead-up to the last state election, the member for Adelaide was so strong and certain about this reform yet has so utterly failed to deliver. Perhaps the minister has girlbossed too close to the sun in making all of those promises and pronouncements.

Maybe things got too hard, too complicated, or maybe the Liberal Party simply did not wish to pursue this legislation anymore. Certainly, any hint of their past promises on the registration of social workers has been currently cleared from the websites. Too bad they have the Wayback Machine, and I have an excellent staffer in Malwina Wyra, who has found those promises, but, as I say, the library keeps all of the press releases.

This is a devastating broken promise to the South Australian community. It is deeply disappointing that after having a clear blueprint for legislation and a way forward the minister still has

failed to act. While I am pleased that we have the government's support today, I would hope that they are not going to break yet another promise. I do want to note the clear disappointment, felt not just by the Greens but by so many, that the government promised that they would not act this way when they were in government.

I would also like to put on record my disappointment, and frankly disbelief, that the government has put forward amendments to this bill and only circulated them for the first time on Monday afternoon. It was not the government that told the Australian Association of Social Workers about their amendments; it was the Greens, and it was on the person's day off, on a Monday. These amendments were not consulted on. There is in fact one key stakeholder and they had not gone to that stakeholder first. It is not that hard.

Also, nor were they asked for. I will note that even the AASW had no idea that these amendments were forthcoming, or indeed about to be lodged on this parliament, even though they finally met with the minister, after months of requests, just two weeks ago. The minister, who has asked the Minister for Human Services to move on her behalf these amendments to this bill, was charged and understood by the committee to be the one who would lead progress of this bill through the parliament.

She was also a member of the joint committee into the original version of this bill. She worked with myself and all the other members of that joint house committee on the recommendations that informed it, and she had almost two years in those committee meetings, hearing evidence, deliberating, in which to raise any further amendments, and indeed another year since the committee reported with the amendments to consult on them appropriately. This has not been done.

The other bizarre thing with these amendments is that when I met with the minister and her office, there were lots of references, in explaining these amendments, to the 'national scheme' or 'bringing the bill into line with the national scheme'. There is no national scheme, and I think everyone has reflected on that during this debate. We would love there to be a national scheme, but there is not and so South Australia is, of course, striking out on its own.

I am not sure why we are chopping and changing parts of the bill to fit with a scheme that does not exist. Certainly, at another briefing we were told that this was to make the bill more consistent with the way federal legislation is written, which still makes no sense, because some of these amendments are not in keeping with the recommendations of the joint committee, nor are they in keeping with the intent of the bill. I am baffled that the minister would suggest amendments that go against the main purpose of the bill, such as the original amendments for limited registration.

Now I note that it appears, although it is not entirely clear, that the government will not be going ahead with some of their first set of amendments, which were only of course mooted for the first time on Monday, but I think it is important to note those amendments either way. The committee report was quite clear on that matter. I am beginning to wonder if the minister even read the report she endorsed. Perhaps this is why it is typically considered bad practice to cobble together eight pages of amendments just two days before a matter is voted on. Perhaps this is why there was a joint committee process that stretched over some two years to ensure the changes made to the original bill back in 2018 were well thought through and consulted on appropriately.

To add to how ridiculous this entire experience has been, the minister has now tabled new amendments at 4.44pm today. I will note that the members in this place were not actually contacted about these amendments until 5.54pm today, when we received an email. My office only got a call about them at 6.30pm. This is a joke. You cannot work on a serious piece of legislation in this manner.

I note that while the minister's adviser has noted in her email to members that the Australian Association of Social Workers is fine with these amendments that is not entirely accurate. It is my understanding that, under pressure and with limited time and understanding, the AASW ceded some points in discussions because they were worried about this bill passing.

I note that my information is that the AASW was completely happy with this bill without amendment. I note that that was particularly because this version of the bill was the one that was properly consulted and considered. I am deeply concerned to learn that the minister has only instructed for consideration to be put together towards the amendments that the government will be

putting to the council tonight on Thursday or Friday last week. It seems the minister did not think of this legislation and prioritise it prior to that time.

It is deeply disappointing that we find ourselves here. It is now after 9.30 on a Wednesday night, with two sets of government amendments to a bill they have had three years to bring forth themselves, that they have had for over a year a report that was well consulted on to take leadership on, yet here we are with these two sets of amendments. I will have more to say on some of those amendments in committee. I have to say that the vast majority of the very first set are unworkable. We can work with some of the second set, but it is far from what everyone would prefer.

We know that this legislation has had broad support from all parties in this parliament. We know that this legislation is necessary. We also know that leadership in this area will be the only thing that breaks the nexus and gets us to that national scheme that we all want so much. We have known for a very long time that reform is necessary. That 2017 speech in which the member for Adelaide noted that the PSA first made the request for the registration of social workers in 1988—she has known this for some time as well. The AASW, the Australian Association of Social Workers, have been fighting and waiting for this reform for decades.

I look forward to the speedy passage of this bill here, and hopefully soon through the other place as well, where I trust, given that it has not been given a government bill, at least the government will give it government time to get it done.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: Perhaps, for the benefit of members, I could clarify that I filed two sets of amendments. The first set we will not be proceeding with. I outlined in my second reading speech what was the general rationale for a number of those. I think we are all in furious agreement that a national scheme would be ideal. The logical home for that, were that to proceed, would be AHPRA. As part of the work the government has done in terms of examining this bill from an across-government perspective, some of those amendments came from that. In particular, advice from SA Health was that the dates should be changed from January to July, which is probably more consistent with some of those practices.

There was also, in terms of the drafting, things borrowed from other state legislation, such as the Teachers Registration Board. As we go through all of those, I will provide a rationale for each of those amendments, but advise that, from my point of view, I will not be moving any of set 1, they will all be set 2. With set 2, following consultation with the Australian Association of Social Workers, work has been done to try to align better with what was their position, so some of those amendments in set 1 have been dropped entirely, and others modified to try to meet their position more closely.

The Hon. C.M. SCRIVEN: I would like to place on the record on behalf of the opposition that with these amendments, which were received only a few hours ago, we will have a position since we need to vote on them tonight, but we do reserve the right to examine the amendments further between the houses given that there has been such a short time to consider them.

The Hon. T.A. FRANKS: I thank the minister for clarifying which set of amendments we would be debating. In the second set of amendments, which were lodged just before the dinner break this evening, there are at least 12 that we will be supporting, although there are quite a few that we will not be.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. J.M.A. LENSINK: I move:

Amendment No 1 [HumanServ–2]—

Page 6, line 21 [clause 7(1)]—After 'reappointment' insert:

(however a member cannot hold office for terms that exceed 7 years in total).

This amendment provides a limitation on the length of board membership by an individual. This approach is consistent with a number of boards in the national scheme. This particular amendment proposes a seven-year limitation on the length of board membership, and is a generally well-accepted practice for boards to support diversity of membership over time. This particular approach is consistent with the Teachers Registration Board.

The Hon. T.A. FRANKS: The Greens will be supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10.

The Hon. J.M.A. LENSINK: I move:

Amendment No 2 [HumanServ–2]—

Page 7, after line 18 [clause 10(1)]—Insert:

(fa) to establish processes for handling complaints relating to the practice of social work;

I advise the chamber that this amendment and the subsequent amendment are a pair, if you like. These amendments propose two new functions for the board, and this amendment has been proposed to support alignment to the national scheme under which boards are generally provided a function to establish a process to handle complaints. It is otherwise considered a core function of a professional registration board. Both new functions have been included to support alignment with the national law, and this particular amendment provides that board functions will establish a process to handle complaints.

The Hon. T.A. FRANKS: The Greens will be supporting this amendment, which inserts into that part 'to establish processes for handling complaints relating to the practice of social work', although I note we will not be supporting the third amendment, which is to insert 'to provide advice to the Minister in relation to the profession of social work'.

Amendment carried.

The Hon. J.M.A. LENSINK: I move:

Amendment No 3 [HumanServ–2]—

Page 7, after line 19 [clause 10(1)]—Insert:

(ga) to provide advice the Minister in relation to the profession of social work;

This amendment provides that a function of the board is to provide advice to the relevant minister. Again, there is a connection to the national law, which we thought would be a useful alignment.

The Hon. T.A. FRANKS: The Greens will be opposing this, although, should the minister actually seek to have information about the registration of social workers in the future, we would prefer that she actually go first to the AASW for a change. However, I do not think that they need to be required to provide her advice in this particular piece of legislation.

The Hon. C.M. SCRIVEN: Could the minister outline in regard to this amendment how consistent or otherwise it is with other registration boards, such as the Teachers Registration Board?

The Hon. J.M.A. LENSINK: I will in a moment seek advice in relation to the Teachers Registration Board, but the advice I have is that there is a national law reference that aligns with this one. There is a reference to a section of the national law. I will just double-check the teachers registration to see if there is some consistency with that as well.

The Hon. T.A. FRANKS: Chair, while the minister is checking that, I note that my advice from my very meagre staff is that it is not consistent with the Teachers Registration Board rules.

The Hon. J.M.A. LENSINK: In terms of the reference to the national law—and I am referring to the Health Practitioner Regulation National Law (South Australia) Act, which is how the instrument

is applied in South Australia—it is section 35(1)(o) and (p). Paragraph (o) refers to giving 'advice to the Ministerial Council on issues relating to the national registration and accreditation scheme for the health profession'.

Because that does not exist—there is no ministerial council for social workers—this replicates that there should be advice provided. In the absence of having a ministerial council, that is the reason for the reference to the minister. The advice is that there is not a specific reference to teachers registration legislation.

The Hon. C.M. SCRIVEN: Just for the record, the opposition will be opposing this amendment.

Amendment negatived; clause as amended passed.

New clauses 10A and 10B.

The Hon. J.M.A. LENSINK: I move:

Amendment No 4 [HumanServ–2]—

Page 7, after line 37—Insert:

10A—Delegation

(1) The Board may delegate a function or power under this Act (other than a prescribed function or power)—

(a) to a member of the Board; or

(b) to a committee established by the Board; or

(c) to a specified body or person (including a person for the time being holding or acting in a specified office or position).

(2) A delegation under this section—

(a) must be by instrument in writing; and

(b) may be absolute or conditional; and

(c) does not derogate from the ability of the Board to act in any matter; and

(d) is revocable at will.

(3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

10B—Committees

(1) The Board may establish committees—

(a) to advise the Board; or

(b) to carry out functions on behalf of the Board.

(2) The membership of a committee will be determined by the Board and include at least 1 member of the Board.

(3) The Board will determine who will be the presiding member of a committee.

(4) The procedures to be observed in relation to the conduct of the business of a committee will be—

(a) as determined by the Board; and

(b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

This amendment is proposed to support alignment to the national law by providing that the board may delegate functions and establish committees. This has been included, accepting the potential need for a board to engage external advice or expertise to support it in its role or on particular topics it is considering that require subject expertise.

Based on advice from the AASW, the amendment provides that all subcommittees will be determined by the board and include at least one member of the board. This aligns more closely with the national law capacity of delegations.

The Hon. T.A. FRANKS: The Greens will be opposing this amendment. The Governor should not have the ability to prescribe what a social work service is or detailing what the scope of practice is. That simply makes no sense. Social work is an internationally recognised profession, being a registered profession in nearly every English-speaking country and, as such, has internationally agreed definitions and functions ascribed by the International Federation of Social Work.

South Australia and South Australian social workers would risk being excluded from being defined as social workers in accord with the world's IFSW definition and prescribed functions. Until the social work profession falls under the national registration scheme, AHPRA, umbrella of regulation the AASW, as a member of the IFSW, should remain as a body to prescribe social work services and scopes of practice.

The Hon. J.M.A. LENSINK: Sorry, I apologise; it is our fault, the potential confusion. I think the honourable member may be referring to the old amendment No. 4 from set 1. This is amendment No. 4 from set 2, which is actually about delegation of board functions, not the prescription, if you like, of what social work is and scopes of practice.

The Hon. C.M. SCRIVEN: Just for clarity, the minister is not moving an amendment that refers to scopes of practice or tries to give that framework; is that correct?

The Hon. J.M.A. LENSINK: Yes, that is correct. That was contained in set 1, and I am not proposing to move any of those.

The Hon. T.A. FRANKS: Chair, the minister is quite right: the notes here are from the previous set of amendments. However, we still oppose this.

New clauses negatived.

Clauses 11 to 24 passed.

Clause 25.

The Hon. J.M.A. LENSINK: I move:

Amendment No 5 [HumanServ–2]—

Page 13, lines 27 and 28 [clause 25(2)(a)]—Delete paragraph (a)

This amendment is to remedy the potential confusion about when an applicant is to provide a police check. We believe there is an unintended consequence of the drafting in the existing bill which suggests that an applicant must produce a police check for registration, whereas a later section requires an applicant to pay the board for the conduct of a criminal check, rather than a police check. Those two appear incompatible. Those relevant clauses are 25(2)(c) and 25(2)(a). The latter refers to the cost to the board for processing that application.

Through these amendments, which have been filed, we intend to remove any ambiguity and minimise duplicating criminal record requirements for applicants, that is, not requiring applicants to produce multiple criminal record checks where most schemes would select one. If you talk about disability, for instance, there is NDIS worker screening, and the logical one for this would be the working with children check.

We believe that it would be an unnecessary burden on the social work profession and more than likely is one that is unintended. The amendments do not remove the requirement for an applicant to produce a criminal history report and working with children check as part of the application.

The Hon. T.A. FRANKS: My advice, via the Australian Association of Social Workers, is that this is not an unintended amendment. Indeed, it was well consulted on and is meant to have the two different types of criminal and police checks. Perhaps this can be sorted out between the houses because, while the government has made an assumption that it is a drafting error, my understanding

is that both were desired in the scheme by the AASW, and certainly they do not want to be lumbered with the bill for doing them either.

The Hon. C.M. SCRIVEN: I indicate that the opposition will also be opposing this on the same grounds. Our understanding is that both a police check and a criminal record check are desired and, if there is a misunderstanding, that can be sorted out between the houses.

Amendment negatived.

The Hon. J.M.A. LENSINK: I move:

Amendment No 6 [HumanServ–2]—

Page 14, lines 9 to 11 [clause 25(3)]—Delete subclause (3)

I referred to this amendment at clause 1, which was advice which came particularly from SA Health which clearly deals with a range of AHPRA-type issues and their general advice is that 31 January can be a problematic time for applications for renewal and the logical date would be 30 June. In particular, the end of January can be problematic because it coincides with end of school holidays and all those sorts of busy times.

The Hon. T.A. FRANKS: The Greens will be supporting this amendment and the minister will be pleased to hear that this page is a sea of green of support.

The Hon. C.M. SCRIVEN: The opposition will also be supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 26 to 28 passed.

Clause 29.

The Hon. J.M.A. LENSINK: I move:

Amendment No 7 [HumanServ–2]—

Page 16, line 7 [clause 29(1)(a)]—Delete '31 January' and substitute '30 June'

I have given the explanation for this amendment just a little while ago.

The Hon. T.A. FRANKS: The Greens will be supporting this amendment which, I assume, is now the one that changes the 31 January and instead substitutes 30 June.

The Hon. C.M. SCRIVEN: We will be supporting this amendment.

Amendment carried; clause as amended passed.

Clause 30.

The Hon. J.M.A. LENSINK: I move:

Amendment No 8 [HumanServ–2]—

Page 16, line 15 [clause 30(1)]—After 'provide' insert ', within a specified period,'

This amendment seeks to establish a time frame for the board to provide a response. Currently, the board retains discretion as to a time period which could be, potentially, quite open ended. The context of this is that the board can require a social worker and other parties to provide information on particular subjects, so this amendment is intended to provide some procedural clarity for the board and members of the scheme.

The Hon. T.A. FRANKS: I indicate the Greens will be supporting this amendment. I do have all of the others in my notes as being supported unless there are, of course, any consequential ones that have not made their way to the table.

The Hon. C.M. SCRIVEN: I have a question for the minister. Who will determine what that specified period is?

The Hon. J.M.A. LENSINK: My understanding of that is that the board would need to set some time frames.

The Hon. T.A. FRANKS: Chair, I can assist with the answer to that: it would be the board or the registrar.

The Hon. C.M. SCRIVEN: I can indicate the opposition will be supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 31 to 35 passed.

New clause 35A.

The Hon. J.M.A. LENSINK: I move:

Amendment No 9 [HumanServ–2]—

Page 20, after line 5—Insert:

35A—Restriction on use of title

(1) A person must not knowingly or recklessly take or use the title 'social worker' in a way that could be reasonably expected to induce a belief the person is a registered social worker, unless the person is in fact a registered social worker.

Maximum penalty:

(a) in the case of a natural person—$60 000 or 3 years imprisonment or both; or

(b) in the case of a body corporate—$120 000.

(2) A person must not knowingly or recklessly take or use the title 'social worker' in relation to another person in a way that could be reasonably expected to induce a belief the second person is a registered social worker, unless the person is in fact a registered social worker.

Maximum penalty:

(a) in the case of a natural person—$60 000 or 3 years imprisonment or both; or

(b) in the case of a body corporate—$120 000.

(3) Subsections (1) and (2) apply whether or not the title is taken or used with or without any other words and whether in English or any other language.

This is one of several amendments that has been proposed with the purpose of aligning to the national scheme, which provides restrictions on the use of a title to provide for title protection. The sections are consistent with both the national law and with stakeholder advocacy, we believe, noting a number of stakeholders were explicit about the goal of title protection being a central objective of the scheme which has been committed to. The penalties are consistent with the national law and the provisions to embed title protection, it is our understanding, are supported by AASW.

The Hon. T.A. FRANKS: The Greens will be supporting this amendment.

The Hon. C.M. SCRIVEN: The opposition will be supporting this amendment.

New clause inserted.

Clauses 36 to 42 passed.

Clause 43.

The Hon. J.M.A. LENSINK: I move:

Amendment No 10 [HumanServ–2]—

Page 22, after line 15 [clause 43(1)]—Insert:

or

(e) any other person who satisfies the Board that they have a sufficient interest in the matter.

This amendment seeks to ensure that any person with sufficient interest in a matter may make a complaint in addition to those which are already listed. We believe the current bill may unintentionally preclude the making of a complaint by a person with an interest or who is unaware of misconduct. That might include, for instance, somebody who is a work colleague. We think that may potentially be excluded from the current provisions. The amendment adds in a new class of potential

complainants to be 'any other person who satisfies the Board that they have a sufficient interest in the matter'.

The Hon. T.A. FRANKS: The Greens will be supporting this amendment.

The Hon. C.M. SCRIVEN: The opposition will also be supporting this amendment.

Amendment carried.

The Hon. J.M.A. LENSINK: I move:

Amendment No 11 [HumanServ–2]—

Page 22, line 18 [clause 43(2)(a)]—Delete ‘aggrieved person’ and substitute ‘complainant’

Amendment No 12 [HumanServ–2]—

Page 22, line 19 [clause 43(2)(b)]—Delete 'aggrieved person' and substitute 'complainant'

Amendment No 13 [HumanServ–2]—

Page 22, line 22 [clause 43(2)(c)]—Delete 'aggrieved person' and substitute 'complainant'

Amendment No 14 [HumanServ–2]—

Page 22, line 24 [clause 43(2)(d)]—Delete 'aggrieved person' and substitute 'complainant'

I indicate for the committee that amendments Nos 11 to 15 are consequential, for the benefit of the debate. This amendment contemplates that the complainant may not always be the aggrieved person. For instance, it might be a service provider who is complaining against a social worker on behalf of a client. By substituting 'aggrieved person' with 'complainant' the legislation will recognise that the complainant may not always be the aggrieved person.

The Hon. T.A. FRANKS: The Greens will be supporting this and the other consequential amendments.

The Hon. C.M. SCRIVEN: The opposition supports this amendment and the other consequential amendments.

Amendments carried; clause as amended passed.

Clauses 44 to 50 passed.

Clause 51.

The Hon. J.M.A. LENSINK: I move:

Amendment No 15 [HumanServ–2]—

Page 27, line 21 [clause 51(6)]—Delete ‘A person who’ and substitute:

The complainant, and any other person who

The amendment is consequential.

Amendment carried; clause as amended passed.

Clauses 52 to 58 passed.

Clause 59.

The Hon. J.M.A. LENSINK: I move:

Amendment No 16 [HumanServ–2]—

Page 29, lines 15 to 22—Delete clause 59 and substitute:

59—Protections, privileges and immunities

(1) Nothing in this Act affects any rule or principle of law relating to—

(a) legal professional privilege; or

(b) ‘without prejudice’ privilege; or

(c) public interest immunity.

(2) A person is excused from answering a question or producing a document or other material in connection with an inquiry or proceedings under this Act if the person could not be compelled to answer the question or produce the document or material in proceedings in the Supreme Court.

(3) A person who provides information or a document under this Act to the Board or the Registrar has the same protection, privileges and immunities as a witness in proceedings before the Supreme Court.

(4) A person who does anything in accordance with this Act, or as required or authorised by or under this Act, cannot by so doing be held to have breached any code of professional etiquette or ethics, or to have departed from any acceptable form of professional conduct.

The amendment provides what we believe are standard protections, privileges and immunities for the board—people who provide evidence and so forth. There are not identical provisions in the national law, but the amendment is reasonably consistent with those provisions.

The Hon. C.M. SCRIVEN: Could the minister indicate where this specific wording came from?

The Hon. J.M.A. LENSINK: Can I also add something in relation to a question that the honourable member asked about a previous amendment, amendment No. 3. I am advised that there is some reference to functions of the Teachers Registration Board in the teachers registration legislation, which is clause 6F, so just to cover that issue off.

In relation to this particular amendment, it was something which the minister's office requested parliamentary counsel to address so, effectively, the particular clause was drafted by parliamentary counsel.

The Hon. C.M. SCRIVEN: The minister referred to the fact that it was not identical to some wording in a national framework. Why was it considered not appropriate to use that wording that she referred to?

The Hon. J.M.A. LENSINK: If we wanted to get to that level of detail I think we would need to check with parliamentary counsel, because the amendment is—I hate using double negatives—not inconsistent with the national law. The request was made to parliamentary counsel to address this particular issue and they drafted that in accordance with their good understanding of legislation and precedents and whatever else is available across all the schemes that exist in our statutes.

The Hon. T.A. FRANKS: The Greens are supporting all of the amendments to come. Unless there is one that pops out that was not in the table, we are supporting the government's amendment here.

The Hon. C.M. SCRIVEN: The opposition is supporting this amendment.

Amendment carried; clause as amended passed.

Clauses 60 to 64 passed.

Clause 65.

The Hon. J.M.A. LENSINK: I move:

Amendment No 17 [HumanServ–2]—

Page 31, after line 8 [clause 65(2)]—Insert:

(da) make provisions of a transitional or savings nature; and

This amendment is to provide for transitional provisions to be made by regulation. This will ensure that upon commencement of the act there is time allowed for the registration of social workers without penalties while people learn about the new system and begin the registration process, which will also have the effect of minimising workforce impacts where social workers cannot work until registered. This is consistent with what took place in New Zealand, which incorporated a transitional period to ensure that everybody had time to prepare for the new scheme.

The Hon. T.A. FRANKS: The Greens support this amendment.

The Hon. C.M. SCRIVEN: I note the opposition will support this amendment.

Amendment carried; clause as amended passed.

Remaining clause (66) and title passed.

Bill reported with amendment.

Bill recommitted.

Clause 25.

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

That subclause (3) previously deleted be reinserted in the clause.

Amendment carried; clause as further amended passed.

Bill reported with amendment.

Third Reading

The Hon. T.A. FRANKS (22:38): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

WORLD KANGAROO DAY

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Notes that 24 October is World Kangaroo Day, celebrating kangaroos and raising awareness about the largest commercial slaughter of land-based wildlife in the world;

2. Acknowledges that loss of habitat, bushfires, drought, predators, legal and illegal hunting, car accidents, fences, and animal cruelty are driving South Australian populations of kangaroos to near extinction; and

3. Recognises that kangaroos cannot be humanely farmed, and that the commercial kangaroo industry relies on hunting wild kangaroos which has significant health and animal welfare concerns.

(Continued from 13 October 2021.)

The Hon. N.J. CENTOFANTI (22:39): I rise to speak on the motion of the Hon. Tammy Franks today regarding kangaroos. Whilst I can understand the sentiments of this motion, it is unfortunately not one that I can support.

The kangaroo is a much-loved national animal, an icon of Australia, and is an important part of our natural ecosystem. Australians have had a long tradition of living off the land. Indigenous communities have been hunting kangaroos for food for centuries. It is our responsibility to do this in a sustainable way and in a way that protects our native species and the broader natural environment, as well as in a way that supports our economy.

As a veterinarian in a rural practice, I have studied the biology of the kangaroo and have treated many kangaroos in my professional career. What I can tell you is that a kangaroo's reproductive system copes very well in drought. In fact, most members of the kangaroo family have an adaptation called embryonic diapause. This enables them to recover from drought and make use of ideal conditions as they occur.

After mating, an embryo develops until it consists of around a hundred cells, then develops no further until the pouch is vacant. During prolonged drought, a female's milk will dry up and if the pouch young dies an embryo is already present in the womb. Shortly after environmental conditions improve, females can give birth. The advantage to this is that mum can replace a joey very quickly if she loses one.

So a female kangaroo can have three young at varying stages of development at one time: a joey at foot, a pouched young and a dormant embryo in the uterus. So I do not agree with the assertion from the Hon. Ms Franks that kangaroos can have one baby a year. Kangaroos can breed

all year round, but most births occur between April and June. A single joey remains in the pouch for about six months, when it will then start to move in and out of the pouch, and is weaned after about eight months for red kangaroos and 11 months for grey kangaroos.

In fact, these animals are quite remarkable in their reproductive behaviours. Females come into oestrus, are mated and conceive within 24 hours of giving birth. Consequently, they are normally pregnant for 364 days of the year, but not with the same foetus, and, as I have stated previously, female kangaroos are able to suckle two joeys simultaneously—one in the pouch and one outside—as well as having an egg ready for implantation.

Leaving reproduction aside, we need to understand the issues that face our kangaroo population. The Kangaroo Management Taskforce in New South Wales and the Kangaroo Management Reference Group right here in South Australia are two groups that have done just that. These groups include representatives from the animal welfare sector—such as the RSPCA, Aboriginal custodians, industry, farmers, scientists, local land services and veterinarians—on the board, who are moving towards a better animal welfare outcome for kangaroos.

They have identified three issues: (1) kangaroo populations become overabundant after good seasons; (2) overpopulation of kangaroos leads to overgrazing, damages landscapes and accelerates the onset of drought; and (3) during prolonged droughts, numerous kangaroos die from starvation, thirst, disease and roadkill.

They have also identified opportunities arising from these issues, including improving welfare outcomes for kangaroo populations; integrated management programs; creating opportunities for sustainable regional employment, particularly for Aboriginal communities; providing sustainable, healthy protein for a growing global population; and better planning, collaboration, research and information sharing.

These groups have a number of strategic goals for the delivery of these outcomes or opportunities, and these goals are incredibly important. These goals include achieving healthy, viable populations of the four commercial species of kangaroos without the extreme population fluctuations that impact landscape management and large numbers of kangaroo deaths during drought.

These groups are looking for healthy, well-managed and resilient landscapes with biodiverse and biosecure ecological systems and they are extremely keen to see a healthy, viable commercial kangaroo industry with well-developed markets, both in Australia and overseas, endorsed by all levels of government because they understand that the commercial kangaroo industry is part of the solution to improving welfare outcomes for kangaroo populations.

Those in the commercial kangaroo industry know that animal welfare is a priority and that commercial harvesters must follow the national code of practice for the humane treatment of kangaroos. Commercial kangaroo harvesting is independently monitored and checked at every step to ensure standards are upheld. Mandatory licensing and tagging systems mean that every kangaroo harvested for the commercial industry can be individually traced back to the paddock.

The industry adheres to Australia's tough food safety standards and those of its export markets. This includes requirements around the harvester vehicle hygiene and refrigeration times. The meat undergoes third-party food safety inspections and NATA accredited testing before being passed fit for human consumption.

Are kangaroos at risk of being threatened species or becoming extinct due to commercial harvesting? The answer to that question is no, and this is how I know. The commercial kangaroo industry is only permitted to harvest species which are not threatened and which are abundant. State governments measure the populations of these species and set annual harvest quotas at about 15 per cent of the total number in harvest zones. These are adjusted in changing conditions such as severe drought. Therefore the actual number of kangaroos harvested each year has been closer to 3 to 7 per cent in the last decade.

Kangaroo numbers have been managed in Australia to ensure their survival. As their populations fluctuate in different conditions they compete with each other and other animals for food and put stress on agricultural land. Without a commercial harvest, kangaroos would still be kept at sustainable levels through government and non-commercial culling, which would result in poorer

animal welfare outcomes. Commercial harvesting is considered a humane way to manage kangaroo numbers.

Do not just take my word for it. As recently as two weeks ago, there have been urgent calls from wildlife experts from universities around Australia that current strategies on curbing kangaroo numbers are not working and that we need to expand the kangaroo industry. This united scientific front came in a special November addition of the scientific journal *Ecological Management & Restoration*. Scientists along with landholders and public land managers describe the impacts of millions of kangaroos dying in dry times because their populations had not been managed sustainably or ethically.

These wildlife scientists want scientifically informed reforms to the nation's current approach to kangaroo control to limit the waste, degradation and suffering that results from ineffective and sometimes counterproductive policies. The scientists continually refer to the overabundance of kangaroos and wallabies in Australia which results in environmental damage and their starvation. Ecologist Dr John Read from the University of Adelaide said:

> We were bombarded with case studies where overabundant kangaroos represented the main threat to revegetation and conservation programs, including examples where unchecked increases threatened the survival of wildlife species, including the macropods themselves.

These scientists also describe new ways to manage kangaroo numbers. Associate Professor Graeme Coulson from the University of Melbourne said fertility treatment can work in localised cases 'but in many cases lethal control is required'. Dr Jim Radford from La Trobe University said harvesting kangaroos as a resource 'is preferable to either treating them as pests or ignoring their plight altogether'.

Australian National University Professor George Wilson and other macropod experts from around Australia have penned a joint statement calling for a national overhaul of the strategies used to manage kangaroos and wallabies that are prone to overpopulation throughout much of Australia, where their main predators, such as dingoes, are controlled.

This statement has been endorsed by 25 ecological, conservation, animal welfare and Aboriginal agencies. Professor George Wilson said a stronger kangaroo industry could also bolster the national economy and provide jobs for regional and rural communities. Currently, the commercial industry employs more than 3,000 people across the country, predominantly from rural and remote areas, and supports local farmers.

In conclusion, I am not anti-kangaroo. In fact, I love our animal emblem, but what we all need to understand is that since the inception of European farming systems in this country we have upset the balance, and we have upset the balance in favour of kangaroos. We have put in a lot more watering points and cropping and pasture improvements and in doing so we have enabled them to thrive and become overabundant, which in itself leads to animal welfare and conservation management issues, such as starvation, thirst during drought, disease, vegetation loss and landscape damage.

So we need to manage their numbers in a sustainable manner and look at kangaroos as an asset, rather than as pests, which is what the commercial kangaroo industry does for us not just in South Australia but throughout our nation.

Debate adjourned on motion of Hon. C.M. Scriven.

Parliamentary Committees

SELECT COMMITTEE ON THE EFFECTIVENESS OF THE CURRENT SYSTEM OF PARLIAMENTARY COMMITTEES

Adjourned debate on motion of Hon. C. Bonaros:

That the report of the select committee be noted.

(Continued from 13 October 2021.)

The Hon. T.A. FRANKS (22:51): I rise to support this report of the Select Committee on the Effectiveness of the Current System of Parliamentary Committees and members, noting the hour,

will be very thankful that this will be mercifully short. Indeed, this committee on committees, as it was affectionately or indeed not so affectionately known, I believe has provided some recommendations for this parliament to function in a much more effective and efficient manner. I wholeheartedly support the recommendations and note that it was a unanimous and consensus decision. I thank the Chair, the Hon. Connie Bonaros, for her leadership and stewardship and all the other members.

I trust that this report, now noted, will not simply be filed away to never be referenced again but after tonight spur us to action into drafting and then effecting amendments to our current committee system through both the legislation and the practice of the parliament to support those with staffing as well as a portfolio approach based on some of the learnings of those more modern committee systems across the country that we learnt from. With that, I commend the report.

The Hon. C. BONAROS (22:53): I thank honourable members for their participation in the inquiry process and for their cooperation in that process, and also for their contributions made in this place. As the Hon. Tammy Franks has just outlined, I look forward to this report resulting in some effective changes in the way we deal with our parliamentary processes in this place very quickly. With those words, I thank honourable members again for their service on the committee and also their contributions in this place.

Motion carried.

Motions

NATIONAL ROAD SAFETY WEEK

Adjourned debate on motion of Hon. C Bonaros:

That this council—

1. Notes National Road Safety Week was hosted in Adelaide this year from 16 to 23 May;
2. Expresses its deepest condolences to the families, friends and loved ones of the 977 people who lost their lives on South Australian roads between 2011 and 2020;
3. Notes a further 7,391 people suffered serious injuries;
4. Also notes 576 of the 977 lives lost were on South Australian regional roads;
5. Further expresses its deepest condolences to the families, friends and loved ones of the 43 people killed on our roads so far this year;
6. Calls upon the state government to introduce tougher laws and penalties targeting dangerous drivers and high-risk behaviour, including drug driving and driving whilst disqualified, as a matter of urgency; and
7. Calls upon the state and federal governments to take immediate action to improve the condition and safety of our regional roads.

(Continued from 26 May 2021.)

The Hon. C.M. SCRIVEN (22:54): I rise in support of this motion. Every death on our roads is a tragedy, not only for the direct victim who has their life cut short but for the victim's family and their friends, who miss out on precious time with their loved ones, and also for the first responders—the police, the ambos, the emergency workers—who have to attend road crashes and deal with the terrible aftermath and the trauma associated with it.

It is up to all of us to do all that we can to prevent road deaths and road trauma, especially as we know that almost all deaths on our roads are preventable and that for younger age groups it is one of the leading causes of death. That is why Labor has always taken a largely bipartisan approach to road safety. Notwithstanding our concerns about the government's approach in certain areas, we have supported every piece of legislation the government has brought to the parliament which both enhances road safety and punishes those people who would put the rest of us in danger. It is in this same spirit that we support the Hon. Connie Bonaros with her motion today.

Members will know that Labor has always been the party of road safety, and we have always had zero tolerance for stupid and dangerous behaviour on our roads. Reforms and improvements introduced and legislated by Labor governments include:

- a new graduated licensing system for young drivers;
- static and mobile driver testing for alcohol and drugs;
- increased use of seatbelts and child restraints;
- mandatory alcohol interlock program;
- the introduction of a 50 km/h default speed limit in urban areas;
- increased and better targeted enforcement with higher penalties;
- a network of safety cameras at high-risk intersections;
- point-to-point speed cameras in regional areas to enforce average speed limits over long distances;
- Black Spot programs to improve sites with poor crash histories;
- infrastructure safety programs, such as road shoulder sealing;
- increased numbers of four and five-star safety rated vehicles that provide better protection for occupants; and
- legislation to impound vehicles and crush the vehicles of hoon drivers.

In earlier terms of government, Labor reduced the legal blood alcohol limit for drivers from 0.08 to 0.05 and implemented a range of other safety measures. Although I have noted Labor's bipartisan approach to the pursuit of road safety, it must be said that there is more work to be done and some things that we wish had been more carefully considered by this government.

In its very first budget, the Marshall Liberal government abolished the Motor Accident Commission. The MAC provided important, independent, evidence-based advice to government on road safety policy. It was also responsible for award winning and highly effective targeted road safety campaigns and promotions, as well as facilitating funding for road safety programs in schools, in sports clubs and in the wider community.

In 2019, after 10 years of downward trend, there was a 42 per cent increase in the number of deaths on our roads from 2018, taking the road toll to its highest levels in a decade. In 2020, despite the significant reduction in traffic movement as a result of the COVID pandemic, there was still a 16 per cent increase on the 2018 figure. This year, we have seen a 13 per cent increase in road fatalities on the same time last year. These figures should be going down, but tragically they are going up.

On top of this, despite the growing numbers of motorcyclist deaths on our roads, the Liberal government delayed important reforms to motorcycle licensing and refused to reconvene the Motorcycle Reference Group, which was instrumental in driving reform under the previous government. Indeed, the motorcycling community became so disillusioned with the Liberal government that it sought the help of the opposition. We introduced our own motorcycle licensing reforms, only to see them languishing on the House of Assembly table for more than two years. It took the government nearly three years to act on expert recommendations and bring a bill to parliament, a bill which was supported by Labor and subsequently had swift passage through both houses.

I would like to take this opportunity to thank my colleague in the other place the member for Elizabeth and shadow minister for police and road safety for his ongoing work in this important portfolio. Despite the failings of this government, Labor has offered bipartisan support where it can, and in some instances has led from opposition to ensure that we are doing all we can to reduce road deaths and road trauma in South Australia.

As I said, we have supported every piece of road safety legislation to come before us, including higher penalties and harsher punishments for excessive speed, dangerous and careless driving, and the insidious menace of drug and drink driving. We have a long way to go, and I am hopeful that we can learn from the mistakes of the last four years and once again see the trends reversed and see fewer and fewer horrific crashes on our roads.

The Hon. F. PANGALLO (22:59): I wish to move an amendment to the motion, which has been agreed with the government, as follows:

Paragraph 6—delete 'introduce' and insert 'continue introducing'

Paragraph 7—delete 'take immediate action to improve' and insert 'continue improving'

Paragraphs 6 and 7 are to read:

6. Calls upon the state government to continue introducing tougher laws and penalties targeting dangerous drivers and high-risk behaviour, including drug driving and driving whilst disqualified, as a matter of urgency; and

7. Calls upon the state and federal governments to continue improving the condition and safety of our regional roads.

The PRESIDENT: Paragraph 6 appears to be exactly the same.

The Hon. F. PANGALLO: No, we have changed three words.

The PRESIDENT: And the same with the other one.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (23:01): It is my pleasure on behalf of the government to indicate that we will be supporting this motion as amended. I certainly concur with the comments made by both the Hon. Connie Bonaros and the honourable Deputy Leader of the Opposition. There is a bipartisan commitment to bring down the road toll, and we as a government are committed to continuous improvement. We believe that the amendments moved by the Hon. Frank Pangallo reflect that shared commitment, and we support the amendment and the motion as amended.

The Hon. C. BONAROS (23:01): I rise to indicate that I am supportive of those amendments. I thank honourable members for their valuable contributions and acknowledge their contributions in terms of road safety.

I introduced this motion in May following National Road Safety Week. At the time, 43 lives had already been lost on our roads in 2021. Today, that number has reached 87—44 more lives have been lost since I introduced that motion. It is particularly heartbreaking that seven P-plate drivers have died on our roads this year. Males are consistently over-represented in the tolls—67 so far this year. Motorbike riders are consistently over-represented—16 so far this year, with one very sad and tragic death in recent weeks.

I might just mention that we are still waiting for improved novice rider training requirements on the back of our amendment to the GLS bill passed earlier this year. Consultation has been extremely slow to start; it has been eight months since the bill passed. We are frustrated this has not been a priority for the transport department, and I acknowledge that we continue to work on that issue with the minister, who gave various undertakings in this place and has been cooperative with us in terms of meeting those. I suggest that the department needs to take a much bigger lead than it has in terms of that process, because there are families who are waiting eagerly to see those changes implemented.

Drug drivers are another cohort we are extremely concerned about, like all members of parliament, and I am pleased the government has acted on our drug driving ILOL bill, which will give police the power to impose an instant loss of licence for a positive roadside drug test, as they do with drink driving. I am urging all members of this place to progress that bill swiftly.

With its passing in the lower house yesterday, I understand we may have the opportunity to do so this week or next. It will give police the power to remove drug drivers, hoon drivers and unlicensed drivers from our roads. As members have articulated, these are issues we are all very concerned about and need to address. They literally will result in the saving of lives, and with those words I thank honourable members for their support and contributions and commend this motion to the chamber.

Amendment carried; motion as amended carried.

Bills

GENDER EQUALITY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 May 2021.)

The Hon. C.M. SCRIVEN (23:05): I rise today to speak to the Hon. Connie Bonaros' Gender Equality Bill 2021. It is every person's responsibility to address gender inequality and, as parliamentarians, we must help to lead the way. The bill sets out objects focused on the achievement of gender equality, the intersectionality of disadvantage, the need for structural change and the need to enhance economic and social participation by people of different genders.

The bill sets out principles focused on the importance of all people, regardless of gender, being able to live their lives fully, safely, free from violence and on the fact that it is everyone's responsibility to achieve gender equality. The bill contains two main elements focused on achieving gender equality and provides for the appointment of a gender equality commissioner. It sets out obligations for entities as defined in the bill in relation to the setting and achievement of gender equality targets and in relation to the conduct of workplace gender audits, and the development and publication of action plans.

This bill contributes to the achievement of gender equality, and Labor broadly supports its focus. Labor will, however, continue its work to focus on a range of strategies to achieve gender equality and will continue to consider the areas that this bill covers.

Labor is proud to have a shadow cabinet that comprises 50 per cent women, and proud that we have had a clear, targeted, affirmative action strategy in place that continues to see the number of Labor women in parliament grow. We are also proud that South Australia was the first place in Australia and the second in the world in which women successfully fought for the right to vote and stand for parliament. Whilst our state has this mantle, we still have much to do.

The scourge of domestic violence persists. It is deeply unacceptable, and everything that can possibly be done to prevent and end it must be progressed. This means addressing the gender inequality that lies as the root cause of disrespect and violence towards women. Labor is committed to doing what it can to prevent violence, to ensure that the legislative framework for dealing with perpetrators and ensuring those impacted have the best possible rights in place, and to ensure that crisis support is available when needed.

Labor has moved multiple bills in this session of parliament, including the bill to criminalise coercive control; to electronically monitor as a condition of bail those charged with serious domestic violence offences; to toughen penalties for breaches of domestic violence intervention orders; and to make the experience of domestic violence a ground of discrimination in the Equal Opportunity Act. It has also given notice of a motion to inquire into all laws and programs relating to consent to sexual activity. We also campaigned for two years to outlaw the vile slogans on Wicked Campers campervans, with the government being finally dragged to the table after community outcry.

We have campaigned against this government's cruel cut to Labor's $24 million dedicated female sporting facilities program, and have raised questions about the axing of the Premier's Women's Directory. We have done all of this and more because we believe that women and girls should be empowered to equally and actively participate in every aspect of our community and our economy because gender equality is the right thing for all people, and the right thing for our state. Gender equality makes our community, our state, a better and fairer place, and provides respect and dignity for all.

The bill follows similar work undertaken in Victoria, where outstanding former South Australian equal opportunity commissioner, Dr Niki Vincent, is now their Gender Equality Commissioner. Labor will be supporting the bill with one small amendment, which we have included simply to clarify the meaning of what a relevant entity is. I would like to thank the Hon. Connie Bonaros for her attention and work on this important piece of legislation.

The Hon. R.I. LUCAS (Treasurer) (23:09): I rise on behalf of the government to speak to the bill. As the Minister for the Public Sector, I am pleased to be able to report that women make up 69 per cent of the employees in the South Australian public sector but, more importantly, for the first time ever, now represent more than 50 per cent of the executive level of leadership in the public sector in South Australia.

The figure I have here is 52.76 per cent, but I think the latest figures will show an even higher percentage when the Commissioner for Public Sector Employment releases the 2021 figures, which are going to show that for the first time we will see significantly more females than males in executive level positions right across the public sector.

The Attorney-General has provided the following advice in relation to the government's position to the Gender Equity Bill as follows. This legislation in the government's view is unnecessary, adding little value to what currently exists. The government believes that if stronger measures are still required, specific functions of the bill can be performed by an existing statutory body within government, such as the Office of the Commissioner for Public Sector Employment or the equal opportunity commissioner.

The objectives set out in the bill could be achieved through other government initiatives and strategies, such as the SA Public Sector Diversity and Inclusion Strategy 2019-21. This is a proactive as opposed to punitive initiative, proving that there are currently strategies in place that are aspirational, forward looking and future building. The Workplace Equality and Respect Project was a whole-of-government initiative implemented with the intention of improving gender equality and fostering a public sector culture of respect.

Through the project, participating agencies have developed gender equality and respect action plans that set clear targets for workplace equality and respect devised by Our Watch, a non-government organisation. Action plans support White Ribbon reaccreditation of state government agencies.

The government indicates that the creation of a new office of Commissioner for Gender Equality is likely to require a budget of approximately $1 million per annum, based on the basis of the office of the commissioner assuming a salary of $250,000 and approximately four full-time equivalent staff and additional expenses.

Additional funding and resources would also be required for SACAT and SAET (South Australian Employment Tribunal), with the bill placing obligations for review and dispute consultation on these tribunals. Further consultation is required to estimate budget impacts of SACAT and SAET and to quantify the expected additional workload.

The Attorney-General outlines that in the government's view there is no clear evidence to support the need for another independent commissioner. The provisions in this bill that refer to the appointment and independence of the commissioner are based on the ICAC and appear, in the government's view, to be disproportionately extreme. This could also raise issues for consistency of employment conditions and is likely to have negative budget impacts.

The Attorney-General outlines that the bill fails to define a responsible minister, which would normally be the case for legislation of this type, such as the Ombudsman Act 1972. For those reasons and others, the Attorney-General outlines the reasons why the government will be opposing this bill.

The Hon. C. BONAROS (23:13): I thank honourable members for their contributions on this bill. I have to say that I am somewhat disappointed with the position of the government, especially because of some of the more recent progressive initiatives that we have seen from this government.

I do acknowledge the Treasurer's contribution as it relates to that 52.7 per cent, which is anticipated to be higher than that actual figure, but if you need any proof of why a separate commission works and is required and is necessary you really need look no further than how the Victorian model is working. It is working extraordinarily well and is proof of how gender equality issues can be progressed through a standalone commission whose goals and outcomes are focused entirely on gender equality.

I just want to run through a couple of things that this bill does not do, to be clear, for the record because we have talked about things and the Treasurer has outlined things that it may not

have done, all of which could be fixed by way of amendments, but there are things that the bill does not seek to do. It is not an affirmative action initiative. It does not arbitrarily set targets, or even provide the parameters for this, because it is intended to be highly accustomed to the gender equality challenges that the agencies in question face. They will vary greatly and the bill is responsive to this.

I would have thought that this government would have been open to leading the way in this space, especially given those current numbers that the Treasurer has quoted. It seems to me, based on that contribution, that the cost of establishing this framework has been given priority over the aims of the framework, namely gender equality, which is extremely disappointing.

I am grateful to the opposition and to the Greens and the crossbench for their support and look forward to progressing this debate.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 4 passed.

Clause 5.

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

Amendment No 1 [Scriven–1]—

Page 5, line 19 [clause 5(d)]—Delete paragraph (d)

This is a minor amendment which makes it clear that the scope of this bill, in describing relevant entities, is referring to the public sector. Every organisation should consider how it can advance equality; however, we are unsure how the Gender Equality Commissioner and systems set up through this bill could apply to entities beyond this sector. So to remove confusion we have moved this amendment. It is a simple one which we hope will be supported.

The Hon. R.I. LUCAS: Whilst the government opposes the bill, the government supports the amendment as we believe it limits the application of a bill which we oppose.

The Hon. C. BONAROS: Can I indicate for the record that the intention of this bill is not to extend beyond the public sector and that this amendment—the advice that I have in drafting this bill—is that this particular amendment would not extend it beyond the public sector, or agencies that fall within the public sector. Given the position that has been put by both the government and the opposition, I am happy for this matter to be considered further between the houses, but I would say that by its very nature the bill is one that applies specifically to the public sector.

I do not see, on the advice I have, that this particular provision provides the level of confusion that the opposition has outlined. However, in good faith, I am happy to accept the amendment at this stage so that it can be considered between the houses and we can use that as an opportunity to see if indeed the advice that we have is correct and that this will not extend beyond the public sector or any of those agencies or entities. I propose to resolve the issue in that way, between the houses.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 37), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. C. BONAROS (23:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

NUYTS ARCHIPELAGO MARINE PARK MANAGEMENT PLAN

Adjourned debate on motion of Hon. K.J. Maher:

That the Nuyts Archipelago Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

(Continued from 14 October 2020.)

The Hon. R.A. SIMMS (23:23): I rise to speak on the disallowance motion relating to the marine park management plan. I am conscious of the hour so I will speak very briefly, only to state that the Greens are supportive of this disallowance. I understand that this disallowance has been advocated for by a number of the key environmental agencies, including the Conservation Council and the Wilderness Society and has been the subject of some long-term negotiations between political parties and key stakeholder groups.

In speaking in favour of the disallowance, I do want to recognise the work of my predecessor in this place, the Hon. Mark Parnell, who I understand had been actively involved in this process and who has been advocating for this disallowance so that it could open up the potential for a new regime. With that, I conclude my remarks.

The Hon. C. BONAROS (23:24): I rise to speak in support, not only of this disallowance motion but all four disallowance motions. At the outset, these disallowance motions are absolutely critical to enable the management plans for all marine parks in question to be remade following the consultation process that will commence forthwith. At the outset, I would like to acknowledge and thank the very hard work of a number of sectors for getting us to this point of a very important process.

They include Michelle Grady, National Director of The Pew Charitable Trusts (Australia); Kyri Toumazos in his capacity as Executive Officer of Northern Zone Rock Lobster Fishermen's Association and representative for the commercial and recreational fishing sectors; Craig Wilkins, Chief Executive of the Conservation Council SA; Jonas Walford in his capacity as Director of Wildcatch Fisheries and President of the Abalone Industry Association of SA and representative for the commercial and recreational fishing sectors; Peter Owen, Director of the Wilderness Society SA; Harry Petropoulos, Independent Chair of Wildcatch Fisheries; and, of course, the sectors and movements they all represent.

I cannot emphasise enough my thanks and support to all the sectors involved in these negotiations for their commitment to the process and their unwavering determination over three years. It has been a great privilege to work with them and learn so much from them. It has been a long, challenging and extraordinarily complex process but also a great example of what can be achieved both through collaboration and listening to the experts. As it turns out, I think it is fair to say these two sectors are not diametrically opposed in their views; in fact, they have a lot in common. Both sectors have gained a lot more on knowledge than I think either expected as a result of these negotiated outcomes. They have gained a much deeper understanding of the issues concerning both sectors and how they impact each other.

These disallowance motions, as I said, are absolutely necessary to enable the management plans for the marine parks in question to be remade following a consultation process and further consideration of the outcome of that consultation process. I do want to place on the record that the good faith demonstrated by all political parties in this place is one to be commended. The Leader of the Opposition and the faith that he has shown is not lost on me in terms of waiting until this point before we deal with these disallowance motions, knowing that the sectors have been working extremely hard and have been driving this issue extremely hard to get us to this point.

It goes without saying that I am equally grateful to the Greens and Mark Parnell for his cooperation in that process. As I said, it has been one of good faith amongst all members of this place, including the Hon. John Darley. Everybody has waited patiently for the shared views of those sectors to finally be realised. Of course, there is a bit of a long way to go yet with the consultation process that has to follow this process that we are going through tonight but one that I remain

optimistic will result in the best possible outcome for both sectors and the interests they represent and advocate for so passionately and so fearlessly.

I would like to thank the Minister for Environment and Water for his commitment on behalf of the Liberal government, and all the hard work of his staff and associated colleagues. I acknowledge that this was a big ask of the government, the opposition, the Greens and the crossbench. Anyone could have walked away months ago but nobody did, and here we are, and that is a testament to all sides of politics this evening.

I can assure honourable members that the sectors represented, the industry experts—the people I like to consult with from both sides—are extraordinarily grateful not just for the patience that this parliament has given but also the multipartisan approach and support of this place. With those words, I support not one but all four disallowance motions.

The Hon. J.M.A. LENSINK (Minister for Human Services) (23:29): I will make some brief remarks in relation to these four motions. South Australia's marine parks network has been a work in progress since the 1990s, spanning successive Liberal and Labor governments. I also acknowledge the interest, as expressed by the previous speaker, the Hon. Connie Bonaros, of other political parties as well. Indeed, the names that she read out are all pretty familiar to me from many of the debates that we have had over the years.

It has always been difficult to strike a fair balance between fishing rights and environmental protection. Following the last state election, key stakeholders came together to see if it was possible to further improve the network. An initial set of changes that made some adjustments to the network was put forward. However, further improvements were proposed by stakeholders, which the government now intends to put to public consultation, so the government will now consult on the proposed changes.

The Hon. K.J. MAHER (Leader of the Opposition) (23:30): Very quickly, I rise to put on record the gratitude we have for the shared view that has been reached by representatives of various sectors of the commercial and recreational fishing sectors and the conservation movement. Their shared position will be put out for public consultation, and a revised management plan will then be considered by government for gazettal for each of these zones.

Support for these motions is necessary in order to revoke the management plans for these zones gazetted in September 2020 to allow for their remaking following the public consultation process. I would like to commend the parties involved in the negotiations that have led to this outcome. The fishing sectors and the conservation sector have worked closely for some time now to ensure a fair and reasonable proposition for public consultation.

Finally, a big thankyou to the Hon. Connie Bonaros, who has driven this process unflinchingly and deserves much of the praise for reaching a settled position. When the Hon. Connie Bonaros is bringing parties together, it is best to get out of the way and let her do her work and reap the benefits of the results. Her efforts ensuring protections are retained to a degree that the conservation groups are comfortable with and the fishing sector is also comfortable with shows some very good leadership, so thank you to the Hon. Connie Bonaros. I will not speak on any of the other motions. I commend the motion to the chamber.

Motion carried.

UPPER GULF ST VINCENT MARINE PARK MANAGEMENT PLAN

Adjourned debate on motion of Hon. K.J. Maher:

That the Upper Gulf St Vincent Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

(Continued from 14 October 2020.)

Motion carried.

NEPTUNE ISLANDS GROUP (RON AND VALERIE TAYLOR) MARINE PARK MANAGEMENT PLAN

Adjourned debate on motion of Hon. K.J. Maher:

That the Neptune Islands Group (Ron and Valerie Taylor) Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

(Continued from 14 October 2020.)

Motion carried.

WESTERN KANGAROO ISLAND MARINE PARK MANAGEMENT PLAN

Adjourned debate on motion of Hon. K.J. Maher:

That the Western Kangaroo Island Marine Park Management Plan Amendment 2020, declared to be authorised under the Marine Parks Act 2007 on 17 September 2020 and laid on the table of this council on 22 September 2020, be disallowed.

(Continued from 14 October 2020.)

Motion carried.

Bills

INQUIRY INTO PALLIATIVE CARE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 October 2021.)

The Hon. J.A. DARLEY (23:33): I rise in support of the Inquiry into Palliative Care Bill 2021. I support the proposition by Labor that with voluntary assisted dying legislation we also need a robust, accessible palliative care system designed to meet people's needs. From those who were worried about the potential slippery slope with VAD, one would expect support for the need for excellence in palliative care to establish choice.

I would argue it is a fundamental right of everyone in a humane, compassionate society to have equal access to the resources of a healthcare system, including high-quality palliative care. I certainly support the Labor amendment, that the inquiry can proceed immediately and be completed in a 12-month period to determine any gaps and have them addressed.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (23:34): I wish to indicate that the government would prefer that the time frame established in the House of Assembly was maintained, but I know from speaking to colleagues that there is not support in this chamber for that matter.

I think that is disappointing because if the honourable member's desire is to ensure that palliative care is given appropriate priority, as we establish the voluntary assisted dying regime, it makes sense to the government that that inquiry takes place once we actually know what the voluntary assisted dying regime means in detail and how it would interact with palliative care services. But, as I said, the house has indicated its view and I still intend to seek to amend the bill at clause 4(2).

The Hon. C.M. SCRIVEN (23:36): I thank those members who have made contributions. As mentioned in the second reading explanation, the purpose of this is to ensure that we have a benchmark against which to measure palliative care, that we can see where the gaps are and we can see where things are working well and where things are not working well. Therefore, it is extremely important that we have that information as soon as possible.

I will speak more to the amendment at the appropriate time, but I am pleased to hear that a number of members will support the amendment which would restore the bill to how it was originally introduced in the lower house by the member for Light, and would ensure that, instead of having a delay where an inquiry would not be completed probably until the end of 2024 and then considered

by parliament in 2025, it would happen within the 12 months which the Health Performance Council has indicated it has the capacity to achieve.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

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

Amendment No 1 [Scriven–1]—

Page 2, lines 4 to 7—Delete clause 2

This clause deletes clause 2, which is in the bill as it has arrived in the Legislative Council. The clause that is currently there, which we seek to remove, is one that would mean that the act would not come into operation until December 2023. As I mentioned briefly in my wrap-up just a few moments ago, that means that we would probably not have the results of that inquiry until the end of 2024, to be considered by parliament in 2025. That is an unacceptable delay. As I mentioned, this is about seeing where palliative care is now and where it needs to be improved, and therefore I commend the amendment to the chamber.

Clause negatived.

Clause 3 passed.

Clause 4.

The Hon. S.G. WADE: I move:

Amendment No 1 [HealthWell–1]—

Page 2, lines 17 and 18 [clause 4(2)]—Delete subclause (2)

The amendment seeks to remove clause 4(2) of the bill. Clause 4(2) provides that sections 11(3) and 11(4) of the Health Care Act do not apply in relation to the inquiry established by this act. To remind honourable members, section 11 of the Health Care Act sets out the functions of the Health Performance Council. Section 11(3) provides that the Health Performance Council must, in the performance of its functions, take into account the strategic objectives that have been set or adopted within the health portfolios.

One has to ask: why does the Labor Party want to change the normal processes of the Health Performance Council, a council that it established in legislation? Why does it seek to prohibit the Health Performance Council taking into account government policies? The Health Performance Council has a clear role as an independent source of advice, but why does the opposition insist that they not take into account government plans?

Likewise, the proposal in the bill is that section 11(4) of the Health Care Act not apply to this inquiry. Let's consider what that clause provides. That clause requires the Health Performance Council in providing any advice with respect to the provision of health services to take into account—again let me stress 'take into account'—the net benefit, the cost-effectiveness, the available resources, the net impact, the value placed on any relevant services.

It is unclear for what reason the opposition proposes that these sections should be excluded in this bill. Given that these are the matters that the Health Performance Council is required to consider in all its reporting, why does Labor want to ignore the benefits, ignore the costs, ignore the value? The implication of excluding these requirements is that the inquiry into palliative care could ignore highly relevant government strategic objectives, such as the palliative end-of-life care strategic framework 2022-27, which is currently being finalised.

The council would not be required to consider the cost-effectiveness of current services nor the impact on any other important health services. I believe that, if the Health Performance Council

is being asked to provide useful advice on palliative care services, to require the Health Performance Council to exclude relevant considerations is to weaken the advice and make it less likely that that advice would be adopted.

A key deliverable of the inquiry is to make funding recommendations for, and I quote, 'a world-class palliative care system in Australia'. Making such a recommendation without examining the cost-effectiveness of the service and value for money proposition, which is ordinarily required under all Health Performance Council reviews, potentially sets the inquiry up to make recommendations that cannot be operationalised or are not economically viable. Effectively, it sets the inquiry up to fail. I urge honourable members to support the amendment of the government.

The Hon. C.M. SCRIVEN: I am glad to have the opportunity to respond to those questions posed in the minister's contribution. I draw members' attention to the exact wording of section 11(3) which the minister says should be included:

> HPC [the Health Performance Council] must, in the performance of its functions, take into account the strategic objectives that have been set or adopted within the Government's health portfolios.

So not the plans as the minister referred to, but the strategic objectives. Clearly, that will constrain the inquiry. It will place it within the context of the government's strategic health objectives, rather than being able to present an objective assessment of current services and an objective assessment of what needs to be provided.

The inquiry should be as wideranging as possible, not constrained by the current government's health performance. After all, surely it is not what is stated in a plan—with the minister indicating that plans should be taken into account—but what is actually delivered. I therefore encourage members to vote against this amendment and ensure that the investigation inquiry is not constrained.

The Hon. S.G. WADE: A very hollow attack. 'Taken into account' is not 'constrained'. If that was the case, if the Health Performance Council's inquiries were constrained by the phrase 'taken into account', then why did Labor establish a white elephant? I also note the fact that the honourable Deputy Leader of the Opposition made no comment as to why Labor wants to exclude benefit, cost, impact and value.

The Hon. C.M. SCRIVEN: I am surprised that the minister considers a response to his queries as an attack; however, be that as it may. I think the relevance is that we want an inquiry that can create a benchmark, they can look objectively at the entire system and see where the gaps are. Once that is established, then we can look at what the next steps are. Of course, by not including this, it does not prevent the Health Performance Council from making reference to any of those things, but what it does not do is constrain it to look at things such as the government's priorities instead of an objective assessment of the system as a whole.

The committee divided on the amendment:

Ayes 12
Noes..... 7
Majority..... 5

AYES

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

NOES

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

PAIRS

Hood, D.G.E.	Bourke, E.S.

Amendment thus carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. C.M. SCRIVEN (23:51): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

CITY OF CAMPBELLTOWN BY-LAWS

Adjourned debate on motion of Hon. C. Bonaros:

That by-law No. 6 of 2020 of the City of Campbelltown concerning cats, made under the Local Government Act 1999 and the Dog and Cat Management Act 1995 on 24 December 2020 and laid on the table of this council on 2 February 2021, be disallowed.

(Continued from 14 October 2021.)

The Hon. C.M. SCRIVEN (23:52): I indicate that the opposition is supporting this disallowance motion for the same reasons as in the earlier debate in regard to the Town of Gawler and cats.

The Hon. J.M.A. LENSINK (Minister for Human Services) (23:52): Similarly, the government will not be supporting the motion for the same reasons as in relation to the Town of Gawler. For people who are avid readers of *Hansard*, I refer them to the excellent speech delivered by the Hon. Mr Lucas at item No. 18.

The Hon. C. BONAROS (23:53): For the same reasons as indicated before: dogs are dogs, cats are cats, tethering is cruel. I thank the opposition for their support on this and the Greens as well.

Motion carried.

Bills

COORONG ENVIRONMENTAL TRUST BILL

Final Stages

Consideration in committee of message No. 160 from the House of Assembly.

(Continued from 27 October 2021.)

Amendment No. 1:

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

That the Legislative Council disagrees to amendment No. 1 made by the House of Assembly.

I note, on this Coorong Environmental Trust Bill, that this is a bill of some years in the making and that in the other place some amendments were drafted on the floor and agreed there. However, because they did not go through parliamentary counsel, certainly amendment No. 1 has some unforeseen consequences about the commencement clause, and I will just anticipate the debate, given the lateness of the hour and to remind and refresh members on what is going on here.

The intent of what was attempted to be moved in the other place is enacted with amendment No. 2, redrafted by parliamentary counsel to keep in good faith the changes that were made in that chamber. Amendment No. 3 will also be disagreed to.

The Hon. J.M.A. LENSINK: I might do a cognate debate on each of the amendments just to advise that, at this stage, the government supports the bill as passed in the House of Assembly and therefore will not be supporting amendments in this chamber. Essentially, we believe that the amendments do improve the legislation, for instance, in matters where the trust will be accountable to parliament and so is the relevant minister. We believe it is appropriate that the minister have some say on the board's make-up to ensure that people are suitably experienced and representative.

The proposal that five are not appointed by the minister means that there is a large independence from government, while at the same time the trust is accountable to parliament. Given the lateness of the hour, I think these matters have been debated. We also have some concern about the timing of implementation in that we do not see the need to delay the appointment of members of the trust for any particular reason.

The Hon. K.J. MAHER: I can indicate that we will be supporting the proposed amendments from the Greens. The rushed nature of amendments that came from the lower house, I am advised, make it somewhat unworkable and it needs to be fixed up, in our view, in this chamber.

The Hon. C. BONAROS: I indicate on behalf of SA-Best that we will also be supporting the amendments by the Hon. Tammy Franks.

The Hon. T.A. FRANKS: I want to very specifically say that my advice from parliamentary counsel is that this is unprecedented wording for a commencement clause and it will have unforeseen consequences under the Acts Interpretation Act. They have grave concerns about the way that this particular amendment was drafted. It is about the commencement clause.

In terms of the discussion and debate that the government just put up about the minister, the way the minister has drafted that in the other place means that he may well appoint—and we agree with his ability to appoint—an additional person. He already did have the ability to appoint one of them, but his wording means that, if he seeks to take somebody off the board, it will be ineffective; in fact, they can ignore his will.

So if he wants what he wants, he will support the parliamentary counsel drafted amendments that I am now putting, which effect what the minister's intention was and the agreement that was made there, but if the government wishes to ignore the advice of parliamentary counsel and set a precedent around the commencement clause here, I will be quite gobsmacked, I have to say.

Motion carried.

Amendment No. 2:

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

That the Legislative Council disagrees to amendment No. 2 made by the House of Assembly but makes the alternate amendments in lieu thereof.

Motion carried.

Amendment No. 3

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

That the Legislative Council disagrees to amendment No. 3 made by the House of Assembly.

Motion carried.

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

That a committee consisting of the Hon. I.K. Hunter, the Hon. C. Bonaros and the mover be appointed to prepare reasons for disagreeing to the amendments of the House of Assembly.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments were not drafted by parliamentary counsel and are nonsensical, and the alternate amendments do what the minister intended to do.

FAIR TRADING (MOTOR VEHICLE INSURERS AND REPAIRERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2021.)

The Hon. C.M. SCRIVEN (00:05): I rise to give Labor's support to the Fair Trading (Motor Vehicle Insurers and Repairers) Amendment Bill 2021. My colleagues, the member for Enfield and the member for Lee in the other place, are members of the Economic and Finance Committee responsible for the report which forms the basis of this bill. I would like to thank them and the MTA and RAA for their support and advice regarding this bill.

The committee's findings are of great concern for both consumers and for small business. A significant proportion of the 53 written submissions received by the committee were from the vehicle repair small business community. This included small businesses which were so concerned about the repercussions from insurers that they made their submissions to the committee confidential.

As well as these confidential and other submissions, the committee heard from 35 witnesses across seven public hearings, and two in-camera hearings. Such is the desire for change that the committee's final report itself recognises that public galleries during hearings were consistently full of interested observers from the repair industry. Those galleries heard about a number of issues again and again:

- the difficulties for consumers accessing their repairer of choice;
- claims of insurers steering consumers towards their preferred network of repairers;
- the use of second-hand and/or non-original equipment manufacturer parts and repairs, and related safety, warranty and liability concerns when using those parts;
- insurers cash settling consumers instead of repairing their vehicles, often leaving them worse off;
- a lack of transparency of information, with consumers often not being made fully aware by insurers of all the details related to their repairs and/or insurance policies;
- disagreements over the methodology used by crash repairers and insurers to assess the repairs needed and the cost of said repairs to restore the motor vehicle back to pre-accident condition; and
- the quote negotiation process.

Small businesses and the automotive industry more broadly have advised the opposition that it is this bill, the Fair Trading (Motor Vehicle Insurers and Repairers) Amendment Bill 2021 that will remedy what is the single biggest issue for the crash repair industry.

The bill presents a straightforward, uncomplicated and workable solution to achieving recommendation 1 of the report, which states that:

1. The South Australian government introduce legislation to mandate the Motor Vehicle Insurance and Repair Industry Code of Conduct (Code of Conduct) in South Australia, as well as provisions for:

- a binding mediation process to enable the expedited resolution of internal disputes between motor vehicle insurers and crash repairers, overseen by a suitable independent authority, such as the Small Business Commissioner or the Commissioner for Consumer and Business Services;
- appropriate financial penalties for breaches of the Code of Conduct to ensure compliance by all parties; and,
- an ongoing review process to ensure that the Code of Conduct remains up-to-date and relevant to the current industry requirements.

As it stands, consumers who have choice of repairer policies who disagree with the repair method or value of repairs insisted by their insurer are often left high and dry without their vehicle while insurers use their market power to pressure family-run businesses.

This bill will give teeth to the voluntary national code by compelling parties to sort out their disputes and by introducing penalties for breaches. Currently, that is simply not happening, not in this state nor anywhere else in Australia. I am advised that, as the national code is simply referred to in regulation, any updates created by this bill can be gazetted by the responsible minister to ensure national consistency, something that both repairers and insurers have told government they want.

I would like to note that the findings and recommendations from the committee's report which informed this bill were not merely a push by one side of politics. They were bipartisan and they were clear. It was disappointing then to see amongst the amendments filed by the Treasurer two that would weaken the intent of the bill. I would like to remind the Treasurer that members of his government sat on the committee and signed off on the recommendations that were made—the same recommendations that this bill seeks to address and the same recommendations that would be weakened by the Treasurer's two amendments.

Across the country, since 2014, there has been committee after committee in state after state seeking national reform on this issue, and each time motor vehicle repairers and consumers are frustrated by a lack of action. In New South Wales, Western Australia and now South Australia, committees have been formed, committees have heard evidence and committees have made recommendations. It is now up to this council to ensure that this bill passes with all the intended strengths it seeks to insert to support small family-run businesses in the automotive industry, as well as supporting the safety, quality and transparency of repairs to the consumer.

I would like to thank my colleagues in the other place, the member for Enfield and the member for Lee, for their work to ensure the recommendations of the committee are reflected in this bill. It is also important to thank the MTA and the RAA for their input, expert advice and consultation on this bill right up to today. I would also like to acknowledge the member for Waite, who originally tabled this bill in the other place, as well as the Hon. John Darley, for their work and cooperation to achieve the goals of the committee.

The Hon. R.A. SIMMS (00:11): I rise on behalf of the Greens to speak in support of this bill. This bill makes many important changes that are long overdue, and certainly the Greens understand that the sector has been advocating for, and we are supportive of those. I also understand that the Labor Party will be moving a number of amendments at the committee stage. I do not propose to speak to all of those. I am happy to indicate now that we will be supporting the Labor Party amendments.

I am disappointed to note that once again the Treasurer, on behalf of the government, is advocating amendments that will dilute the impact of the bill, as we have seen with respect to other motions today. Might I say that, whilst I might be the Dr Evil of this place, the Treasurer is the Dr Dolittle because many of his amendments are rendering the motions and bills meaningless, so for that reason the Greens will not be supporting them.

The Hon. F. PANGALLO (00:12): I rise to speak in support of the Fair Trading (Motor Vehicle Insurers and Repairers) Amendment Bill 2021. I support the bill as received from the House of Assembly as a private member's bill and thank the Hon. John Darley for his efforts in getting this bill to us in the Legislative Council. I would also like to thank the Economic and Finance Committee for producing a report containing the 11 recommendations that underpin this bill and all of those who generously provided their expert opinion and insights to the committee, such as the Motor Trade Association, the Royal Automobile Association, the insurance industry and consumer groups.

There are a number of important provisions to improve consumer experiences, confidence and trust in insurance companies and the motor vehicle repair industry in this bill, and I am keen to seen them implemented. Consumers pay considerable sums for insurance to give them peace of mind. Should something go wrong, heaven forbid, there should be no doubt that consumers, who have often paid premiums for years without claiming, will be treated fairly should the worst happen.

One of the most important safeguards for consumers is that under this bill insurers must not disclose to the insurance policyholder whether they have a choice of repairer or not. Consumers

deserve to have choice and to know what they are getting when they take their car in to be repaired. It is disturbing to hear through my consultations on this bill, and in the committee report that looked into the issue, that some disreputable repairers use second-hand or non-original parts in repairs and that some insurers have a network of preferred providers, thus creating small exclusive monopolies that could lack competition and transparency.

As we all know, consumer disputes in motor vehicle repairs are common at every level, often starting with towing services, assessors, through to dissatisfaction of the quality of body and motor repairs. Being able to choose your repairer can make the overall process less problematic for consumers, who can conduct their own due diligence and choose a local, reputable and/or recommended repairer than those who are given no choice.

I do not support the government's amendment to remove this important provision. As my colleagues in the lower house noted, there is also a move by some of the larger multinational insurers to steer consumers to their preferred network of repairers or indeed, in some cases, to their own workshops.

The motor vehicle repair industry is not immune to disruptors who have seen the opportunity to control the entire motor vehicle repair process from policy through to repair. Thus, clause 4 of the bill, which requires the insurer to disclose where it has entered into a contract or has some other pre-existing arrangement—not just a direct financial interest with a repairer—under this policy is critical and must be retained.

I do not support the government's amendment to limit this clause either. I am particularly pleased the bill mandates the Motor Vehicle Insurance and Repair Industry Code of Conduct in South Australia. This includes a binding mediation process—with financial penalties for breaching the code—and ongoing review process to keep the code up to date. It is my understanding that these are civil penalties and they should act as a deterrent against misconduct in the industry.

We will not support the Labor government amendments to remove these penalties. A code is only as good as its compliance and enforcement mechanisms, and without it will be a toothless tiger for consumers. I will note here the RAA's objection to those criminal penalties, which clearly were far too punitive and would also create a compliance burden. The RAA also wanted the bill delayed to ensure adequate consultation. I do not know how much more consultation we can do on this. You can over consult and still not appease all of them.

The RAA also fears an increase in premiums because of the requirements to meet the compliance. I am 67 years old; I have been paying motor vehicle insurance now for the best part of something like 50 years. I do not recall seeing my insurance premiums ever come down, so I think it is a bit of a furphy. With those brief words, I commend the bill to the council.

The Hon. R.I. LUCAS (Treasurer) (00:18): What I can say to the Hon. Mr Pangallo is, his CTP insurance certainly has come down in the last few years under the Liberal government. But anyway, it is not really an issue in relation to this particular bill.

I rise on behalf of the government today to support the second reading of the Motor Vehicle Insurers and Repairers Amendment Bill 2021. The bill allows for an applicable industry code to be declared by regulation in relation to the conduct of the business of insurers and repairers. The member for Waite has taken a keen interest in this following the Economic and Finance Committee inquiry into the motor vehicle insurance and repair industry in South Australia when he was the Chair of the Economic and Finance Committee, as I understand.

Of the 11 recommendations made by the committee, the recommendation to mandate the voluntary commonwealth Motor Vehicle Insurance and Repair Industry Code of Conduct attracted the most interest. The government has provided in-principle support to the recommendation, noting that there were a number of associated issues that would need to be considered in further detail.

The Commissioner for Consumer Affairs was subsequently tasked with establishing a working group to consider the various options in relation to mandating the code in South Australia. That working group included representatives from the Insurance Council of Australia, the Motor Trade Association, and Consumer and Business Services as well as the Small Business Commissioner.

The working group considered a number of potential options including maintaining the status quo, mandating the code in South Australia similar to New South Wales, mandating the code in South Australia with the inclusion of financial penalties for specified provisions, establishing a new industry code broadly consistent with the national voluntary code and utilising the existing Fair Trading (Motor Vehicle Industry Dispute Resolution Code) Regulations 2014.

Advice provided to the Attorney-General by the commissioner indicates that although the working group was unable to reach complete agreement, both the insurance and repair sectors generally supported mandating the code in South Australia. It remains the government's view that a national approach, whereby the code is mandated nationally by the commonwealth, is preferable to ensure consistency across jurisdictions. However, in the absence of this, and in light of the findings from the working group presented by the commissioner, the government supports the bill that has been put to the council and in doing so proposes a number of amendments to address issues relating to the administration of the code.

As currently drafted, the bill assumes responsibility for the administration of the code will sit with the Commissioner for Consumer Affairs. An amendment to this is proposed to provide the option for certain provisions of the code to be administered by the Small Business Commissioner in a manner similar to that which currently exists for industry codes under the Fair Trading Act 1987.

Just speaking to that briefly, the point that the Attorney-General is making here is that the similar industry codes are evidently administered by the Small Business Commissioner, not the Commissioner for Consumer Affairs, and that if this is to be an industry code the Attorney-General is making the not unreasonable point that this should be the Small Business Commissioner and not the Commissioner for Consumer Affairs who is responsible for the administration of this particular industry code.

The government also proposes amendments to the bill to replace the criminal penalties with civil penalties and expiation fees, consistent with penalties that apply to existing industry codes under the act, enable fees to be prescribed in relation to dispute resolution procedures undertaken under the applicable industry code of conduct, and to require industry consultation on regulations declaring an applicable code of conduct, again for consistency, with a similar requirement applying to industry codes under the act.

It would seem entirely uncontroversial to require industry consultation on regulations about an applicable code of conduct when that is a requirement for the other industry codes under the act. Given the predisposition of a majority in this chamber to require appropriate consultation on all issues, I am unsure as to how a requirement of consultation is seen as a supposedly significant weakening of the provisions of the legislation. With that, I indicate the government's support for the second reading of the bill.

The Hon. J.A. DARLEY (00:22): First of all I would like to thank the Hon. Clare Scriven, the Hon. Rob Simms, the Hon. Frank Pangallo and the Hon. Rob Lucas for their contribution and commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C.M. SCRIVEN: Just very briefly, simply because it might be useful given the time, I will note that Labor will support amendments Nos 1 through 7, as well as 10 through 13, as these amendments mostly deal with ensuring that the bill can be administered effectively under existing industry regulation and the Fair Trading Act.

Following consultation with the crossbench and concerns regarding amendments successfully moved by my colleague the member for Lee in the other place, which would increase maximum penalties, we are happy to compromise on these increases and accept the Treasurer's amendment No. 7 as well as move our own amendment No. 1 of set 1 to return maximum penalties to reflect those in the Fair Trading Act.

However, Labor will be opposing amendments Nos 8 and 9, as these amendments would weaken the bill for consumers and small business repairers and go against the intent of the bill and the findings of the committee. Labor has engaged widely with industry in respect of this bill and Labor has listened to the needs of South Australian consumers and small businesses in coming to these positions.

Clause passed.

New clause 1A.

The Hon. R.I. LUCAS: If I can just clarify, as I understand it, the deputy leader has just indicated a willingness to support amendments Nos 1 to 7 and 10 to 13 and oppose 8 and 9.

The Hon. C.M. SCRIVEN: Yes.

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

Amendment No 1 [Treasurer–2]—

Page 2, after line 5—Insert:

1A—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Amendment No. 1 will allow for the provisions to come into operation on a day fixed by proclamation, which can be aligned with consideration for the regulations that are required to support the provisions of the bill.

The Hon. C.M. SCRIVEN: Although we will be supporting this amendment, we note that the MTA and others in the industry are seeking a commitment from the Treasurer for a quick rollout, ideally by 1 July 2022. Is the Treasurer able to provide this assurance?

The Hon. R.I. LUCAS: At 12.30 in the morning I suspect I cannot ring the Attorney-General and ask her to give that assurance. Let me do my very best and say I am pretty sure I can give that assurance but I will need to, when she wakes in the morning, give her a call and get a commitment. I can certainly convey that to the honourable member but I suspect, to the extent that it is possible, the Attorney-General will make sure that she tries to meet with that particular requirement assuming, of course, the government is re-elected in March next year.

The Hon. J.A. DARLEY: I indicate that I will be supporting amendments Nos 1 to 7 and 10 to 13.

New clause inserted.

Clause 2 passed.

Clause 3.

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

Amendment No 2 [Treasurer–2]—

Page 2, lines 10 to 20—Delete the clause and substitute:

3—Amendment of section 4B—Administration of Act

Section 4B(2)—after paragraph (b) insert 'and'

(c) Part 3B (other than section 28K).

This amendment explicitly provides the Small Business Commissioner the responsibility of these provisions with the exception of section 28K—Insurer must disclose relevant interest in relation to repairer, which will be the responsibility of the Commissioner for Consumer Affairs.

Amendment carried; clause as amended passed.

Clause 4.

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

Amendment No 3 [Treasurer–2]—

Page 3, lines 15 to 17 [clause 4, inserted section 28H, definition of *Commissioner*]—Delete the definition

This removes the definition which defines the commissioner as both the Commissioner for Consumer Affairs and the Small Business Commissioner. This removes the ambiguity with respect to both commissioners having dual and undefined responsibilities in relation to these provisions.

Amendment carried.

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

Amendment No 4 [Treasurer–2]—

Page 3, lines 34 to 36 [clause 4, inserted section 28I(3)]—Delete 'contain provisions of a saving or transitional nature consequent on the declaration of an applicable industry code of conduct' and substitute:

—

(a) prescribe fees in respect of the administration of an applicable industry code of conduct; and

(b) make provisions of a saving or transitional nature consequent on the declaration of an applicable industry code of conduct.

This amendment has been suggested by parliamentary counsel following the above amendments which now clarify responsibility for the administration of an applicable code. This amendment moves the existing power under section 28L of the bill to prescribe fees with respect to the administration of an applicable industry code.

The Hon. C.M. SCRIVEN: As indicated, Labor will be supporting this amendment but notes that local industry would like the Treasurer to give an assurance that any fees, with respect to amendment No. 4, will be consistent with existing Small Business Commissioner mediation processes and costs.

The Hon. R.I. LUCAS: Again, I am afraid that at this stage I cannot give that assurance. I suspect I might be in a position tomorrow to give an assurance along those particular lines, but at this particular hour I just cannot give that assurance.

The Hon. R.A. SIMMS: I indicate for clarity that we will be supporting that amendment.

Amendment carried.

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

Amendment No 5 [Treasurer–2]—

Page 4, lines 5 to 7 [clause 4, inserted section 28J(1), penalty provision]—Delete the penalty provision

This amendment deletes the existing criminal penalty provision in section 28J. Proposed penalties have been a point of contention, with the current bill providing criminal penalties of $100,000 for body corporate and $20,000 for an individual. The inclusion of criminal penalties for a breach of the applicable code is inconsistent with other industry codes under the Fair Trading Act 1987 and similar codes administered by the Australian Competition and Consumer Commission and the Australian Securities and Investment Commission, which all have civil penalties.

It is appropriate that any penalties in this bill are civil, which will assist with the burden of proof of an alleged breach being on the balance of probabilities as opposed to beyond reasonable doubt, which may present increased barriers to enforcement, as the regulator would need to meet a much higher threshold. Should a version of the bill progress with the penalties remaining criminal, the government will need to reconsider whether it is appropriate that responsibility rests with the Small Business Commissioner, as the government considers this to potentially be inconsistent with the commissioner's role and the role of that office.

For consistency with existing industry codes under the Fair Trading Act, the government is of the view that the civil penalty of $50,000 for body corporate and $10,000 for individuals would be most appropriate.

The Hon. C.M. SCRIVEN: Labor will be supporting this amendment. Through the opposition's public consultation, we know that industry is supportive of complainants backing the legitimacy of their concerns and dispelling perceptions that dispute resolution processes are used vexatiously. Industry and the opposition are supportive of this amendment, as it does not wish to see court processes holding up determinations for breaches of the code of conduct, which could see consumers' motor vehicles left in limbo for extended periods of time while the matter is determined. By expiating offences for any commissioner-determined breaches of the code of conduct, consumers' needs will be resolved faster; hence, our support.

The Hon. R.A. SIMMS: To assist you, Chair, the Greens will be supporting this amendment.

Amendment carried.

The CHAIR: Continuing on clause 4, amendment No. 1 [Bourke–1], I call the Deputy Leader of the Opposition.

The Hon. C.M. SCRIVEN: Sorry, Mr Chairman, I thought this amendment would occur after the Treasurer's amendment No. 8, as it is related. We will be opposing Treasurer's amendment No. 8 and if successful in that opposition I would then seek to move my amendment.

The CHAIR: My advice is that we should do amendment No. 8 [Treasurer–2] first. There is a crossover, so I can understand why we may have got the wires crossed there to some extent. We will proceed with amendment No. 8, [Treasurer–2].

The Hon. R.I. LUCAS: Chair, can I seek to assist the committee?

The CHAIR: Yes.

The Hon. R.I. LUCAS: It might assist you, Chair, but if not I will shut up and sit down. I understand from the majority of members in this chamber that there is not going to be any support for government amendment No. 8. The government obviously prefers that our amendment gets up, but I understand that that is not going to get up. In the alternative, the government is prepared, as I understand it, to support Labor amendment No. 1.

There are two Labor amendments, at clause 4 and clause 6. I understand we are going to lose amendment No. 8, so I will just flag at this stage that I will not move amendment No. 8. My advice is that if I am unsuccessful with amendment No. 8 we will support the two Labor amendments, one to clause 4 and one to clause 6. If that assists the committee, that I indicate that I will not move my amendment No. 8, then that might help expedite the committee proceedings.

The CHAIR: On that basis, we can proceed with amendment No. 1 [Bourke-1]. Thank you for your assistance.

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

Amendment No 1 [Bourke–1]—

Page 5, lines 7 to 9 [clause 4, inserted section 28K(2), penalty provision]—Delete the penalty provision

These comments had been prepared in anticipation of the government moving their amendment, which they have now agreed not to do, but I will just get the notes on the record. The Attorney-General's office had indicated that this is better addressed by the primary regulator of the insurance sector, the commonwealth government. However, in the absence of the commonwealth government deciding to act, the South Australian parliament should—those are my comments, not the Attorney-General's comments.

There are numerous examples of where states have acted where the federal government could have done so. Seatbelts, compulsory third-party insurance and registration are all things that state government legislates and administers that one could argue should be administered federally. However, in the absence of this, state governments step up.

The consumer should know if they will have the freedom to choose their own repairer. If an insurer wants to take this freedom away from a consumer, which many consumers believe is part of all vehicle insurance policies, the insurer should be forced to prominently disclose this prior to a

consumer signing their policy. The state should act to prevent customers of insurance companies from not being made aware that their insurance policy's provisions are being eroded.

While there are provisions in the Motor Vehicle Insurance and Repair Industry Code of Conduct around freedom of choice, the inclusion of this section ensures that there can be no ambiguity as to whether an insurer must highlight whether a policy includes a provision for the consumer to make a choice as to which repairer may be engaged to undertake repairs or not.

The CHAIR: I thank the deputy leader for that. It has come to my attention now that we actually have to deal with the Treasurer's amendments Nos 6 and 7 before the one that has just been addressed by the deputy leader; however, it is on the record. So we will move to amendment No. 6, [Treasurer-2] at clause 4, page 4, lines 8 to 27.

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

Amendment No 6 [Treasurer–2]—

Page 4, lines 8 to 27 [clause 4, inserted section 28J(2) to (4)]—Delete subsections (2) to (4) (inclusive) and substitute:

(2) The Small Business Commissioner must, on or before 30 September in each year, prepare and submit a report to the Minister responsible for the administration of the *Small Business Commissioner Act 2011* containing the following information in respect of the immediately preceding financial year:

(a) the number of proceedings commenced by the Commissioner under section 86B for an alleged civil penalty contravention against section 28J(1);

(b) the outcome of those proceedings.

(3) A report required under subsection (2) may be combined with a report of the Small Business Commissioner required under any other Act (provided that such reports relate to the same period).

Amendment No. 6 deletes existing provisions within section 28J that confuses the roles of the commissioner as it intertwines existing functions and powers of the Commissioner for Consumer Affairs unnecessarily in disputes between businesses. As I have noted, consumers should continue to be directed to Consumer and Business Services. Whilst Australian consumer laws provide nationally consistent protections for consumers, the commonwealth has a specialised and dedicated authority established explicitly to assist consumers with insurance disputes, the Australian Financial Complaints Authority.

Whilst CBS may provide initial advice and assistance to consumers, they may refer consumers to the experts at AFCA for specialist advice and assistance. These provisions in the applicable code primarily seek to provide a mediation scheme and penalties for the resolution of disputes between the repairer and insurer which appropriately rests with the Small Business Commissioner. This amendment also provides for annual reporting requirements by the Small Business Commissioner in relation to these provisions which may be combined with other reporting requirements.

The Hon. J.A. DARLEY: I have indicated previously that I will be supporting the Treasurer's amendments Nos 6 and 7.

Amendment carried.

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

Amendment No 7 [Treasurer–2]—

Page 4, lines 35 to 37 [clause 4, inserted section 28K(1), penalty provision]—Delete the penalty provision

This deletes existing criminal penalties in section 28K for the reasons I outlined earlier in relation to amendment No. 5.

Amendment carried.

The CHAIR: We have already moved amendment No. 1 [Bourke-1] and we have had an explanation of it.

The Hon. R.I. LUCAS: Now that we return to amendment No. 1 [Bourke-1], can I just indicate that, as I said, the government's preferred position was to move its amendment No. 8, which I am not going to do now because of the votes against it, but that amendment would have deleted subsection (2). The government's view was that it was better addressed by the primary regulator of the insurance sector, which was the commonwealth government. In the absence of being able to get the numbers for that, the government is prepared to support this particular amendment being moved by the Labor Party.

The Hon. J.A. DARLEY: I indicate that I will be supporting both of Emily Bourke's amendments.

Amendment carried.

The Hon. R.I. LUCAS: I understand the numbers are not there in the committee to support it; nevertheless I move:

Amendment No 9 [Treasurer–2]—

Page 5, lines 14 to 16 [clause 4, inserted section 28K(3)(b)]—Delete paragraph (b)

This is proposed section 28K(1) and imposes an obligation on an insurer to disclose to a policyholder consumer any relevant interest in an intended repairer with subsection (3) defining relevant interest. Subsection (3)(a) defines this as where an insurer owns or has any financial interest in the business of the repairer, while subsection (3)(b) extends this to any contractual or other arrangement with a repairer.

Amendment 9 deletes subsection (3)(b) as the government is of the view that this is too prescriptive and may unintentionally capture arrangements or other agreements that may not warrant regulatory oversight. In the absence of this provision subsection (3)(a) provides sufficient disclosure to a consumer.

Amendment negatived.

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

Amendment No 10 [Treasurer–2]—

Page 5, line 17 to page 6, line 6 [clause 4, inserted section 28L]—Delete the section and substitute:

28L—Regulations

(1) A proposal for regulations for the purposes of this Part (other than section 28K) may be initiated by the Minister responsible for the administration of the *Small Business Commissioner Act 2011*.

(2) If the Minister responsible for the administration of the *Small Business Commissioner Act 2011* initiates a proposal for regulations for the purposes of this Part, the Minister must, before the regulations are made, consult with each organisation that the Minister considers to be representative of an industry likely to be affected by the regulations.

(3) For the purposes of the *Subordinate Legislation Act 1978*, the Minister responsible for the administration of the *Small Business Commissioner Act 2011* is to be taken to be the Minister responsible for the administration of this Act in respect of regulations made for the purposes of this Part (other than section 28K).

Amendment No. 10 recasts proposed section 28L relating to the regulation-making power. Consistent with the reasons I have outlined earlier, this amendment explicitly provides for the Small Business Commissioner to have responsibility for the applicable industry code in these provisions, with the exception of section 28K which will rest with the Commissioner for Consumer Affairs as noted above.

The Hon. J.A. DARLEY: I have previously indicated I would support the Treasurer's amendments Nos 10, 11, 12 and 13.

Amendment carried; clause as amended passed.

New clauses 5 and 6.

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

Amendment No 11 [Treasurer–2]—

Page 6, after line 6—After clause 4 insert:

5—Amendment of heading to Part 7 Division 3A

Heading to Part 7 Division 3A—delete 'for contravention of industry codes'

6—Amendment of section 86A—Interpretation

Section 86A(a)—delete 'contravenes section 28E and the contravention is of a class declared by regulation to be subject to a civil penalty' and substitute:

—

(i) contravenes section 28E and the contravention is of a class declared by regulation to be subject to a civil penalty; or

(ii) contravenes section 28J(1) or 28K(1)

Amendment No. 11 has been suggested by parliamentary counsel to amend the heading of part 7, division 3A to delete reference to the contravention of an industry code as it is now proposed to also apply to these provisions. This amendment also seeks to further amend section 86A to specifically refer to section 28J and section 28K with respect to the application of civil penalties. Section 86B provides the maximum civil penalty for a civil contravention that I referred to above, being $50,000 for a body corporate and $10,000 for an individual. In the interests of expediting the committee stage of the debate, I indicate that the government will be supporting the proposed Labor amendment to this amendment.

The CHAIR: I will put the question initially that proposed clause 5 as proposed to be inserted by the Treasurer be agreed to.

New clause 5 inserted.

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

Amendment No 1 [Bourke–2]—

Amendment to Amendment No 11 [Treasurer-2]—

Inserted subparagraph (ii)—Delete ‘or 28K(1)’ and substitute ‘, 28K(1) or (2)’

This amendment is consequential to the earlier amendment and inserts subsection (2) regarding product disclosure of consumer's choice of repairer into the newly inserted clause 6 following the successful passing of Treasurer's amendment No. 11.

The CHAIR: The question I will put is that the amendment put by the Hon. C. Scriven to the amendment moved by the Treasurer be agreed to.

Amendment to the amendment carried; new clause 6 as amended inserted.

New schedule 1.

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

Amendment No 12 [Treasurer–2]—

Page 6, after line 6—Insert:

Schedule 1—Related amendments

Part 1—Amendment of *Small Business Commissioner Act 2011*

1—Amendment of section 5—Functions

(1) Section 5(1)—after paragraph (d) insert:

(da) to administer Part 3B (Regulation of motor vehicle insurers and repairers) of the *Fair Trading Act 1987* to the extent that responsibility for that administration is assigned to the Commissioner under that Act; and

(2) Section 5(1)(e)—after subparagraph (i) insert:

(ia) non-compliance with an applicable industry code of conduct declared under section 28I of the *Fair Trading Act 1987* that may adversely affect small businesses; and

Schedule 1 of these amendments updates the Small Business Commissioner Act 2011 to update the functions of the Small Business Commissioner to include the administration of the applicable code.

New schedule inserted.

Long title.

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

Amendment No 13 [Treasurer–2]—Long title—

After 'Fair Trading Act 1987' insert:

and to make related amendments to the *Small Business Commissioner Act 2011*

Amendment carried; long title as amended passed.

Bill reported with amendment.

Third Reading

The Hon. J.A. DARLEY (00:50): I move:

That this bill be now read third time.

Bill read a third time and passed.

STATUTES AMENDMENT (STRATA SCHEMES) BILL

Second Reading

The Hon. J.A. DARLEY (00:51): I move:

That this bill be now read a second time.

This bill amends the Strata Titles Act and Community Titles Act relating only to those strata corporations or community corporations that have just two unit owners. These amendments only apply where there are two units but the property is strata or community title owned. It does not impact on strata or community corporations where there are three or more unit holders.

Currently, when a unit holder wishes to undertake prescribed building work as set out under the act, essentially, for any work that alters the outside of the unit, the unit holder proposing the work must get the approval of the other unit holder. In a two-unit strata complex, this means that one neighbour essentially has a 100 per cent veto over the other neighbour's building and design. From time to time, as it may be for some people, if you have a difficult neighbour you may never get the approval for the works that you or your family may want.

Whilst there is an opportunity to go to court and argue that any decision of the strata corporation is unjust or unreasonable, that comes at a huge cost in terms of money, time and emotional energy. It pits neighbour against neighbour and creates enemies at times, especially if this is before the court. This bill abolishes the power of veto in respect of work that is subject to an approved development under the Planning, Development and Infrastructure Act.

In circumstances where development is not subject to approval, the power of veto would remain in place. This bill will stop vexatious neighbours using this veto power unfairly and will free the courts of unnecessary claims. It will put these building matters in the same building and planning process as the rest of the general community, which seems a fair and reasonable position when there are just two unit holders involved.

Debate adjourned on motion of Hon. R.I. Lucas.

HOLIDAYS (CHRISTMAS DAY) (NO. 2) AMENDMENT BILL

Final Stages

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

New clause, page 2, after line 15—

Insert:

3A—Amendment of section 3B—Christmas Eve and New Year's Eve

Section 3B—after its present contents (now to be designated as subsection (1)) insert:

(2) However, subsection (1)(a) does not apply to 24 December in a particular year if that day falls on a Friday.

The Hon. T.A. FRANKS (00:54): I move:

That the message be taken into consideration forthwith.

The council divided on the motion:

Ayes 12
Noes..... 7
Majority..... 5

AYES

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

NOES

Centofanti, N.J.	Girolamo, H.M.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Stephens, T.J.
Wade, S.G.		

PAIRS

Bourke, E.S.	Hood, D.G.E.

Motion thus carried.

Consideration in committee.

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

That the council disagrees with the amendment made by the House of Assembly.

The Hon. R.I. LUCAS: I think this is an entirely unreasonable position for the Legislative Council to take at 1 o'clock in the morning. This council has worked long and tiring hours in terms of getting through a very long private member's schedule for the day.

We have sat the house until 1 o'clock in the morning. Those of us who have been involved in the proceedings of the house have not been following what has been going on in another place today, other than via media. We now have something as important as the holidays act, where there was evidently debate where there was, I am advised, an amendment moved to the legislation downstairs and it was passed.

I do not have the bill file with me. I have no idea how people voted in the House of Assembly. I have not had the opportunity, as the representative, as the Leader of the Government in this

chamber, to speak with my colleagues in the House of Assembly, and at 1 o'clock in the morning, when we are sitting today at 11 o'clock—

The Hon. S.G. Wade: Only 10 hours away.

The Hon. R.I. LUCAS: Whatever it is—10 hours away.

Members interjecting:

The CHAIR: Order! It is 1 o'clock in the morning. The Treasurer is on his feet and will be heard in silence on both sides.

The Hon. R.I. LUCAS: I think it is entirely unreasonable at this hour of the morning on an important piece of legislation like this to be trying to jam something through. I can imagine the uproar there would be if the government decided at 1 o'clock in the morning, without any notice to anybody, to jam through a piece of legislation or amendments to a piece of legislation as important as this without any discussion with anybody beforehand. As I said, some of us have been in this chamber on and off for all of the day handling important private members' business and have not been in a position to follow the debate in another place to discuss with our colleagues in another place in relation to the provision.

I see that the message in front of me, which evidently the Hon. Ms Franks wants to jam through tonight, says, 'Amendment of section 3B—Christmas Eve and New Year's Eve'. My understanding was that, whilst there are Christmas Eve and New Year's Eve half-day public holidays, the amendment was only in relation to Christmas Eve. I was advised two days ago that one of the crossbenchers in another place supported just doing it for Christmas Eve. Another crossbencher was supporting doing it for Christmas Eve and New Year's Eve.

As I said, I do not have the bill file with me. I have not had a chance to have a look at the debate in another place, and at 1 o'clock in the morning we are being asked to jam this particular provision through. As I said, it is not as if we are going to disappear for two weeks and not come back or come back in two weeks' time. We are sitting in 10 hours' time, when at the very least people can have the opportunity to have a look at whatever it is we are being asked to vote on and be required to have a vote on it tomorrow, if that is the majority view of the chamber. I do not think that is an unreasonable position for this chamber to adopt at 1 o'clock in the morning.

Whilst I was not in a position to speak to the motion because it was a procedural motion, as I understand it, I will move, if I am entitled to, to report progress on the basis that we will have the opportunity if the majority decides, at any stage today between 11 o'clock and whenever we get up at 6 o'clock or whatever the hour of the day is today, to debate this particular issue.

But, surely to goodness, it is not unreasonable to ask members of this chamber to be given the opportunity to have a look at what we are being asked to vote on, to take advice from our colleagues in another place and to consider what our position might be in relation to the drafting of the particular amendments. Those who might be in the majority or have a view in this particular chamber will have the chance to express that view later on today, so I move:

That progress be reported.

The committee divided on the motion:

Ayes.....8
Noes 11
Majority 3

AYES

Centofanti, N.J.	Darley, J.A.	Girolamo, H.M.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Stephens, T.J.	Wade, S.G.	

NOES

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

PAIRS

Hood, D.G.E.	Bourke, E.S.

Motion thus negatived.

The Hon. T.A. FRANKS: I would like to speak to clarify, because the Treasurer, also the minister for industrial relations, whose portfolio this is, does not seem to know what happened in the House of Assembly before the lunch break this morning—when we were not sitting. It is 1 o'clock in the morning and it is very late, and imagine those people who have been working on Christmas Eve and get home at 1 o'clock in the morning, knowing that they had their penalty rates for Christmas Eve ripped away from them by the House of Assembly this morning and that the Legislative Council did nothing about it. What happened this morning—

The Hon. S.G. Wade: Can't it wait until 11 o'clock?

The CHAIR: Order!

The Hon. T.A. FRANKS: Well—

The CHAIR: Order! We will not have a conversation.

The Hon. T.A. FRANKS: Chair, this council made a decision and had a bill about Christmas Day as a public holiday. It was at the behest of a private member, because the minister for industrial relations had all year to act and did not, and now it is six weeks before Christmas—not just the 10 hours, it is six weeks before Christmas and workers and businesses want certainty. We will make it clear that the Legislative Council believes that Christmas Day should be a public holiday and that that should not come at the cost of the Christmas Eve public holiday, which is now long established. South Australia has fewer public holidays than many other jurisdictions in this country already. Those workers—

The Hon. S.G. Wade interjecting:

The CHAIR: Order! The Minister for Health and Wellbeing is out of order.

The Hon. R.P. Wortley: Totally.

The CHAIR: And so is the Hon. Mr Wortley.

The Hon. T.A. FRANKS: Time is of the essence; certainty is of the essence. The Marshall government has not acted. It has fallen to crossbenchers and the opposition to act, so the fact that we are here at 1 o'clock in the morning is indicative of those workers who tonight we will stand up for.

The Hon. R.I. LUCAS: There is a perfect example: the Hon. Ms Franks gets up in this chamber and makes untrue statements to this house in justification for support for the position that she puts. She claims—and it is just wrong, palpably wrong—that South Australia has fewer public holidays than other jurisdictions. In fact, it is quite the reverse: we actually have more public holidays than virtually every other jurisdiction in the nation.

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: We do. For the Hon. Ms Franks to stand up in this chamber and to make a statement which is just palpably false, demonstrably false, she knows it to be false—

Members interjecting:

The CHAIR: Order! The Leader of the Opposition and the Minister for Health and Wellbeing will cease the conversation—

Members interjecting:

The CHAIR: Order!

The Hon. R.I. LUCAS: —is an absolute disgrace.

Members interjecting:

The CHAIR: Order! The Minister for Health and Wellbeing will be silent. The Treasurer has the call.

The Hon. R.I. LUCAS: —is an absolute disgrace, and that is the problem. You are debating legislation at 1 o'clock in the morning, and you have members getting up making all sorts of claims and statements which, on any particular exploration of the facts, would be shown to be false, yet we have the Hon. Ms Franks getting up and making those sorts of statements and claims in justification of her position. At 1 o'clock in the morning, that is the problem you have got in relation to this particular issue.

As I understand the position in the House of Assembly—and I am not sure which of the Independents voted which way in the House of Assembly—a number of the crossbenchers in the House of Assembly were not prepared to support the position of the Legislative Council and the position the Hon. Ms Franks was supporting. Why? Because they have been concerned by the impact of the changes that were going to be made to the Holidays Act on small businesses in South Australia, in particular the long-suffering hospitality and tourism industries which have been suffering for 18 to 20 months under the COVID-19 pandemic.

Members in this chamber and in the community generally have railed long and loud about the need for additional assistance for hotels, cafes, restaurants and those businesses that have been struggling during COVID, because they have been particularly impacted as a result of restrictions.

The government has responded and provided assistance, but a number of the crossbenchers in the House of Assembly, together with government members, are concerned about the impacts of the changes that have been made by the Legislative Council, and the end result is that 4½ days in a row from Christmas Eve to the Saturday, to the Sunday, to the Monday, to the Tuesday, these long-suffering small businesses will be paying penalty rates of 250 per cent for those 4½ days. That is the concern they have.

I think it was only on Thursday or Friday of last week that I got a letter of apology from the organisation that represents the independent retailers in South Australia. Members of the crossbench in this chamber have loudly proclaimed the virtues of the independent retail sector in relation to shop trading legislation, but the Master Grocers Association of Australia, who represent the Drakes, the Romeos, the Chapleys, the IGAs in South Australia, wrote a letter to me as the minister, apologised for the fact that their letter had been delayed and strongly opposed the provisions of the legislation on behalf of the independent retailers.

Members of this crossbench have often said how supportive they are of the independent retailers in South Australia. As I said, the independent retailers—the association representing the Drakes, the Chapleys, the Romeos and the other IGA family businesses—have strongly opposed the provisions that are being supported by the opposition and the crossbench in this particular chamber.

Of the crossbenchers in the House of Assembly, and there are five or six of them, enough of them obviously listened to the concerns of hotels, restaurants, cafes, IGAs and the smaller businesses being impacted by COVID and decided that they had to try to do something to respond to the criticism that these small businesses had outlined to them.

As a result of that, one of the crossbenchers successfully moved an amendment, which was supported by enough of them and government members, that will in essence provide some counterbalancing relief every six or 10 years or whenever it is that Christmas Day falls on a Saturday.

I think the last occasion on which it occurred was around about 2010 or 2011, and prior to that it was 2004.

That is, for those members of the community and the union movement and others who were saying that those people worked on the Saturday should be entitled to the 250 per cent penalty rate, and that is an offset to the small businesses who are going to have to pay that, there would be this compensating offset of removing just for that particular year the Christmas Eve public holiday. My understanding of the position of one of the crossbenchers in the House of Assembly was this argument that South Australia was the only state where there was a crossbench member—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: It was the only state where Christmas Day did not attract the 250 per cent penalty rate. My understanding is that that crossbench member, if he repeated in the house what he had been saying to me separately before the discussions—and I do not know whether he did, but certainly his position before the debate today, as I understand it, had been that at least in this way this would be some compensation.

In South Australia we are only one of two or three jurisdictions out of all the eight that actually have these half-day holidays on both Christmas and New Year's Eve. I think one other jurisdiction has it on one of the half days, and one other jurisdiction might have something similar to South Australia, which is both. But most of the jurisdictions do not have the half-day public holidays on Christmas Eve and New Year's Eve. If that is how the debate went in the House of Assembly, then that would have been the argument that I suspect was being used in the House of Assembly today, whenever it was being debated.

So we have the Australian Hotels Association, we have the restaurant and catering association and now we have the Master Grocers representing the independent retailers in South Australia together with a number of the other industry groups, such as Business SA, the motor traders, who have all indicated concerns about the impacts on business, employment and jobs in their particular sector.

The second point I would make, and I have made this point before, is that the government using taxpayers' money is providing a 200 per cent penalty rate for those members of the Public Service who will be required to work on the Saturday. That is what the former Labor government did in 2004 and 2010 or 2011, and we have indicated to the unions that we would do exactly the same as the former Labor government when these circumstances occurred previously.

Contrary to many of the emails I have been receiving and other members have been receiving that, if you are a hardworking nurse in a hospital such as The Queen Elizabeth or the Royal Adelaide, and 'you are taking away our penalty rates', that is not the case. The government, using taxpayers' money is going to pay not the 150 per cent penalty rate but the 200 per cent penalty rate for those who work on the Saturday. Of course, those who work on the Monday public holiday would be getting the 250 per cent penalty rate.

The government is proposing to do exactly the same as the former Labor government did for public servants or public sector workers. What we are talking about here is what employers have to pay to workers, using their money—not taxpayers' money. That is the decision that the parliament, this chamber and the House of Assembly have to take.

If this chamber rejects the particular compromised position put by the House of Assembly, the potential end result is that, in the end, there may well be no bill that goes through the parliament. That is, if the crossbenchers in the House of Assembly's position is that we—being the parliament—either accepts the compromised position that they have put or else they will not support the Legislative Council's position. In that circumstance, the end result of all of this will be that there will be no change. There will be no change to the legislation at all.

Members of the Legislative Council in the majority who, if they want to jam this through tonight at 20 past one in the morning, may well be setting in train a position where nothing happens because the House of Assembly in the majority refuses to agree to the position of the Legislative

Council. Members who are wanting to jam this through at this particular hour of the morning should bear that possibility in mind as to what the potential position of the House of Assembly might be.

As I said, I trenchantly oppose the fact that we are being forced at this hour of the morning to have the debate when we could have had it in 9½ or 10 hours' time at 11 o'clock this morning, or later on today, and we still could have had a result by close of business today. On behalf of the government members, I trenchantly oppose being placed in this position.

For the second time now in the last couple of weeks, I place on the public record my objection to the position adopted by the Hon. Ms Franks in relation to some of these issues. She rails against the government either jamming its way through things or not consulting or not doing this, but when it suits the Hon. Ms Franks she will stand up in this chamber at 1 o'clock in the morning, not tell anybody anything about what is going on, and try to bring on a vote at 1 o'clock in the morning without doing it. As I said the last time the Hon. Ms Franks did this, if it is going to be Rafferty's rules, well then it is Rafferty's rules. So be it.

I just think it is an appalling way to try to run the proceedings of this particular chamber. There are other alternatives which are more reasonable, more sensible, they abide by the conventions that we generally operate under in this particular house. But when it suits the Hon. Ms Franks, she writes the rules for herself.

She stands up and moves a particular motion at 1 o'clock in the morning. If it was occurring on some issue that she found near and dear to herself and she felt she was being disadvantaged or not placed in a position to be properly briefed or consulted on, she would be jumping up and down screaming and yelling. So be it—that is the way things are going to operate in this particular chamber.

I think it is a sad process that has been commenced by the Hon. Ms Franks, but let it be on the record that if this is the way things go, the deterioration of the process of this chamber had been set in place by the Hon. Ms Franks and the responsibility rests on her shoulders and her shoulders alone.

The CHAIR: Just before we proceed, I want to confirm with the Hon. Ms Franks that she did actually move that the council disagrees with the amendment.

The Hon. T.A. FRANKS: I did indeed move at the beginning of that, before there was an attempt to report progress.

The CHAIR: I am going to put the question in the positive, so the question will be that the amendment made by the House of Assembly be agreed to.

The committee divided on the question:

Ayes.....7
Noes 12
Majority 5

AYES

Centofanti, N.J.	Girolamo, H.M.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Stephens, T.J.
Wade, S.G.		

NOES

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

Question thus resolved in the negative.

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

That a committee consisting of the Hon. K.J. Maher, the Hon F. Pangallo and the mover be appointed to prepare reasons for disagreeing to the amendment of the House of Assembly.

Motion carried.

The following reason for disagreement was adopted:

That Christmas is a time for giving, not taking away.

At 01:32 the council adjourned until Thursday 18 November 2021 at 11:00.