LEGISLATIVE COUNCIL

Thursday, 10 February 2022

Parliamentary Procedure

PRESIDENT, ABSENCE

The CLERK: I have to advise the council of the unavoidable absence of the President this day.

The Hon. R.I. LUCAS (Treasurer) (10:01): I move:

That the Hon. T.J. Stephens do take the chair as Deputy President.

The Hon. J.S. LEE (10:01): Seconded.

Motion carried.

The DEPUTY PRESIDENT (Hon. T.J. Stephens) took the chair at 10.02 and read prayers.

The DEPUTY 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.

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (10:03): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and questions without notice to be taken into consideration at 2.15pm.

Motion carried.

The DEPUTY PRESIDENT: I note the absolute majority.

Motions

PARLIAMENTARY COMMITTEES

The Hon. T.A. FRANKS (10:04): I move:

That this council:

1. Recognises the ongoing resourcing issues within the current committee system of the Legislative Council, especially select committees.

2. Requests that the Clerk of the Legislative Council commence implementation of the formal recommendations contained in the report of the Select Committee on the Effectiveness of the Current System of Parliamentary Committees to the current committee structure, including but not limited to:

   (a) appropriate and timely access to specialised staff and researchers;

   (b) the establishment of a pool of staff to service parliamentary committees, comprised of both secretaries and ongoing research officers;

   (c) the appointment of an additional Clerk Assistant specifically for committees; and

   (d) the appointment of an administrative officer to work across all Legislative Council committees as required.

This is a very simple motion that puts in place the mechanics required to effect the unanimously supported report of the select committee into the parliamentary committees in this place that the Legislative Council undertook. I note that that was chaired most ably by the Hon. Connie Bonaros, and I consulted with her on moving this motion regarding what in some quarters sounds ridiculous, a committee on committees.

However, committees are the backbone, particularly of any upper house in the Westminster system. Committees must function well, and our committee system is now quite archaic. That is most borne out in the report. What we all agreed as members of that committee on committees, whether we were SA-Best, Greens, Labor or Liberal, is that our committee structures need to be brought into the 21st century. This motion simply requests that the mechanics of that work that is to be done in the new parliament proceeds.

We need to ensure that those formal recommendations, contained in the report of the Select Committee on the Effectiveness of the Current System of Parliamentary Committees, to the committee structure also ensure that we have appropriate and timely access to specialised staff and researchers and the establishment of a pool of staff to service both parliamentary committees, comprised of both secretaries and ongoing research officers, with the aim that those ongoing research officers will have expertise in the area that the committees inquire into and with the aim overall that we will see far more standing committees take on the portfolio work within that expertise and the references made to those standing committees, rather than ad hoc establishment of a multitude of select committees.

Additionally, this would require the appointment of an additional Clerk Assistant specifically for that committee work and for those committees and the appointment of an administrative officer to work across all Legislative Council committees as required. I note that the Hon. Connie Bonaros—I do not think she will mind me saying—is working on legislation to effect this. This is not the legislation that the new parliament will consider because both myself and the Hon. Connie Bonaros will be here no matter who on the other side is up for election and returns.

We will continue to progress this work to bring our committee system into the 21st century, only 22 years late, and ensure that our committee work is appropriately and adequately resourced, done with the expertise required and expected of the parliamentary processes, and does respect the role of parliament and this upper house in particular in that committee work. With those few words, I commend the motion.

The Hon. R.I. LUCAS (Treasurer) (10:07): The government has no concerns with implementing the recommendations of the committee on committees, as the Hon. Ms Franks has indicated. I was a member of that particular committee and supported its recommendations, so the government's position remains that, should the government be re-elected, it is committed to implementing the recommendations of the committee.

I indicated during that committee's work, and subsequent to that when I have been asked by the Hon. Ms Bonaros and others, that I have progressed and authorised the drafting of appropriate legislation to implement the recommendations of the parliamentary committee on committees. I have received a first draft of proposed legislative change. It does require some amendment.

Given the closeness of 19 March, the concluded document, from my viewpoint, is not binding on either a re-elected government or a new government, whatever the case might be, other than we have obviously committed to implementing the recommendations. There will be a bill that the current government has drafted, which will be available for consultation and discussion and, hopefully, then passage through the parliament, implementing the recommendations of what was a unanimous view of Liberal, Labor and crossbench members on the committee.

I am minded to note, and we agreed in the committee, that we were a Legislative Council committee and we therefore made recommendations as they related to the Legislative Council and the joint committees. In the discussions I have had with parliamentary counsel, we have stuck to that; that is, we have not recommended changes to something that, frankly, we have no authority over, and that is the House of Assembly committee structure.

A view has been expressed to me—a not unreasonable view—that a new parliament may well want to look at alternative arrangements in relation to House of Assembly committees. Our committee, very sensibly I think, did not venture into that troubled area. We have left the current structure in the House of Assembly as it is, and so the draft of the committee's recommendations stays true to the committee's recommendations.

A new parliament may well be confronted with suggestions for further change as it relates to House of Assembly committees. It would clearly make sense, if there were to be changes to the

House of Assembly committee structure, that they be done as part of a package in relation to the amendments to the bill. The draft bill I have received, and the authority I gave, is in essence to start from scratch. The current committee structure is based on amendments to any number of different bills, and the draft I have authorised in essence brings that all together into a relatively simple, single piece of legislation that covers the recommendations of the committee on committees.

If it were to be approved by a future parliament, it would necessitate changes to a significant number of existing statutes, and those provisions would be taken out of those statutes and incorporated into the single piece of legislation. I gave that assurance and, true to that assurance, I have progressed with parliamentary counsel. As I said, I concluded from parliamentary counsel's view that I have to go back and make some changes that I believe more accurately reflect the thinking in the committee on committees' report.

To be fair to parliamentary counsel, there are issues. Whilst the structure of the committees is there, there are specific details that still need to be fleshed out whilst working within that structure. The government remains committed to the implementation of the committee's report both from a legislative drafting viewpoint, which I have just outlined, and from the viewpoint of appropriate staffing consistent with the recommendations of that committee report.

Should the government be re-elected, the government is committed to working with responsible officers in the parliament, in this case the Legislative Council, to see the implementation of those recommendations.

The Hon. K.J. MAHER (Leader of the Opposition) (10:13): I indicate that the Labor opposition will be supporting the Hon. Tammy Franks' motion. We thank the members of the committee, who did a lot of work coming up with ideas, and I know this because Labor members of the committee talked to me quite frequently about the work they had done on this committee.

It would be a pity not to give recognition to the work that has been done and many of the very sensible recommendations that have been made. It is true that for much that requires particularly legislative change, that is not something that can be done without the will of both chambers of parliament, but we think it does no harm to put on the record the desire of the Legislative Council to start some of these things that are within our power to do.

Again, it is not an entirely prescriptive thing that requires immediate things to happen that, firstly, the Legislative Council cannot do. That is not what the motion says. Secondly, it requests the Clerk to commence implementing. We can see it does no harm to do that at all. In the way that the motion is structured, it gives four recommendations: 'including but not limited to'. It sensibly gives some guidance about what this council considers are the important elements to get started on. The motion says 'requests'. It is not a compulsion. Further, it says 'commence implementation'. It is very sensibly worded to give guidance about what we consider are the important first steps.

Of course, if there are barriers, the way it is worded means that I am sure we can come back and discuss it again. I for one, as the Treasurer outlined, look forward to the next parliament considering more thoroughly these sorts of changes.

The Hon. C. BONAROS (10:15): I rise to indicate for the record, our support for this motion and thank the Hon. Tammy Franks for bringing it to the chamber. We have spoken before on the outcome of that committee process, the fact that we had such a multipartisan approach and, indeed, support for the findings and recommendations of that committee process.

There may have been reference to a bill that is being drafted to implement some of those other measures. There are obviously other measures that need to be implemented that will sit, some inside of that legislation, some outside of that. However, I think this is a timely reminder of the need to press ahead with that change to that committee structure in line with the recommendations and findings of that committee, and another timely reminder to this chamber of the things we need to do to ensure that our committee process is working as effectively and efficiently as possible. With those words, I indicate our support for the motion and thank the Hon. Tammy Franks again for bringing it to the chamber.

The Hon. J.A. DARLEY (10:17): For the record, I will be supporting the motion.

The Hon. T.A. FRANKS (10:17): I thank all those who have just made a contribution: the current Leader of the Government, the Leader of the Opposition, the Hon. Connie Bonaros and the Hon. John Darley. Supporting this particular motion shows the strong will of this particular place, no matter our political colour, to seek committee reform, to see our committee structure strengthened and modernised and professionalised. With that, I commend the motion.

Motion carried.

STATE LIBERAL GOVERNMENT

The Hon. K.J. MAHER (Leader of the Opposition) (10:18): I move:

That this council condemns the Premier, the Hon. Steven Marshall, and the health minister, the Hon. Stephen Wade, for their negligence and dereliction of duty, including:

1. Increasing ambulance ramping by 485 per cent in four years;
2. Paying corporate liquidators KordaMentha over $40 million to cut staff and services in major public hospitals;
3. Making more than 100 nurses redundant during the pandemic;
4. Not preparing for the opening of the borders that preceded the deaths of over 120 South Australians;
5. Failing to take action following the ICAC Report into SA Health which the health minister originally did not even read; and
6. Cutting community health funding and closing 30 mental health beds just last week.

The motion sets out a litany of absolute disasters that befell the health system under the administration of the Hon. Stephen Wade and the Hon. Steven Marshall. We have seen ramping increase by 485 per cent over four years. I travel around not just metropolitan Adelaide but even country areas, and I was recently in Port Lincoln where we had a meeting with senior members of the Aboriginal community. The number one issue that they wanted to discuss was ramping in metropolitan hospitals because of course it is not just people who use metropolitan hospitals who live in Adelaide.

The deterioration of the health system, reports from ICAC and nurses being made redundant during a pandemic speaks very, very poorly of a government's intentions and priorities. You could not find a more stark difference in priorities than the Steven Marshall Liberal government, with the Hon. Stephen Wade as health minister. Their number one priority, their big spend election commitment, is to spend two-thirds of $1 billion—$662 million—on a basketball stadium when we are experiencing ramping that actually affects people's lives.

I am very proud that there is now a very large contrast. The people on election day, the people in the seat of King, will have a very clear choice, whether they want to support Paula Luethen, who has a plan to build a $662 million basketball stadium, or support a plan to improve hospitals in the north-east and all over the state, to employ more paramedics and have better ambulance services. It will be a very clear choice for the electors in the seat of Adelaide, whether they want to follow Rachel Sanderson's plan to build a $662 million basketball stadium in her own electorate—

The DEPUTY PRESIDENT: Leader, please refer to—

The Hon. K.J. MAHER: The member for Adelaide, the Hon. Rachel Sanderson.

The DEPUTY PRESIDENT: Thank you—and the member for King. You have been around long enough.

The Hon. K.J. MAHER: Certainly, sir. It gives me another chance to reiterate that the member for Adelaide, the Hon. Rachel Sanderson, has a plan to build a $662 million basketball stadium smack bang in the middle of her electorate when her constituents are waiting hours and hours for ambulances.

It gives me an opportunity to remind people that the member for Elder, Carolyn Power, wants to build a $662 million basketball stadium rather than spend that on critical services, better hospitals, more paramedics and more ambulances. It reminds us also that in the seat of Newland,

Dr Richard Harvey has a plan to build a $662 million basketball stadium rather than spend this funding on better hospitals, more paramedics and more ambulances.

Sir, I can absolutely assure you that the people in those seats, and in fact the people all around South Australia, will be reminded of this. They will be reminded with very close to the quotes that I have just said about what the Liberals' plans and intentions are. It is, quite frankly, a shame.

With that, I have much more to go, but I do recognise that there are many items lower down on this *Notice Paper* that crossbenchers, particularly the Hon. Robert Simms, the Hon. Tammy Franks, the Hon. Frank Pangallo and the Hon. John Darley, have moved in good faith. I could spend another couple of hours, like the Hon. Rob Lucas did yesterday, going on about the failures of the Liberal government, but I will not do that. I think it shows a lack of respect to the crossbench, so I will seek leave to conclude my remarks and come back at a later stage possibly to finish them.

Leave granted; debate adjourned.

LUCAS, HON. R.I.

The Hon. K.J. MAHER (Leader of the Opposition) (10:22): I move:

That this council condemns the record of the Hon. Rob Lucas including:

1. Delivering more budget deficits than any Treasurer in the state's history;
2. Increasing the state's debt threefold to a projected $32 billion, with interest costs reaching $1.2 billion per year;
3. Delivering the lowest economic growth of any state or territory in 2019-20, after falling growth in 2018-19;
4. Delivering falling employment growth rates since coming to government and the highest unemployment rate in the nation regularly over the past two years;
5. Increasing taxes, fees and charges to South Australians despite promising to 'lower costs' at the last election;
6. Privatising key government assets including ETSA, which delivered South Australia the highest electricity prices in the world; and
7. Cutting crucial government services and engaging in industrial disputes with critical workers including paramedics.

This motion states in plain black and white the abject failures of the Hon. Rob Lucas as Treasurer, as it was last time the Hon. Rob Lucas was Treasurer selling ETSA and, as education minister before that, closing down record numbers of schools under his watch. We have seen in recent times the land tax debacle, the electric vehicle debacle—many debacles. I spoke about this yesterday in response to a motion from the Hon. Rob Lucas. Again, out of deference to the members of the crossbench who patiently waited for hours as the Hon. Rob Lucas spoke last night, I will show them much more respect than he did and I will seek leave to conclude my remarks.

Leave granted; debate adjourned.

NEWLAND ELECTORATE OFFICE

The Hon. R.P. WORTLEY (10:24): I move:

That this council condemns the Premier, Treasurer and member for Newland for their failure to act and protect female staff members in the member for Newland's office from serious and inappropriate behaviour and harassment that included:

1. Grossly inappropriate, offensive and sexually suggestive comments to female staff members;
2. Inappropriate groping and grabbing; and
3. Sending highly offensive Snapchat messages and sexually explicit pictures to female staff members.

It is with deep regret that probably one of my last speeches of this parliamentary session has to be about such an issue, but under the circumstances I think it is important that this information come to light.

Almost a year ago, on 1 March 2021, a confronting report into the behaviour in Parliament House was released by the equal opportunity commissioner. The report contained disturbing details of alleged sexual harassment by MPs and staff, as well as discriminatory behaviour on the basis of gender, race and age. Among the findings, eight people reported sexual harassment by MPs or their staff in parliament over the past five years, with 27 per cent of respondents reporting that they had experienced sexual harassment in the parliamentary workplace. After the report was released, the Premier said, and I quote:

> Every single person in South Australia should feel safe and respected in the workplace, but we here in the South Australian Parliament should be modelling the highest of standards.

It is clear that that message did not arrive in the member for Newland's office.

Unlike the Treasurer's speech yesterday, our information is not wild conspiracy theories. We have been provided with specific details. I would like to apologise for the language that I will be using during this speech.

The DEPUTY PRESIDENT: The Hon. Mr Wortley, please maintain the dignity of the council. I think you can allude to—

The Hon. R.P. WORTLEY: I will tell it as it is.

The DEPUTY PRESIDENT: Well, I am not—

The Hon. R.P. WORTLEY: If you need to—

The DEPUTY PRESIDENT: Turf you, I will.

The Hon. R.P. WORTLEY: —interfere in a heartfelt speech on such an important issue, that is your choice. These include some shocking allegations of behaviour in the member for Newland's office that was left to fester for more than six months. For six months, the Premier, Treasurer and member for Newland all failed to act. Even more concerning is that these incidents started occurring only weeks after the equal opportunity commissioner tabled her report in parliament.

It started with a male employee of the member for Newland making rude comments that were possibly intended as a joke, but then escalated into alarming and disturbing behaviour. The male staff member would say things like, 'That perfume smells good, it's given me a perfume stiffy', 'That outfit looks really good, it's given me a stiffy' and, 'That makes me cream.'

Then the inappropriate and unwanted touching started. Whenever the victim would walk past the desk of the male perpetrator, the male perpetrator would smack their bottom. That soon progressed to grabbing their bottom with his hand. We are told this happened quite frequently, despite the male staffer being told to stop. When the victim stood up to the perpetrator, things escalated again, with the male employee calling the victim 'a whore'. After he was asked to stop calling the victim a whore, it only got worse.

I understand the male offender then used Google Translate to write a message on a whiteboard in a foreign language along the lines of '[victim's name] sucks donkey dick'. Once again, he was told it was inappropriate, but his behaviour did not change. We are aware of another incident when the male perpetrator pulled the victim's chair closer to him and ended up groping the victim's chest.

In late July, we were told the victim received a Snapchat image from the male offender. It was of him sitting at his desk and he had taken a photo of his erection and then sent it to the victim, with the parliamentary carpet in view. We are told that two days later, the male perpetrator then sent another image. This time it was another man's clothed groin area with an erection.

What action did the member for Newland take? Did he sack him? Did he launch an investigation? No, he did not. Did the Premier take action? Did the Treasurer take action? Not that we are aware of. We are aware that when the member for Newland would arrive at his Parliament House office, the male perpetrator would jump up from his desk. He would then immediately go into the MP's office and start laughing and joking with him and having a boys' club meeting.

We are also told that the male perpetrator was offered a promotion to work as an office manager in another member's office. We have been told that, after a discussion with the member for Newland, the perpetrator decided not to accept the offer. Why in the world would the member for Newland ask him to stay despite what was happening in his office? How is it possible that a serial perpetrator could be offered a promotion? Worse still, the offensive behaviour and harassment did not stop there.

In September 2021, the member for Newland was in his office. The male employee walked into the office and stood next to his chair, grabbed his groin and shook it around while staring into the face of another staff member. We understand that, despite his behaviour, he was never dismissed or disciplined: his contract simply ended. We also know that this employee worked in multiple Liberal MPs' offices.

Has a welfare check been done on other staff members who worked with this person? Has an investigation been launched into whether other staff members have been harassed or assaulted? We do not know why the Premier, the member for Newland and the Treasurer, who is the minister responsible for Electorate Services, did not take any action. There are some serious questions the Premier, Treasurer and the member for Newland must answer about this inappropriate and possibly illegal behaviour by a Liberal staff member.

These questions include why they allowed this inappropriate behaviour to fester for six months. It is now time for the Premier, the Treasurer and the member for Newland to explain how they allowed this abuse and harassment to continue for more than six months, and they need to explain why they did not take action to protect the victim in this horrific series of events. We need to know what investigation has occurred and if this happened to any other staff member. I seek leave to conclude my remarks.

The DEPUTY PRESIDENT: Is leave granted?

The Hon. R.I. Lucas: No.

The DEPUTY PRESIDENT: The Hon. Mr Wortley, you can continue your remarks, or you can conclude your remarks and then the debate will continue.

The Hon. R.P. WORTLEY: I seek to conclude my remarks.

The DEPUTY PRESIDENT: No, you have sought leave, I have put the question and the answer has been no. You can continue, or you can cease and then I will call the next speaker.

The Hon. R.P. WORTLEY: That is the end of my contribution.

The DEPUTY PRESIDENT: The Treasurer.

The Hon. R.I. LUCAS (Treasurer) (10:32): I am not surprised that the Hon. Mr Wortley, after that contribution, would try to stop a response to the claims he has just made. For those observers, the device about seeking leave to conclude is a thinly veiled attempt to try to prevent me being able to demonstrate the inaccuracy of the statements that have been made by the Hon. Mr Wortley.

The Hon. I.K. Hunter: No, it's just moving on with the day. We've got more to come on you, mate, much more.

The DEPUTY PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Wortley knows the claims are untrue, and he was trying to prevent me from speaking in this debate by moving to seek leave to conclude. He has been caught out; he does not understand the standing orders as a former President. I will not be silenced—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. R.I. LUCAS: —in relation to indicating—

Members interjecting:

The DEPUTY PRESIDENT: Order! If you want to hear his response, be quiet.

Members interjecting:

The DEPUTY PRESIDENT: Order! The Treasurer will be heard.

The Hon. R.I. LUCAS: We will put that on the record, that Mr Hunter again accuses me of doing nothing in relation to these allegations; that is clearly recorded in the *Hansard*, in addition to the statements that have just been made by the Hon. Mr Wortley—

The Hon. I.K. Hunter interjecting:

The DEPUTY PRESIDENT: Order! Interjections are out of order.

The Hon. R.I. LUCAS: —that I have done nothing in relation to these allegations. The Hon. Mr Hunter's interjections are now on the record in relation to that particular claim.

The first point to make, even though the wording of the resolution has been drafted in a way to not make that explicit, but the contribution from the honourable member at least throws some light in relation to this unfortunate set of circumstances, is that this was a dispute between two staff members of the member for Newland. No accusation was made by either of the staff members against the member for Newland.

The other issues which have been debated in this house are issues in relation to where you have a power imbalance between staff members and members of parliament, Labor members of parliament—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. R.I. LUCAS: —where they have the authority and control over staff members—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. R.I. LUCAS: —and we have a situation. Let's make that clear, firstly: there is no allegation from any staff member against the member for Newland. That is where you are trying to head, the Hon. Mr Wortley. We know what he is trying to imply, but let's make it quite clear that this was a dispute between two members of staff in an electorate office or electorate offices, because it was shared between an office in the electorate and an office in Parliament House as well, and very serious, very serious allegations.

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. R.I. LUCAS: Well, again, let's put it on the record. The Hon. Mr Wortley again says, 'You did nothing,' that is I, the Treasurer, did nothing in relation to it.

The DEPUTY PRESIDENT: Treasurer, interjections are out of order and please do not acknowledge them. Now move on.

The Hon. R.I. LUCAS: In September of last year, a staff member lodged a formal complaint about conduct in relation to some of the issues the Hon. Mr Wortley has raised. It is untrue to say that no action was taken by me as the responsible minister. What has occurred in relation to this is as occurred in the example I gave last night of an allegation that had been made, in that case publicly, against the member for Light. An independent investigation had been appointed to look at the complaints made by the trainee in that particular office.

I have been advised that, similarly, in relation to these issues—that is, a serious complaint lodged by a staff member against another staff member—an independent investigator was appointed to establish the facts. That was with the full knowledge and support of me as the Treasurer, as the officers within Electorate Services report to me and, as is the case with a number of these investigations, an independent expert from an independent legal firm was appointed to investigate the claims in relation to the issues.

That was with the full knowledge of the member for Newland, as he was obviously concerned by the issues that had been raised by the female staff member about the behaviour of the male staff member in the office. Those issues were elevated, as they should have been, and they were investigated, as they should have been, in relation to those particular issues. It is not correct by inference to say that this particular male staff member was offered a promotion.

I think the member might have claimed that he was offered a promotion somewhere else. I am not aware of that, but certainly his contract of employment was to conclude soon after this complaint was lodged. For the duration of the last week or two weeks, however long it was, they were separated. Given that there was an office in Parliament House and an office in the electorate, they were separated and his contract was not renewed whilst the investigation ensued. The member for Newland did not renew the contract. The member for Newland did not offer a promotion to the male involved in the circumstances.

I had not realised that this was going to come to a conclusion in terms of contributions as quickly as it has. I may well later in the day, by way of ministerial statement, be able to shed further light on the current status of the investigation. I am advised that at one stage there was not only a claim but counterclaims being made, as is sometimes the case when there is a dispute between two staff members. I will be seeking further advice in relation to the status of not only the claim but the counterclaim.

It is important that I put on the record two things. I repeat again that these allegations are not made against the member for Newland. They are clearly an unfortunate set of circumstances between two staff members, and it is untrue—and the Hon. Mr Wortley knew it to be untrue—that no action was taken by me, and the responsible officers, more importantly, within the Treasury department, to investigate these particular concerns.

It is also untrue to suggest that there has been no support provided to the staff member. All the capacity that the department has to offer by way of providing assistance and guidance to the staff member who had lodged the complaint has been offered. As I said, that is with the full knowledge that on a number of occasions the member for Newland spoke to me about the need (a) for the investigation to be conducted and (b) for appropriate support to be provided to the staff member who had lodged the complaint. That is as it should be.

I have, as Treasurer, approached this in no different a way to the allegations that, for example, I outlined last night in relation to the complaint against the member for Light, the Hon. Mr Piccolo; that is, an independent investigation was conducted, and my understanding is that those who have been asked to be interviewed agreed to be interviewed. The only difference with the member for Light's position is that up until 6 o'clock last evening he had not agreed to be interviewed by the independent investigator.

The only thing I do share with the Hon. Mr Wortley is that any issues of this nature, staff against other staff, are serious, need to be taken seriously and need to be investigated. Contrary to what he said on the public record—and he knew what he was saying was not correct—there has been an independent investigator appointed. There is documentary evidence that an independent investigator has been appointed, contrary to the claims that for however long I ignored it and the member for Newland ignored it. That is untrue. Soon after the complaint was lodged, in September of last year, the independent investigator was appointed to investigate it.

Let me conclude by saying I was not aware this was going to come to a conclusion in terms of this debate this early. If I am in a position by way of ministerial statement later in the day to update the house on not the details of the investigation but the progress of the investigation, I will do so by way of a ministerial statement in the house. I do want to again correct the record and indicate that this was a staff to staff issue and that the member for Newland has behaved impeccably in terms of his concern about the complaint lodged by a female member of his staff.

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

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. K.J. MAHER (Leader of the Opposition) (10:44): I move:

That the report on the operations of the Budget and Finance Committee 2020-21 be noted.

Motion carried.

Motions

NUCLEAR WASTE

The Hon. R.A. SIMMS (10:45): I move:

That this council—

1. Notes the unanimous opposition of Barngarla traditional owners to the federal government's planned imposition of a national nuclear waste dump (repository and store) on farming land near Kimba on SA's Eyre Peninsula;

2. Notes that Barngarla traditional owners were excluded from the federal government's 'community ballot', that federal parliament's Human Rights Committee found that the nuclear dump proposal is a violation of the Barngarla people's human rights, and that the Barngarla Determination Aboriginal Corporation has initiated a legal challenge against the declaration of the Kimba;

3. Notes that the National Health and Medical Research Council's 'Code of practice for near-surface disposal of radioactive waste' states that agricultural land should not be used for a radioactive waste repository;

4. Notes that an overwhelming majority of waste destined for the SA dump (measured by radioactivity) is long-lived intermediate level waste (including reactor fuel reprocessing waste) that will be stored above ground indefinitely;

5. Notes that the SA Nuclear Waste Storage (Prohibition) Act 2000 bans the import, transport, storage and disposal of nuclear wastes in SA; and

6. Calls on the SA government to oppose the federal government's attempt to impose a national nuclear waste dump in SA and condemns the SA government for its failure to do so to date.

It is good to have the opportunity to talk about this issue, which is very important for the people of South Australia. The decision of the federal government late last year to dump nuclear waste in Kimba is a decision with profound implications for our state. South Australians could not have been clearer. We do not want a dangerous radioactive nuclear waste dump in our farming country and one that is imposed against the wishes of the Barngarla, the area's traditional owners.

From the get-go, the Greens have been steadfast in our opposition to SA becoming a dumping ground for nuclear waste. There needs to be appropriate scrutiny of this decision, including at the very least a wideranging parliamentary inquiry to consider the implications of this decision not only for the community but for our pristine agricultural land.

What this decision will result in is the passage of radioactive waste through South Australia's regional roads, our streets and our waters for decades to come. A radioactive waste dump in the heart of our food bowl would put at risk our clean, green reputation and our state's key grain export industries.

According to the SA Conservation Council, the current plan would mean that Australia's highest rated radioactive waste, which needs to be kept isolated from human contact for 10,000 years, will be temporarily parked in above-ground shedding while the authorities work out where to build a permanent below-ground repository. So it is just going to be dumped there. The government says it will take decades, while the federal nuclear regulator says it could take a century.

One of the direct concerns that has been raised with Kimba relating to the site is the lack of Barngarla consent. The traditional owners do not want this. There has been a tightly managed consultation process—and I say 'consultation' because it has been a sham because it has excluded the wider Eyre Peninsula and the wider SA community. It is also unlawful. The federal plan is in direct contradiction with longstanding SA law. It is unnecessary.

The recent allocation of $60 million to extend secure waste storage at ANSTO in New South Wales means that there is simply no pressing need for this facility. However, there is also a lot of uncertainty around this. Key project details are missing, including what it means for the transport routes, emergency service capacity and the impact on the reputation of sensitive industries, including, of course, our agriculture and our tourism industries.

We have talked a lot over the last few days about the terrible impact the poor planning of the Liberal Party in relation to COVID and opening up the borders has had on our economy. Why on earth would we be risking more uncertainty for our economy in the middle of this crisis? Why would we be putting farmland at risk? We know that radioactive waste is extremely hazardous to people and to our environment. It can pollute water. It can kill wildlife. It can cause a number of deadly human health issues such as cancer.

The proposed double handling of intermediate level radioactive waste is inconsistent with international best practice. Alternatives should be canvassed here, especially given the Barngarla traditional owners were not only excluded from the federal government's community ballot but that the federal parliament's human rights committee found that the declaration of Kimba as the chosen site is in direct violation of the Barngarla people's human rights. It is a complete slap in the face to the traditional owners and it is a complete slap in the face to the people of South Australia who have consistently said they do not want SA to be the nation's nuclear waste dumping ground.

I think all South Australians would be interested to know whether or not the Marshall government has sought advice from the Crown Solicitor on the impacts of Kimba being selected as the nation's radioactive site—something that is in direct contradiction of the Nuclear Waste Storage Facility (Prohibition) Act of 2000, an act that was passed under the then Liberal Olsen government.

I think the honourable Treasurer would have been the only member of this place who was there at that time. Perhaps he would like to shed some light on whether he has sought advice on the implications of what the federal government is doing and what it means for that act. Perhaps he will shed some light on that when he comes to provide a contribution on behalf of the government during this debate. While the Greens recognise that responsible management of radioactive waste is of course needed, we do not support the current deeply flawed, unnecessary and divisive Kimba plan.

I had an opportunity to travel to Kimba during my time in the federal parliament. I travelled there with my then state parliamentary colleague, my predecessor in this place, the Hon. Mark Parnell, and Senator Scott Ludlam, who was the Greens' nuclear spokesperson. We met with traditional owners, we met with people in the local community. It is very clear to me from those interactions that there is not strong community support for this, that it was incredibly divisive in the community, and that people do not want to see their local community becoming the state's nuclear waste dumping ground. That is not what they want for their local community, and who could blame them?

Given that Barngarla traditional owners have launched a legal campaign to block the federal government's plans to build this nuclear waste dump, I want to assure the voters of South Australia that the Greens will continue to do what we can in this place to ensure that parliamentary scrutiny occurs and that the concerns of the Barngarla people are heard.

I want to put members on notice that I will be calling a division on this matter because I want to ensure that the views of the members of this place are put on the public record, so that as the voters of South Australia head to the polls in a few weeks' time they know who is in favour of the Liberal Party's radioactive agenda and who is against it and so that they know who in the crossbench will stand firm in support of environmental protection and who will roll over and acquiesce to the Liberal Party and their radioactive vision. It is an important test and I will be calling a division.

The ACTING PRESIDENT (Hon. J.E. Hanson): The Hon. Mr Maher, I understand you have an amendment you are putting up.

The Hon. K.J. MAHER (Leader of the Opposition) (10:53): I move:

Insert the words 'Given the opposition of the Barngarla traditional owners' at the start of paragraph 6.

I rise to indicate that we will be supporting this motion but with this very slight amendment. I will foreshadow that now to give members the benefit of understanding what I am talking about with the amendment. At paragraph 6, the last point of the motion, at the very start of that I am proposing to insert the words 'Given the opposition of the Barngarla traditional owners,' so paragraph 6 would then read, 'Given the opposition of the Barngarla traditional owners, calls on the SA government to oppose' and then the rest of it remains the same.

That slight amendment reflects why the Labor opposition will be supporting this motion. We have had since before the last election, and maintained the view since the election, that for a nuclear radioactive storage facility it is fundamental that traditional owners' views are taken into account. Since Jay Weatherill was Premier we have taken the view—and that has continued in this term while we are in opposition—that for a nuclear radioactive dump or storage facility the traditional owners should have a right of veto, a right of refusal of such a thing on their land. That has not changed and that is why we support this motion, from that one very simple principle which we have had and which remains unchanged.

The Hon. F. PANGALLO (10:55): I am not on the list, but I am quite happy to speak off the cuff on this issue and indicate that SA-Best will not be supporting this motion, and for many reasons. Like the Hon. Robert Simms, I acknowledge that is the policy of his party and they will continue to follow that. I am sure they will continue to follow it long after we are gone and those first nuclear subs steam their way into Port Adelaide.

Like him, I took an interest in this and visited Kimba a couple of years ago and met with many stakeholders and families. He is right: it was very divisive in the community. Families were pitted against family members, unsure why they were at 10 paces and claws were coming out, but it certainly was a divisive issue. I also spoke to the mayor, Dean Johnson, a civic figure I quite admire for the work he does and the passionate way he represents his community and the region there, and I spoke with members of the council and others in Kimba just to gauge what this facility would do to their community.

Quite clearly, it will be beneficial to the community. It will create jobs, particularly at a time, when we went there, when there was drought and there was uncertainty. Now even more so in this COVID era there needs to be some certainty in a regional town like that for future employment and future generations.

Talk about this facility becomes quite inflammatory when they talk about nuclear, high level, all this sort of stuff. It is not. It is actually all the low level waste that is currently sitting who knows where around the country, and here in Adelaide. In fact, I asked a question of Dr Chris McGowan at Budget and Finance, I think it was probably two years ago, and I still have not received a response. I actually asked, 'Where are you storing all this low level radioactive waste?' waste that is piling up in this state and also in the other states. We have to get rid of it in some way.

It is great to see that there has been a change in the perception about the security of storage of this material. We know it can be dangerous. In fact, I can recall, as a child growing up in Thebarton, with friends of mine we went to the Amdel facility that was in Phillip Street. It was just behind the West Thebarton Hotel. As kids and wags, we went in, having a look around. We climbed in under the fence. We were only little kids at the time. I remember seeing about three drums with skull and crossbones on them. I was not sure what they were. I said to my mates, 'Hey, have a look at this! Pirates! Let's go and play pirates!' so we were clambering all over these drums. Fortunately, we did not open them because we could not open them, but I later learned what was in them.

It was radioactive material that had been brought down from Maralinga and those parts, and there they were, just stored out in the open in Thebarton. In later years, I learned that a lot of that stuff was buried in what we knew as the pug hole, which was behind Thebarton Oval—the pug hole. That is where people used to just dump anything. That is now the Thebarton Brickworks. I do not see it glow at night these days, but I am sure a lot of that stuff went there.

To get back to what I was saying, this stuff needs to go somewhere. We cannot just let it sit in some unknown storage facility somewhere hoping that one day we are going to find a solution for it. I find it ironic that the honourable Leader of the Opposition would also mention the previous

Premier. Let's remember what the previous Premier did. He actually had the vision to establish a royal commission into nuclear energy.

The Hon. R.A. Simms: Shame! A shameful day that was.

The Hon. F. PANGALLO: What?

The Hon. R.I. Lucas: High level toxic waste he wanted buried. Not the low level stuff.

The Hon. F. PANGALLO: So the previous Premier was actually a bit of a visionary, and I will give him some credit, not only for that but also for green energy in this state. The current government can now boast and beat its chest about renewable energy in South Australia, but in actual fact it was the previous Labor government that kickstarted it after the big statewide blackout, so that is probably why we are in a good position now and power bills have gone down, because Jay Weatherill was a visionary in his time.

He also envisaged that there could be the potential for nuclear energy and a need for that perhaps in future generations. There was a royal commission that was conducted, and interestingly enough it came out that we should pursue the options for a storage facility, probably on commonwealth land somewhere. They were looking at all of these options for a high level nuclear facility storage area, perhaps based on one that I think the commissioner at the time, Kevin Scarce, had seen in Sweden or somewhere—I do not think it had been developed—but the indications were that something needed to be done and was required.

Now here we are, fast forward to 2022, and we are seeing those who were previously opponents of nuclear energy come out and say, 'Hang on, we want to get rid of fossil fuels to save the planet. Perhaps we need to start reconsidering using nuclear energy, having some kind of a power station that is powered by nuclear energy.' We are talking about bringing in nuclear submarines. So slowly but surely the debate and the attitude towards nuclear energy is starting to switch.

Quite clearly, for the people of Kimba, they are just a small piece in a puzzle that needs to be addressed. For the Hon. Robert Simms to say that he went there and there was not widespread community support, that was also the subject of—I know that my colleague the Hon. Senator Patrick, who actually opposes it, has been up there several times. My former colleague Nick Xenophon, when he was a senator, was also trying to ascertain from then Senator Canavan just what is the definition of acceptable community support. We could not get that, but we do know that it has been put to a vote many times in that community and 62 per cent, I believe, is the figure—maybe it could be higher now—of that community were in favour of having that facility there.

Seeing that facility there, I have been told by experts that there is no chance or very little risk that the community will be endangered by it. We know that there is waste all around Adelaide at the moment. I do not know if we have been endangered by that. I know that at one point it was stored at Adelaide University somewhere.

I recall a situation many years ago, trying to get to the bottom of a story, when I was approached by a whistleblower who called me to tell me about the way the state government in the 1950s tried to cover up storage problems with radioactivity. Particularly, there was still activity at Maralinga. The whistleblower, who worked in the laboratory at Adelaide University, said to me that there was this massive cover-up after there had been an atomic bomb test at Maralinga.

Strong winds blew radioactive dust into the metropolitan area of Adelaide, which gathered on the roofs of homes. It rained, and who knows what happened? All that was covered up, and of course you would never find those records anymore. But times have changed—that was in the 1950s. We are now in 2022 and there are ways now of managing waste like that.

As far as this facility at Kimba is concerned, I was told that if you took a Geiger counter to the granite rocks that are actually there you would get a higher reading just from the granite than you would from the facility itself. It is around us, but we need to manage it and manage it properly. I am sure this facility will be properly managed—it has to be.

In relation to the Barngarla community, while I appreciate and respect that native title holders have some rights and some say over things, we have to remember that the Barngarla community did make a legal challenge in regard to this, and I understand that it failed, so they exercised that right.

The Hon. T.A. Franks: Isn't the judicial review ongoing? Yes, there's an ongoing judicial review.

The Hon. F. PANGALLO: Is it still going?

The Hon. T.A. Franks: Yes.

The Hon. F. PANGALLO: My belief was that they tried and it failed and—

The Hon. T.A. Franks interjecting:

The Hon. F. PANGALLO: Well, it has continued because the commonwealth government has made an announcement of where it will go.

In closing, we will be supporting it simply because we need to get rid of this stuff and stop storing it in our cities. We need to start having an enlightened look at what we do with this stuff. To just say, 'We don't want it there,' and then with the next spot that pops up, 'We don't want it there either,' the debate of, 'What are you going to do with it?' will go on for decades. A decision has to be made. They are hard decisions and we have to make them now. They have to be informed, educated decisions based on the best scientific evidence out there, and I am sure this is going to occur. With that, as I indicated, we will not be supporting the motion or the amendment to the motion.

The ACTING PRESIDENT (Hon. J.E. Hanson): Thank you, the Hon. Mr Pangallo, for those unusually brief, off the cuff comments.

The Hon. T.A. FRANKS (11:09): I rise to speak in firm support of the motion put by my colleague the Hon. Robert Simms. It is very similar to motions put by the Hon. Mark Parnell when he was in this place, and it will come as no surprise that the Greens stand in firm opposition to what is going on and this federal government's attempt to ignore the voices of the Barngarla.

I note that many of the issues have been covered already for the proposition for South Australia to store nuclear waste near Kimba, and I am glad that today we focus on the Barngarla people because their voices have been silenced in this process—the lack of consultation, the lack of their acknowledgement.

I note the contribution just then of the Hon. Frank Pangallo, who I think cited a figure of 62 per cent, which is about the amount that has been cited as 'strong community support'. If you take the vote of the Barngarla people, which was not included in the numbers, you actually get 43 per cent, and that by any standard is not enough to say that the majority of the community support it—43 per cent.

A report by the Joint Committee on Human Rights found that there was a significant risk that local Indigenous groups were not consulted about this proposed nuclear waste facility. I note that the process did rest heavily on the local council ballot, from which native title holders were excluded, yet the then minister and the current minister continue to use that as evidence of supposed local community support.

I think we can all agree that this has been a divisive issue for the Kimba community. Surely, on the face of it, we can now accept that due to the lack of proper process—when the native title owners, the traditional owners, voted 100 per cent to say no to this dump and their votes were not included in those numbers—surely there is not strong community support.

But I will go further. Not only were those votes not included in those numbers but at a federal level the federal government attempted even to deny them judicial review. The Hon. Frank Pangallo just noted that the Barngarla people had made some sort of challenge, and they have made previous legal challenges, but they have an ongoing challenge.

I want to say that they currently have a GoFundMe. They are attempting to exercise their judicial review rights. I note that the Labor Party, with the Greens and others on the crossbench, ensured that judicial review right when this legislation passed the federal parliament. They are deserving of that judicial review right. Beyond that, I find it extraordinary that ratepayers are given

more rights than traditional owners. If it was ever time to pay the rent, now is it. You know what? There may well be only two Greens here.

The Hon. R.I. Lucas: Hear, hear!

The Hon. T.A. FRANKS: After the election, I hope there will be three Greens here. I note the 'hear, hears' from the Hon. Rob Lucas, and I welcome the fact that he will not be here. I know what will be here and what will stand—that is the state legislation that will need to be abided by and that is the committee processes that will give power and force to ensuring that not just the Barngarla people but the opposition in South Australia will be heard loud and clear in the new parliament.

This is a flashpoint. This is a vote changer for many South Australians. We have a long tradition—indeed, former Premier Mike Rann ensured this—of when the feds want to dump nuclear waste in South Australia we listen to the community. We empower those workers, who will be the ones who will be required to build, to move, to transport this nuclear waste. We say no to doing this in a way that does not listen to that community voice and does not abide by those long-held statutes.

We also heard a lot about how this nuclear waste is all over the place, and we heard a little bit of a history of Maralinga. There are a few things I want to share there. I grew up near Lucas Heights. I grew up knowing that we stored nuclear waste there, and we store nuclear waste through hospitals, through other enterprise, right across this country. That does not mean that we need to transport it to South Australia to a place where the traditional owners have said no to its not just long-term storage but significantly long-term storage.

I remember Stan Zemanek on talkback radio—not the most likely proponent of being antinuke—raising, quite rightly, the concerns of the local residents around Lucas Heights who could not get insurance for their homes. These are the sorts of issues that have not been discussed so far. Why the Eastern States continually look to South Australia and WA for the storage of this waste is beyond me, but it is probably because there is such weak opposition from the conservative parties to their federal counterparts on these issues.

I urge the Labor Party to continue their work and to continue to listen to the traditional owners. I know that the Nuclear Fuel Cycle Royal Commission was mentioned and, yes, Jay Weatherill as Premier did initiate that process, but remember that there was a process there that said that if the native title owners and the Aboriginal people said no, they had the right of veto. And guess what? Every single nation, every single Aboriginal First Nations group in this state, turned up as part of that royal commission process, and every single South Australian First Nations group said no. The Labor government, to their credit, respected that promise, that pledge they had made that they would have right of veto.

What we have seen here at a federal level is not only a disrespect for the right of veto for traditional owners but indeed a silencing of them in the process, a fight against even their right to appeal this through judicial review and not even counting their numbers in the ballot. Goodness! Did we not have a referendum in 1967? Did we not actually start recognising First Nations people as having the right to vote and being recognised as full human beings at that point? Do we not now have native title and should that not be respected?

In this process, when you have the traditional owners saying no, every single traditional owner group in this state having already said no, why on earth are you looking to South Australia? I will tell you why: because the Liberals here are too gutless to stand up to their federal counterparts. Yet, this is the very state that actually has legislation put in place by a previous Labor government but supported by this parliament time and time again—suspended for a while to have the conversation through the royal commission process, but then put in place again by this parliament.

I will note that it was the Marshall opposition who actually were the first to respect some of those voices and come out and say that the royal commission process had to be suspended and that they would not support it once it was quite clear that the South Australian community did not support this. At the time, the Labor Party seemed a little disappointed, but they kept their commitment and they respected the right of veto of First Nations people. They also then reinstated that legislation. I commend my former colleague the Hon. Mark Parnell for his work to ensure that.

Do you know what we are going to ensure here today with this motion? We are going to ensure that you are actually aware of the processes here, that the Aboriginal people were silenced in the first round. They are currently taking this to the courts. We have a committee process of this parliament that will be enacted in the new parliament. My gosh, I hope there is a Greens member on that committee, but I also hope there are three Greens on this committee to stand firm to protect the legislation that we have long held to protect against the federal forces of the conservative part of politics using our state as a nuclear dumping ground.

We have a very sad history here, and Maralinga was mentioned. I tell you what: we did in fact have those things that the Hon. Frank Pangallo mentioned. We did have a real lack of care shown about the storage and disposal of something that should be treated with the utmost respect for human safety and the planet. We had people in the military who died and suffered from illnesses. I used to live in the northern suburbs, and it is well known around the Edinburgh community that the wives would wash the uniforms of their husbands and those uniforms would glow in the dark. Those women and men who worked in our military, and their wives, died earlier, got sicker and suffered due to the negligence, mismanagement and silencing of the voices attempting to expose what was really going on.

It is extraordinary, in a state where we have paid tribute to the work of Yami Lester—of course, he was blinded by those tests the Hon. Frank Pangallo remarked upon in Maralinga—where we have seen Aboriginal people suffer, where we have seen them, in fact, removed from their traditional land, desert people forced closer to the sea, that we are even contemplating this when the Barngarla people say no. Certainly, the Greens will stand firm to protect that state legislation to continue. We will use our voices and we will support the Barngarla people and the residents of Kimba who were not listened to, who were not given due process and who are now seeking that legal recourse.

I will tell you that the parliament can also give you that recourse, and after 19 March I hope the people of South Australia will also have their voice in this debate because they have not yet had their voice in this particular debate. It has been a process that has been skewed from the start to get the result that the Liberal National Coalition wanted, and that is simply to use South Australia as a place where they can dump this waste. Well, we say no, and we will be supporting this motion.

The Hon. R.I. LUCAS (Treasurer) (11:20): The government, not unsurprisingly I am sure, will oppose this motion. I want to follow up comments in earlier contributions. The Hon. Mr Pangallo rightly pointed out that this low level waste is everywhere in South Australia at the moment. At the time of this original debate back in the 1990s and the early 2000s, in the old Royal Adelaide Hospital it was stored underneath the stairwells. It was being stored not in highly secured, protected locations, it was stored in stairwells, in cupboards and wherever else they could find.

I think at the time there were about 20 locations across suburban Adelaide where low level waste was being stored—in the suburbs of Adelaide, not just in bigger locations like the old Royal Adelaide Hospital site. So this issue has been around for a long period of time, as the Hon. Mr Pangallo has indicated.

At some stage someone has to bite the bullet and make a decision, because the nimby principle will always operate. No-one will ever agree—the Greens will never agree anywhere. There will always be somebody, for some reason, who will oppose a proposed site. If the Greens cannot find one—I am sure they will find one. Wherever it is, there will be some reason. It will be a yellow-bellied sapsucker or something, or an ancient frog, or whatever it might be in terms of opposing it. This has to be resolved, and credit to the federal government that they have at least had the courage to follow through this particular process.

I also make a brief comment about the hypocrisy of the Hon. Mr Maher and the Australian Labor Party on the issue of nuclear waste. The Hon. Mr Maher was a member of a government—and we are not talking about low level waste—that wanted the worst of the worst: toxic waste from around the world to be dumped in the northern parts of South Australia, because it was going to earn the state of South Australia billions of dollars, according to the government of which the Hon. Mr Maher was a key mover and player. That was the proposal of the former Labor government.

I disagree with the Hon. Ms Franks, because I was on that committee and she was not. The reason the Labor government then backed off was because, as the opposition, we indicated that we were not prepared to support it, having participated in the investigation and having indicated a willingness to consider the proposition.

I publicly indicated that I went into that debate with an open mind in relation to the economic and financial arguments that the former Labor government were putting as to why we should support it, but when I looked at the evidence, in particular the economic and financial aspects of the deal, it was not a good deal from that viewpoint for the people of South Australia, putting aside the concerns you might have of taking toxic waste from around the world. We are not talking about low level or medium level waste in South Australia from other parts of Australia, we are talking about the worst of the worst, toxic waste from around the world being dumped in South Australia.

As I said, it was not because the traditional owners opposed it, it was because the alternative government, the Liberal opposition, had indicated a willingness to at least consider the proposition. The only way something like this was going to get through the many vexed issues that would need to be contemplated would have been if there was bipartisan support between the two major parties for it to proceed. As I said, the Hon. Mr Maher was a willing participant in all of that. He was a signed-up member of that particular policy, a supporter of that particular policy, and a member of the government at the time.

The government opposes this motion. The site selection process for the National Radioactive Waste Management Facility has involved voluntary nomination and community consultation and technical assessments over six years. More than 40 sites across Australia were volunteered. On 29 November 2021, after assessing site characteristics, Napandee, near Kimba on the Eyre Peninsula, South Australia was declared as the site to host the facility.

The facility would permanently dispose of low level radioactive waste and temporarily store intermediate level radioactive waste. The vast majority of our radioactive waste stream is from nuclear medicine and includes items such as gloves, gowns, imagery, cancer treatments and flasks. Most Australians would benefit from nuclear medicine during their lifetime for a range of health services, including medical diagnoses, cancer treatment and medical research.

With these benefits comes a responsibility to safely manage radioactive waste. The nuclear industry is one of the most regulated in Australia. The construction and operation of the facility would follow strict safety and security policies. The process to establish and operate a national radioactive waste management facility is the responsibility of the commonwealth government.

The National Radioactive Waste Management Act 2012 enables the commonwealth government to progress and develop the facility, despite the existence of the Nuclear Waste Storage Facility (Prohibition) Act 2000 (prohibition act). I understand the project is an important issue for many, including the traditional custodians of the Napandee site, the Barngarla people, represented by the Barngarla Determination Aboriginal Corporation (BDAC).

The Napandee site has been freehold land since 19 May 2004 and was subject to a pastoral lease over Crown land prior to that. Native title is not held on the Napandee site but is held in some areas within the Kimba LGA, and the Napandee site is within the BDAC determination area. The commonwealth commissioned a desktop cultural heritage assessment and the BDAC have made submissions, including the Gorring report in 2018 and Taylor Statutory Declaration in 2021.

Now that Napandee has been declared as a site for the facility, the commonwealth will work with the traditional owners to develop an Aboriginal cultural heritage management plan to protect Aboriginal culture and heritage and meet the requirements of the Environment Protection and Biodiversity Conservation Act 1999. The consultation processes for site selection included surveys and ballots with certain eligibility criteria, as well as a national and open public submissions process.

The Australian Electoral Commission conducted the council ballot in October 2019, which resulted in 61.58 per cent (452 participants) support for the facility, with a participation rate of 90.41 per cent (824 eligible voters). The Federal Court held that the Barngarla people were not excluded from the council ballot and could be eligible if they met the franchise as ratepayers or residents.

The council ballot was not the exclusive means of consultation. On many occasions, the Barngarla people were consulted on an individual basis and as a group represented by the BDAC. The BDAC also made several submissions on Napandee through the national open submission process. The outcomes of all consultation processes were considered in selecting a site without any survey, ballot, public submission process, or particular submission being taken to be representative of the views of all persons with a right, interest or concern about Napandee.

The South Australian government has consistently said that one best practice national facility is appropriate for the storage of medical and research waste, subject to the existence of a willing host community. It is for those reasons that we strongly oppose the motion.

The Hon. J.A. DARLEY (11:29): I did not intend to speak on this issue but can I say very briefly that I agree entirely with the comments made by the Hon. Frank Pangallo. I can say that for 20 years I was a commissioner for charitable funds based at the Royal Adelaide Hospital and it was common knowledge that there were buildings there that contained low level nuclear waste. We have to get rid of this stuff in the metropolitan area and South Australia, and for that reason I will not be supporting the motion.

The Hon. R.A. SIMMS (11:30): I want to respond to some of the quite extraordinary statements that have been made here today. Firstly, I would like to thank all the members for their contributions. I thank, of course, the Leader of the Opposition, the Hon. Kyam Maher, and the Labor Party for their support of this motion. I indicate that the Greens are supportive of the amendment that the Labor Party is moving. While I disagree with their views, I do thank the Hon. Frank Pangallo, the Hon. John Darley and the Hon. Rob Lucas for their contributions.

I firstly want to turn my attention to some of the statements made by the Hon. Rob Lucas. I must say I am disappointed to hear him refer to the concerns of the traditional owners in such a cavalier and dismissive way. I think it is quite contemptuous to simply dismiss that as 'Oh well, just some stakeholder might have a view and it's nimbyism.' I actually think that is a very insulting framing of the concerns of the traditional owners of that land.

I also find it quite baffling that all the speakers against this motion have talked about the fact that we do not want this radioactive waste in the city. We do not want it in the city, so what is the solution? Go and dump it over in the bush. We do not want it in the city; let's go and put it in regional areas. Let's dump it on the land of the traditional owners. Let's ride roughshod over the views of those communities and dump it over there. How insulting and disrespectful is that to those communities?

I have heard the Hon. Rob Lucas talk on many occasions about the Liberal Party's track record of standing up for regional South Australia, and they often profess to be the party that stands up for the regions. Well, talk about selling out the regions. With friends like the Liberals, who needs enemies? If you are living in regional South Australia, they are spineless and incompetent for not standing up to their federal colleagues in Canberra, for not showing leadership and saying, 'We don't want to see SA turned into a giant nuclear waste dump. We don't want to see this waste being put in South Australia.' It is pretty embarrassing that the state Liberal government would not have the fortitude, would not have the gumption or the guts to stand up for our state's interests and to advocate for our interests in Canberra.

I must say, this is also a very important test of the crossbench, a very important test of the balance of power parties. South Australians will be heading to the polls in a few weeks' time and they will face a very important choice. They will form a view on who should be the next government, but they also need to turn their attention to who they would like holding the balance of power in the state's upper house, and I would urge them to consider the track record of the parties on the environment.

Do they want the balance of power held by the Greens, who will always stand firm to protect our environment and fight against the radioactive vision of the Liberal Party, or do they want the balance of power held by crossbenchers who will fold in support of the Liberal Party's radioactive agenda? This motion is an important test, and I urge crossbenchers to think very carefully about what they do before they exercise their vote.

Amendment carried.

The council divided on the motion as amended:

Ayes.....9
Noes 9
Majority 0

AYES

Franks, T.A.	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	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.	Lensink, J.M.A.
Lucas, R.I. (teller)	Pangallo, F.	Wade, S.G.

PAIRS

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

Members interjecting:

The DEPUTY PRESIDENT: Order! There being nine ayes and nine noes, I cast in the negative.

Motion as amended thus negatived.

COVID-19 RENTAL AFFORDABILITY

The Hon. R.A. SIMMS (11:38): I move:

That this council—

1. Notes the extension to the moratorium on eviction from residential tenancies for the non-payment of rent due to severe rental distress as a result of COVID-19, expired in December.

2. Recognises that the current outbreak of the Omicron variant, and subsequent restrictions have had a devastating impact on businesses across the state, particularly those in the CBD, with many now being unable to meet rent payments.

3. Calls on the Marshall government to—

   (a) immediately provide a moratorium on eviction for residential and commercial tenancies for six months in circumstances where tenants are unable to pay their rent due to COVID-19; and

   (b) provide a more generous and effective financial support package for businesses that are experiencing financial distress.

This motion calls for an extension to the moratorium on eviction from residential tenancies for the non-payment of rent due to severe rental distress as a result of COVID-19, and we note that that expired in December. It recognises that the current outbreak of the Omicron variant following the Liberals' decision to open the borders without appropriate preparation, which occurred last year, has led to a series of restrictions that have had a devastating impact on businesses across the state, particularly those in the CBD, with many people now being unable to make rent payments.

The motion calls on the Marshall government to immediately provide a moratorium on evictions for residential and commercial tenancies for six months in circumstances where tenants are unable to pay their rent due to COVID-19, and provide a more generous and effective financial support package for businesses that are experiencing financial distress.

This is not new to this chamber; I have talked a lot about this issue since I began my term in the parliament back in May last year. At that time, the moratorium on evictions for people experiencing financial distress was due to expire and the Greens worked hard to get it extended and appreciated the support of other parties here in this place to make that happen. We were able to secure an extension of the moratorium until December, but it expired in the lead-up to Christmas.

I am very concerned that as the economic crisis and the public health crisis have deepened, vulnerable people are not getting the protection they need. We know that if somebody is evicted out of rental accommodation they are at high risk of falling into homelessness and insecure accommodation, and that can really create long-term issues for somebody in terms of being able to access housing and have a roof over their head and a place to call home long term.

I am also very concerned about the plight of many businesses in the CBD, many of which are renting commercial tenancies. I have spoken to many businesses, and I am aware of many that are reporting that it is going to be really difficult for them to pay their rent and that, if they cannot do so, their business is going to close. What I am calling for is for the government to put a moratorium on these evictions and to actually provide some adequate support to struggling businesses.

I recognise the government have put forward a support package, but it has been inadequate. It has not hit the mark. We need to ensure that there is a more appropriate investment in support for businesses that are struggling and for vulnerable renters. I do say also that I hope that after the next election in the parliament we have an opportunity to review renters' rights here in South Australia and take steps to strengthen renters' rights more broadly.

We need to look at rent caps. It works in other places around the world, yet we have not used it here in South Australia. There is something seriously wrong when we have a housing system that treats housing as a commodity. We have a housing system that allows some people to own numerous properties when others do not have a foot in the door, do not have a place to call home, do not have a roof over their head.

I think there is something seriously wrong with that system. We need to recognise that housing is a human right. That means changing the Residential Tenancies Act to restore the balance between tenant and landlord. It means ending things like the no cause eviction process we have in South Australia. Mr Deputy President, you would be aware that when somebody reaches the end of their tenancy the landlord can simply say, 'We are not going to renew your tenancy.'

That creates a lot of anxiety for renters. It means that they are often reluctant to report issues around inadequate housing, or report maintenance issues that need to be actioned, because they live in fear and anxiety that their tenancy may be terminated or may not be renewed. That is a terrible thing and it puts tenants and it puts renters really at a significant disadvantage in terms of being able to assert their rights.

But there are other things that other states look at too. I know my predecessor in this place, the then Hon. Mark Parnell, introduced a private member's bill to provide a presumption in favour of tenants being able to have pets. Other states have done that, but we do not do that in South Australia. That needs to be looked at. Also, we have bidding wars that occur in South Australia, where if someone is trying to get a rental property they are often at the mercy of a market that allows people to just bid against each other. All these things need to be addressed.

We need to amend the Residential Tenancies Act to ensure that renters get the protection they deserve, but in the short term the government should step up and provide protection for renters experiencing financial distress during this economic crisis. I asked the minister about this yesterday. I did not receive a satisfactory answer in terms of what measures are in place to help people. It is not good enough to say, 'We will refer you on to a support service.' We need to ensure that people have protection now. We need to ensure that they know they are not going to be evicted, that they are not going to be kicked out onto the street.

Anyone who lives in the CBD area will be aware of the significant issue we face around homelessness in our state. It is a significant problem for us to address. It is deeply saddening to see more and more South Australians sleeping on the street. If we do not put these sorts of protections in place, I am very concerned that we are going to see more and more South Australians living on the streets and facing insecure housing. I commend the motion.

The Hon. E.S. BOURKE (11:46): I rise today in support of the Hon. Rob Simms' motion and thank him for his advocacy of some of the state's most vulnerable citizens in our community. When we think of the basic needs we all have, secure housing is right at the top of that list. All members of this place should be aware of the ongoing rental affordability crisis in our state. Given previous debates in this place just this week, we should all be aware of the impact of COVID-19 on the financial security of many casual workers.

While those opposite claim that their government was well prepared before the opening of our borders in November, we have many examples of the impacts they were not prepared for. Some seem not to have even been considered at all. Being prepared means planning for events before they occur. It means looking to see what happened in the past and what has happened in other states and predicting what might happen and what the impact could be. After all, it is only the government that has the most recent Omicron modelling available to them. It means learning from the past so that the outcome is better the second time around.

Two years into this pandemic, this government can hardly say the impacts of COVID-19 on our small businesses and financially vulnerable citizens were unpredictable. This government had two years of lessons from other jurisdictions. Not only could they learn from the experience of other places that had a suite of policies that had been designed to avoid the worst impacts of the pandemic ready to go but, instead of learning the lessons or maintaining these policies, this government opened up with no safety nets and no protection.

The Marshall Liberal government let our small businesses, casual employees and our most vulnerable citizens bear the brunt of COVID-19, when they should have been more prepared to protect them. Back in September, we saw the expiry of sections 8 to 10 of the COVID-19 emergency act, which had, up until then, put in place protections for rental and commercial tenants experiencing financial hardship due to the COVID pandemic. These protections protected tenants from increased rents and terminations of tenancy if the tenant was unable to pay rent due to the impact of COVID-19 on their business or employment.

Those opposite might have hoped that we were all suffering from short-term memory loss, Omicron may have been new and we may not have known much about that variant, but we did have some idea of the impact any variant of COVID-19 would have on our workforce and any business, especially the hospitality sector. The Hon. Robert Simms touched on this, but the hospitality sector has been particularly impacted.

This government did not even need to look that far to see what potential effects may occur. They could have looked to our neighbours in Sydney and Melbourne to see the impacts our state would face when this outbreak would eventually hit. In Sydney and Melbourne, casual workers were again losing shifts and their personal financial security. Mixed messages and unclear communications of restrictions saw small business hit by the shadow lockdowns—that is, customers avoiding businesses they perceived as dangerous.

In New South Wales, although dining was not restricted beyond one in two square metres, not only were concerned customers staying away and leaving dining rooms empty but staff who had no isolation available to them were unable to work. Some businesses were losing so many staff as close contacts that they were unable to be open.

As I mentioned already, all this was happening before the much more highly transmissible Omicron began to circulate in our community. The writing was on the wall. The protections for residential and commercial tenants had expired and alarm bells were being rung by multiple organisations and industry associations—as well as my colleague the Hon. Rob Simms—about the bomb that was about to go off in our state.

Yet, nothing from this government. No plan and no protections for those at risk were put in place. When this government could have extended sections 8 to 10 of the act, which would have provided a safety net in case an outbreak caused the same issues that were unfolding in other jurisdictions, it instead let them expire.

When COVID-19 first came to South Australia, the stress of the financial impacts that would be overwhelmingly borne by our casual staff and small businesses was blunted by protections put in

place by the federal and state governments. JobKeeper, eviction moratoriums, tax breaks, grants and other incentives were used by all other layers of government to buoy the economy from the worst impacts of this pandemic.

These economic levers recognised the potential for the pandemic to cause significant and lasting damage. Of course no-one expected these things to last forever, only for as long as they were needed, for as long as COVID-19 threatened to wreak havoc in our community. So why was it, when our state was experiencing the pandemic most acutely, we were taking away the restrictions that the community needed?

The decision to let sections 8 to 10 expire has caused additional stress to thousands of vulnerable South Australians who are at risk of eviction through no fault of their own but from a lack of planning by this government for the predictable impacts of COVID-19, impacts that were obvious even before Omicron. We remain in the middle of a global pandemic and are feeling the worst of it in South Australia in our community without the safety nets designed to navigate the pandemic at its worst.

Labor will be supporting the Hon. Rob Simms' motion and calls upon the Marshall Liberal government to learn from their mistakes and support South Australians by recalling this parliament—which might be too late—to fix sections 8 to 10 of the COVID-19 Emergency Response Act.

The Hon. F. PANGALLO (11:52): I will only be brief and just say that—

Members interjecting:

The Hon. F. PANGALLO: —well, it's not question time yet—we will support the motion by the Hon. Robert Simms. I thank him again for his advocacy for people who have been impacted by COVID—the homeless and the businesses in the City of Adelaide as well—in seeking this moratorium. He also calls for financial support from the government for these tenants. At the same time, what we are doing here is placing further imposition on landlords as well. Let's not forget that they have also participated in being able to offer reduced rents or in some cases they have even wiped rents.

I know of landlords who have not only not received rent but also paid utility bills for their tenants, such has been the dire case of business in the CBD as a result of government policies on the management of COVID. In fact, one landlord has just received a whammy of a land tax bill, which is $200,000 more than they received previously—it is a double bill. This landlord does have some property in the CBD, and he also has a hotel that has been virtually empty since the start of the pandemic. They have been, essentially, subsidising their tenants, and they have had their tenants say to them that they have extended their credit in terms of getting supplies for their businesses and they are now facing severe financial difficulties in meeting other debts on top of the rent.

So you might actually have a situation down the track, at the end of this pandemic, where zombie businesses—the name given to these businesses—perhaps should not have been solvent enough during the pandemic to keep operating but they have managed to rack up debt, and then of course they will not be able to pay. Some of these businesses have indicated to their landlords that, through no fault of their own—it has been a very difficult two-and-a-bit years—if they do not give them any breaks on their tenancy or their lease agreements, they will simply hand the keys back and walk away. That is how bad it has become in the City of Adelaide.

We do not hear that. We hear all the rhetoric about how great the economy is going in South Australia and how it is bouncing back, but does anyone ever go and talk to these tenants in the CBD where they are shuttered? They haven't returned. People have lost their jobs as a result of it. It is a dire situation, and I do hope that the government does show financial support for them and at the same time also considers the plight of suffering landlords in the CBD and perhaps maybe even review the enormous impost that they are now facing with not one but double land tax bills that are coming in. They are just starting to filter in now before the state election.

I know that they are causing a lot of pain for some property owners in the city who are now resorting to having to go to valuers to get their properties revalued so they can file some sort of objection to what is going on. We not only have their tenants facing severe financial restrictions but

even the landlords themselves because of the land tax that was brought in by the Treasurer. In closing, thank you to the Hon. Robert Simms, and we will support the motion.

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

WAGE THEFT

The Hon. I. PNEVMATIKOS (11:57): I move:

That this council—

1. Notes the considerable number of high-profile wage theft cases reported in the media that have highlighted the deep-rooted inequality in our current industrial landscape;

2. Notes the harm wage theft causes to both workers and law-abiding employers;

3. Recognises non-payment of superannuation in South Australia is likely costing South Australian workers around $270 million per year in lost retirement savings—that is compounded further over time from loss of investment earning;

4. Recognises that combined losses of superannuation and other income in South Australia due to wage theft is estimated to be between $360 million and $560 million per year;

5. Recognises the unjust and unfair conditions that up to 170,000 South Australian workers experience their wages and benefits stolen; and

6. Condemns the Marshall Liberal government for not endorsing the Parliamentary Select Committee on Wage Theft in South Australia's recommendations and taking no action to rectify the wage theft crisis.

Today marks 10 weeks since the Select Committee on Wage Theft in South Australia tabled its report in this chamber. Over the three-year investigation, the committee worked to collate evidence from a range of workers, unions, employee groups, community organisations, non-government organisations and employer associations. It became obvious early in the investigation that wage theft is perverse, widespread and rampant in our state—not too dissimilar to the pandemic.

Just after the investigation opened in March 2019, the McKell Institute published a comprehensive report on the economic impact of wage theft in South Australia. The report detailed the substantial economic loss that South Australian workers have endured as a consequence of wage theft. It detailed that nearly 170,000 (or one in five) South Australian workers are impacted by wage theft, and 29.1 per cent of South Australian workers are likely subject to the non-payment or underpayment of superannuation. This underpayment or non-payment of superannuation entitlements is likely costing South Australian workers around $270 million per year in lost retirement savings.

The combined loss of superannuation and income in South Australia due to wage theft is estimated to be between $360 million and $560 million. As a direct result of wage theft occurring within the state, it is estimated that South Australia loses between $31 million and $60 million per year in GST revenue. These figures should come as no surprise. Instances of egregious wage theft litter the media and the Fair Work case load. As described by Adele Ferguson in the *Sydney Morning Herald*:

> The Fair Work Ombudsman continues to issue press releases like confetti, outing companies every few days for questionable workplace practices. In the past month alone 10 security businesses, Chatime bubble tea, restaurants, medical centres, a toy retailer and an IT services business have been pinged by the regulator for short-changing workers.

Just to highlight a few cases since September last year, Eudunda Farmers Ltd, who own supermarkets on the Limestone Coast, are accused of underpaying staff upwards of $1 million; more than 370 current and former workers are accusing McDonald's of wage theft by deliberately denying employees paid rest and drink breaks; Japanese restaurant Gyoza Gyoza was fined more than $78,000 for underpaying workers and subverting inspectors; and after a class action by current and former staff members of the Romeo's Foodland supermarket chain, Romeo's Retail Group agreed to pay $1.55 million in unpaid wages.

These are just a few of the hundreds of underpayment claims the court deals with, not to mention the thousands that never see the light of day. These cases will be dealt with, in some cases

with some sort of remedy for workers. Unfortunately, many cases either do not see the light of day or court proceedings are stopped with the phoenixing of businesses. A business going into liquidation before settling underpayment claims, otherwise known as phoenixing, is common.

We saw how phoenixing can leave workers with nothing in the very public Fun Tea case. Nearly a year after the initial assault and underpayment of Fun Tea workers, Fun Tea went into liquidation. Like any other business that goes into liquidation, the company's remaining assets are sold to cover outstanding costs to suppliers and creditors. Unpaid wages usually sit very low in paying out other creditors. Workers are a low priority.

This is a common issue that was discussed during the wage theft committee's deliberations. The committee made several recommendations in regard to this, including allowing the South Australian Employment Tribunal to have powers consistent with the Family Court to prevent those responsible for wage theft from hiding their assets, as well as giving the tribunal the jurisdiction over phoenixing. This is just one of the many issues intertwined with wage theft that workers are facing. It is one of the many issues to do with wage theft that the state government is ignoring.

There is no doubt that the Treasurer nor any other members of the Marshall government have any intention of fixing this crisis. They made it blatantly obvious through their dissenting report. How can a government stand idle while injustice on this scale continues? Even worse, how can the government so blatantly deny that it happens? In fact, in May 2020, Premier Steven Marshall, the member for Dunstan, was asked about the issue of underpayment in relation to the On the Run case. I quote him:

> Obviously, we want to make sure that all employees get their full entitlements, but I have no evidence to suggest that anything other than that is being observed here in South Australia.

Just prior to the Premier making comments, the Fair Work Ombudsman recovered more than $40 million in unpaid wages for 17,000 workers, which is just the tip of the iceberg. Obviously, there was evidence of wage theft, but the Premier just did not want to know about it.

Unlike the Liberal Party, the Labor Party will act on wage theft. If elected, Labor will introduce wage theft legislation to create criminal penalties for persistent and deliberate underpayment of workers, including wages and superannuation. Court processes will be streamlined to make it easier to collect money once a court makes an order. Labor will work with government agencies on improved compliance and investigation.

Education and enforcement are equally important. To ensure that businesses and workers are operating on a level playing field, Labor will implement a coordinated approach across government, regulators and agencies to ensure that workplaces are not only understood but followed and enforced.

Unlike the Marshall Liberal government, when we see a report that outlines so clearly the deficits in our system, we work to fix it. It is not fair for business doing the right thing, it is not fair for workers doing the right thing, and it is time South Australia had fair and accessible processes to recover stolen wages. Labor will make that happen.

Debate adjourned on motion of Hon. N.J. Centofanti.

COVID-19 MANAGEMENT

The Hon. E.S. BOURKE (12:06): I move:

That this council acknowledges—

1. The economic and financial impacts caused by COVID-19 are ongoing and long term;
2. Adelaide's CBD small businesses and staff, especially retail, hospitality venues and casual employees, have been and continue to be disproportionately affected by these impacts;
3. The Premier's rhetoric regarding the impact of COVID-19 on CBD small businesses and their staff has been dismissive and disrespectful and that the tills are not ringing;
4. The Marshall Liberal government was underprepared and overconfident when reopening our borders;

5. The Marshall Liberal government ignored advice from the Chief Public Health Officer that Omicron was a 'game changer' and not to open the borders;

6. The Marshall Liberal government's communication and messaging has been confusing and contradictory;

7. The combination of being unprepared, ignoring advice from the Chief Public Health Officer and poor communication from the Marshall Liberal government has created a perfect storm for CBD businesses and their staff, who have again been left bearing the costs of this 'shadow lockdown', reduced capacity and office workers being encouraged to work from home;

8. That 'shadow lockdowns', reduced capacity rules and work from home advice would not have had to be implemented if the government had been prepared, had taken the advice of the Chief Public Health Officer regarding Omicron or had communicated effectively with South Australians to ensure confidence; and

9. The financial hardship, stress and anxiety experienced by staff and small business owners since the reopening of South Australia's borders was avoidable and was caused directly by the mishandling and mixed messaging of the Marshall Liberal government.

The anger I heard from small business owners this week was overwhelming when it was revealed that the Premier was negotiating the rules that have restricted their businesses for so long, not on health advice, as he has been at pains to say, but instead to return for a more favourable discourse from Business SA and the AHA. Those business owners were right to be angry.

Business owners in the CBD have a right to be angry when they listen to the Premier declare 'the tills are ringing', while they contemplated how they were going to pay their rent, their staff, their suppliers after another week of a shadow lockdown caused by the mixed messaging and lack of preparation following the opening of our borders to Omicron. Terrible communication has been a hallmark of this government throughout the pandemic. They say one thing and then another, never clear and always a little bit like they are making it up on the run.

The Chair of the COVID-19 Response Committee, the Hon. Tammy Franks, has outlined in the chamber this week the findings of the most recent report from the committee. The witnesses we have heard from have shared with us the chaos, the cost and the stress caused by the confusing and inconsistent messaging and health advice that has been brought to the industry to work through. As one restaurant owner told me this week, 'We are not expecting to see our dining rooms full for a very long time.'

On the one hand, the Premier says that restrictions are easing and the city is safe. On the other hand, and on the same day, SA Health announces new close-contact sites, which were only hospitality venues. After not updating the list for weeks, how can the public feel safe coming to our venues, venues with strong COVID-safe practices and compliances, when they are hearing mixed messages like that: do not go to a hospitality venue.

Another hospitality venue owner asked why QR codes have been removed from retail but are maintained for hospitality. They feel that this sends the message that hospitality venues are unsafe, which will erode confidence in the industry again.

Since the first lockdown ended in 2020, all businesses, but especially CBD businesses, have been asking for the same thing: consistent messaging, a road map that is easy to understand and that there is a plan, and a confidence that the government really does have a plan and is not making it up on the run. I do not think this is too much to ask. I commend this motion to the house.

Debate adjourned on motion of Hon. J.S. Lee.

COVID-19 AGED CARE

The Hon. F. PANGALLO (12:10): I seek to move my motion in an amended form.

Leave granted.

The Hon. F. PANGALLO: I move:

1. Notes that one in four South Australians aged 85 years and older, live in aged-care accommodation in South Australia. This is approximately 20,000 South Australians;

2. Recognises that 154 South Australian aged-care sites have had positive COVID-19 cases and that currently 102 aged-care homes have active COVID-19 outbreaks;

3. Notes that about a third of COVID-19 deaths in Australia this year have occurred in residential aged care;

4. Highlights that since December 2021, 68 South Australians have died from COVID-19 in aged care. This is more than half of the total number of deaths from COVID-19 in South Australia (128), well above the national average of deaths from COVID-19 in aged care;

5. Expresses its sincere condolences to those who have lost loved ones during the COVID-19 pandemic;

6. Notes its extreme disappointment at how ill prepared our state, and in particular support and assistance available to the aged-care sector, has been throughout the pandemic, especially since the borders were reopened on 23 November 2021;

7. Recognises the state government did not have comprehensive management plans for aged care in place, in the entirely foreseeable event that COVID-19 infections in aged care would be significant and fatalities would be high;

8. Respects Royal Commission into Aged Care Commissioner, Ms Lynelle Briggs' assessment that the aged-care sector is in crisis due to government failure to plan for COVID-19 outbreaks;

9. Demands that pandemic management plans are immediately developed to address the likelihood of new COVID-19 variants and outbreaks, the impending flu season, and the need to fast-track the availability of new treatments and vaccines;

10. Calls on the state and commonwealth governments to ensure aged-care facilities impacted by COVID-19 are adequately staffed, resourced and provided with protection equipment including industry standard PPE, onsite PCR testing and RAT kits;

11. Recognises that staff working in aged-care facilities are also vulnerable and have worked tirelessly to protect and maintain standards of care;

12. Calls on the commonwealth and state governments to immediately act to increase aged-care worker wages by 25 per cent.

13. Calls on the state and commonwealth governments to ensure that Defence Force personnel, as announced by the commonwealth government on 7 February, are assigned to South Australian aged-care homes without delay;

14. Calls on the state and commonwealth governments to act as a matter of urgency to ensure that all aged-care homes and all aged South Australian residents have immediate access to vaccinations, including the third booster dose, to ensure they are protected;

15. Calls on the state government, through the State Coordinator and Chief Public Health Officer, to ensure that residents' basic rights are upheld including face-to-face visitation rights for aged-care residents and family members; and

16. Calls on the state government, through the Electoral Commission, SA Health and the aged-care sector to ensure that aged-care residents are supported to exercise their right to vote during the pandemic.

I will not go through all the items in the motion, because it is quite extensive, but there is an addition, No.12, which calls on the commonwealth and state governments to immediately act to increase aged-care worker wages by 25 per cent.

I rise to speak on this motion and it pains me to have to do this. When this pandemic is over and the post-mortems begin on how it was managed and mismanaged by both state and federal governments, the one stand-out will be the appalling treatment and neglect of Australia's most vulnerable people: our senior citizens in aged care. This is a shameful national disgrace, an abject failure of public policy, the direct result of no proper planning being in place when our own state government announced opening borders, allowing the virus to take hold.

Most deaths since the start of the pandemic in March 2020 were in nursing homes. No lessons were learned from the first waves, it seemed. A third of COVID-19 deaths in Australia this year have occurred in residential aged care. Since 31 December, aged-care providers have reported the deaths of more than 415 people to federal authorities. There have been more than 140 deaths in South Australia since the State Coordinator made his poorly planned and timed decision to open borders on 23 November.

Latest data reveals that South Australia has had 1.2 deaths per 1,000 COVID cases this year. This is higher than any other state or territory. Ninety of the SA deaths (two thirds of the total) were in residential aged-care facilities. Until then, there had only been four deaths throughout the pandemic. All this is a result of the new variant of the virus, Omicron, sweeping through the state.

The authorities in charge would and should have known that those most vulnerable and at risk of mortality would have been the elderly in aged care, yet they directed that COVID patients in nursing homes would not be admitted into our hospitals. If they were to die or be treated in facilities that were not up to the standard of hospital ICUs, they would be treated in the nursing homes. It is a shame.

Saying they did not anticipate Omicron is no excuse for poor planning. Health authorities and experts around the world dealing with a pandemic knew there would be dozens of mutations and variants of the disease emerging: that is what happens in a pandemic. When the State Coordinator announced the plan to reopen borders, it clearly had taken aged-care operators by total surprise. They had wanted more time to get ready. It was not given to them. Jane Pickering, the CEO of Eldercare, was clearly worried, and she told the ABC on 24 November:

> So, hearing about this only very recently and with hardly any notice means we…have to completely change the way we have prepared ourselves for outbreaks, including all of our outbreak management plans, our workforce management plans, our resource management plans. That all has to change and we had…a few days' notice.

'We have to live with the virus,' we were told. Well, not at all. It seems that SA Health, the government, the COVID Ready powwow tribe, run by the chief, the Premier, and stacked with bureaucratic acolytes, were still panicked and spooked by it because they imposed more draconian restrictions and mandates than before. They struggled to get enough rapid antigen tests.

People were still getting their second or booster doses. The commonwealth was still rolling out booster doses in nursing homes. Unboostered aged-care residents dominate the number of COVID deaths in Australia. Why did the COVID Ready crowd and its predecessor, the Transition Committee, not ensure that there was at least 90 or 95 per cent who had had their booster in aged care? There are still more than 400,000 in the state who have not lined up for their third jab. This is indicative of the spin put on the reopening.

They have sleepwalked us into complacency and the aged-care sector into disaster that continues to unfold in tragic and unseen circumstances. The aged-care sector was already struggling when there was zero community transmission in South Australia. Many operators had problems retaining skilled staff who get more pay in the disability sector or, as National Seniors adviser, Ian Henschke, pointed out, you would make more money flipping burgers at Hungry Jack's. They did not have access to industry standard PPE and other preventative measures so necessary, like the device that fits masks.

The government only seemed to consider how the health system, its health system, would fare if there were thousands of cases and hospitalisations based on modelling we never saw. But I suspect this was in the most extreme and, as the Prime Minister himself even pointed out, unlikely event. What about the modelling for aged care, Professor Spurrier, Commissioner Stevens, Premier Marshall? Where was that?

Where was the consideration of workers not just in health, but in other areas: industry, transport, food processing? If they came down with COVID, as many did, they would need to isolate and there would be delays in the supply chain. Who could fill their shoes? Of course, they grossly underestimated the impact in aged care, where our most vulnerable people reside, having to resort to find inexperienced surge staff when workers came down with the virus, and simply opened the door to a decline in the standard of care.

As I was in 2020, after the borders were reopened, I was contacted again by many constituents heartbroken that their loved ones were distressed at being locked up in their rooms for weeks with no visits, no access to fresh air. This is a cruel denial of their basic human rights. Even inmates in solitary get an hour of outdoor exercise. Did any of our medical experts not foresee that this problem would arise? The aged-care sector certainly did, but the powers that be would not listen. The political agenda directed it. Lives that would undoubtedly be lost, it seemed, did not matter.

We were promised by Mr Marshall and Commissioner Stevens there would be no more lockdowns after 23 November. The exercise has backfired. That is exactly what we got in smaller doses, still crippling business and hospitality and dozens of nursing homes right now.

There is no other way to describe it than a form of elder abuse caused by decisions of unelected bureaucrats in charge. You cannot lock up people against their will, even if you believe it is for their own good, their own welfare. You are only creating more problems with their health and mental wellbeing. When these fragile people cannot see anyone they love and their families cannot check on them to see if they are nourished, hydrated or mentally alert, that is what it is—elder abuse—regardless of the spin they want to put on it.

We would never know if these under-pressure facilities had to resort to using chemical restraints, psychotropic drugs, to keep the residents calm. Professor Spurrier expected every home would get COVID—well, they did not flag it when they opened the borders—and that dozens would die as a result. Why did they not move to close borders again once they realised Omicron would swamp the state? How many of those who died would still be alive if they had?

The elderly with medical issues, particularly those in aged care, seem to be the human sacrifice in a curious experiment to achieve herd immunity in the community. You have to accept that was the intention, although we would never know because you cannot access records because the COVID-Ready powwow does not keep a record of anything. It is a talkfest to pump the Premier for his daily press conferences giving us some of the morbid details while punching the air about how well they are doing.

This is a group that is populated by bureaucrats and politicians. Where is the representation from the business community, from citizens? The figures have started to spike again over the last two days because more people are wanting to get tested, and Health SA boss, Dr Chris McGowan, concedes under-reporting of cases could be as high as 20 per cent.

Recently, the head of Premier and Cabinet, Nick Reade, gave the Budget and Finance Committee a glowing self-congratulatory report about the government's management of COVID, but not once did he mention that since 23 November there had been more than 100 deaths, as if they did not happen. Do they not matter? Old lives do matter as much as younger ones. The aged-care sector warned them of the dangers. They wanted more time to prepare before opening the floodgate, but they would not give it to them. The almighty dollar had to be put before the welfare of the entire community and the lives of the aged community.

While we all expect that you cannot keep the shutters down indefinitely and that it would have to have happened at some point, clearly it needed to occur in a proper stage-managed way, with full consultation with the residential aged-care sector—after all, we are dealing with their lives—not rushed as it was to achieve political points for a government on the nose.

There were residents in end-of-life situations in aged care and in our hospitals unable to spend precious time with their families. Just who makes these insensitive calls? We had patients critically ill in hospital unable to have visits from desperate family members. I note that New South Wales announced today that they have changed their policy. What about here?

It disturbs me when you get all the cathartic chest-beating rhetoric from politicians after cases of elder abuse are exposed, leading to royal commissions with a couple of hundred recommendations, and then we see that the aged-care minister, Richard Colbeck, goes to the test cricket in Hobart for three days and misses an important Senate inquiry into the pandemic and covering aged care. When all the dust and hyperbole dies down, we are back where it was. They are out of sight and out of mind. Here is a sobering statistic: one in two Australians—one in two of us in here—will most likely end up in a nursing home.

The diabolical consequence is that the subsequent spread of the virus into nursing homes has now created an unprecedented staffing crisis. As I have pointed out, this has to be causing the decline in care standards, and deaths, and his COVID-Ready powwow tribe must bear responsibility because it is clear they failed to consult and listen to the sector. They failed to protect aged-care residents. Instead, they blame-shift to the commonwealth.

Paul Sadler from Aged and Community Services Australia said that the decision to open up the general community at a time when aged care did not have access to boosters, rapid antigen tests for residents, families and staff, and access to enough PPE was a mistake. He said:

> The policies to open up to allow community transmission in the way it happened without protections in place for the aged care community has ended up in another disaster that was at least partly preventable.

The Prime Minister is now calling in defence forces to assist in nursing homes. I think the figure is around 1,700, which is ridiculous. There are more than 2,200 aged-care facilities in Australia, so that is under one personnel for each home. Recruiting and maintaining staff is critical and we wholeheartedly support the demand for better conditions and a 25 per cent boost in salary. Those in the sector have been exhausted by the demands placed upon them. Do not be surprised that when all this is over there will be cases of post-traumatic stress disorder in this sector and from our overloaded and overworked health system.

There are solutions for job vacancies that the federal Treasurer must consider, among them a brilliant policy idea from Ian Henschke allowing pensioners to work for a salary and pay tax while still retaining their pension. It would boost GDP significantly. The amount of tax they would pay would be about the same as the pension they receive. It is a win-win and it is a proven winner in New Zealand, where quarter of a million pensioners are also tax-paying workers.

Mr Henschke gave me an example of a nurse on the Gold Coast who was brought out of retirement. There was an urgent need for this nurse to work in an overloaded system and look after COVID patients. The nurse went in and was paid a wage and was taxed, yet when the stint had finished and they asked her to stay on, she could not because she had to repay $8,000 because she went over the tax limit. So it is a great idea and one I hope the federal Treasurer will consider, because we keep hearing on a daily basis that unemployment has reached record levels not seen since the 1970s, a massive skills shortage.

We have a baby boomer population now aged between 58 and 75, or whatever it is, something like nearly 8 million people heading towards their pension or retirement or whatever. We have a very experienced workforce leaving and we need to utilise them. We need some type of incentive such as this that could ease the chronic shortages we are seeing everywhere.

Right from the outset of this pandemic, it was a national priority to keep the most vulnerable—the aged and the disabled—safe to minimise loss of life. They are old and frail. They are in their twilight years. That does not mean their lives have to be undervalued. Our society demands that we respect human life, no matter what age or condition. Let's never lose sight of that. However, history will show that our leaders have failed them dismally. I hope they remember this at the ballot box. I commend this motion to the council.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (12:29): Across the globe, the pandemic has hit older people hard and South Australia is no different. The Marshall Liberal government has been working tirelessly to minimise the impact of the pandemic on older South Australians. Particularly, older South Australians living in residential aged-care facilities have been a priority.

From the beginning of the pandemic, in other jurisdictions, when COVID got into a residential aged-care facility it spread rapidly and claimed many lives. But in South Australia in the early part of the pandemic we were recognised as having successful responses to COVID outbreaks. In mid-November 2020, four staff at an aged-care facility in Brompton tested positive for COVID-19. Less than three weeks later, SA Health was able to declare the Brompton outbreak closed and not a single resident at the facility had contracted the virus. That was not luck. It was the result of careful planning and preparedness by both the facility and SA Health.

The South Australian response has been recognised interstate and overseas—interstate in particular. In terms of our approach to opening up the border, which the Hon. Mr Pangallo is so critical of, both in Western Australia and New Zealand people have been highlighting the successes of our approach and commending them, particularly to the Western Australian government, as a model.

In relation to SA Health's response to the pandemic, I would like to acknowledge the work of the Office for Ageing Well and in particular its director, Cassie Mason. They have worked very closely

with aged-care stakeholders to identify challenges and vulnerabilities and put solutions in place. The Omicron wave has been a strong challenge to the aged-care industry. I remind the Hon. Frank Pangallo that the Omicron variant was not identified until after the borders opened on 23 November, and correct his comment in terms of the transfer of residential aged-care facility residents to hospital. It was not a blanket rule that residents would be cared for in the residential aged-care facilities. In fact, through the Omicron wave many residential aged-care facility patients have been cared for in our hospitals.

The motion before us conflates the responsibilities of the commonwealth and state governments and fails to recognise the extensive work undertaken and the support given. Whilst the commonwealth is the primary funder and regulator of residential aged-care facilities, the facilities, their staff and their residents have been a priority for the Marshall Liberal government. SA Health has worked closely with the commonwealth throughout the pandemic to provide support.

The commonwealth government is responsible for providing PPE and rapid antigen tests from the national stockpile to residential aged-care facilities. Where there have been demand and supply issues, SA Health has been supporting residential aged-care facilities to access PPE and RATs in a timely manner. The commonwealth provides the vaccination program to the aged-care sector. In terms of workforce, residential aged-care facility operators experiencing an outbreak can access a temporary surge workforce from the commonwealth Department of Health. Recently, the commonwealth has been engaging the ADF. The first team of ADF support was deployed into a South Australian residential aged-care facility experiencing an outbreak on 5 February 2022.

Certainly, during the Omicron wave SA Health has been deploying staff to residential aged-care facilities to support them to deal with outbreaks, and I thank particularly the nurses who have been involved in that support. In the context of the Omicron wave and the furloughing of staff, critical workforce shortages were being identified in some facilities. The Chief Public Health Officer has authorised the chief executive or equivalent of residential aged-care facilities experiencing an outbreak to grant work permissions during a period of quarantine to provide direct personal or nursing care.

The honourable member asserts that there was a lack of planning in terms of the aged-care response. Indicative of long-term planning is the fact that in April-May 2021 state and commonwealth governments took the opportunity to formalise the coordination that had developed over the first year of the pandemic. This document is called the 'Joint Protocol: Management of COVID-19 Outbreaks in South Australia Residential Aged Care Facilities' and it strengthens the collaboration and provides governance structures and escalation procedures to coordinate the response.

As laid out in the joint protocol, the Aged Care Emergency Response Group met daily, chaired by the South Australian government Director of the Office for Ageing Well within the South Australian government, and was attended by representatives from the commonwealth department, the Aged Care Quality and Safety Commission, State Control Centre—SA Health, Communicable Disease Control Branch, Clinpath and the Aged Rights Advocacy Service. SA Health and the commonwealth worked together to support facilities experiencing outbreaks.

The Marshall Liberal government, too, has actively and regularly engaged the aged-care industry and advocates throughout its term. With the onset of COVID, the Office for Ageing Well has met regularly with the sector, as often as weekly at times. Over the course of the pandemic, SA Health has developed a range of resources to support residential aged-care operators and visitors. For example, the COVID-19 Strategy for Residential Aged Care Facilities was provided to all residential aged-care facilities in mid-2020 and has been updated regularly.

In the context of the Omicron wave, in January, last month, the Chief Public health Officer released information for residential aged-care facilities, an interim guide for COVID-19 outbreak management. In particular, as I said earlier, the Chief Public Health Officer in that guide provided the chief executive of RACF with the authority to grant work permissions.

The guidance also helps facilities provide access to visitors. This has been a constant issue through the pandemic, and I believe, particularly earlier in the pandemic, many facilities did not adequately appreciate the need to continue to provide access to visitors, and that caused unnecessary trauma for both visitors and residents. The guidance document I referred to references

the industry code for visiting residential aged-care homes during COVID-19 and encourages residential aged-care facilities to put in place processes to ensure that residents are able to receive essential visitors safely during an outbreak wherever possible.

Of course, every death is a tragedy. Our thoughts are with the family and friends of those who have lost their loved ones. The Marshall government and SA Health will continue to work with operators of residential aged-care facilities and the commonwealth to do everything that we can to keep their staff and their residents safe.

The Hon. F. PANGALLO (12:38): I thank the honourable Minister for Health and Wellbeing for his comments today, and I will acknowledge the minister's advocacy for the aged in this state overall. Nonetheless, I will still reiterate that we have let the aged-care sector and the aged down appallingly in this pandemic. History will be the judge of that once this is all over.

We are only seeing now urgent responses across the nation because of the pressure that has been brought to bear, particularly on the Prime Minister. Boosters are still to be given in our aged-care facilities and also around the country. I want to point to the comment by the respected royal commissioner, Lynelle Briggs, who said only last week that the crisis we are currently experiencing is due to government failure to plan for COVID-19 outbreaks.

You can talk about Omicron and we did not see it coming. I cannot even accept that at all. This pandemic started with Wuhan, the Wuhan virus, and then there were mutations and variations. Then we had the Delta variation, and we saw what happened in India when there were no vaccines available. There were hundreds of thousands of deaths, people dying in the street—it was appalling—day and night cremations were going on there.

So we could see that there were going to be—and not just myself, just an ordinary citizen, but even experts, epidemiologists, health experts, people involved in the development of the vaccines—they could see that there were going to be variants; they were going to come. Certainly, Omicron was one of those curveballs, but any health planning should have seen that it was highly likely and probable that there were going to be variants.

I point out that after the borders were opened I understand that Professor Spurrier did make a suggestion that perhaps they may reconsider closing them again for a short period of time. That never happened. Again, I thank the minister for his responses, and again I will thank him for his work in the aged-care sector over the period of time I have been in this place. But on this occasion, with the virus that has enveloped our aged-care sector, and with more than half of aged-care facilities in Australia in shutdown, it gives you an indication that this is where protection against the virus has failed dismally. I commend the motion.

Motion carried.

Bills

CRIMINAL LAW CONSOLIDATION (AGGRAVATED OFFENCE) (RETAIL WORKERS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Leader of the Opposition) (12:42): Obtained leave and introduced a bill for an act to the amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. K.J. MAHER (Leader of the Opposition) (12:43): I move:

That this bill be now read a second time.

In doing so, again I will be very brief, noting that there are many motions that members of the crossbench wish to speak to today. This bill is a very simple bill. What it does is recognise the important role and the harm that frontline retail workers have placed themselves in during the COVID pandemic.

Under the Criminal Law Consolidation Act there are classes of occupations that attract either an aggravated offence penalty or a greater penalty if the offender knew that they were performing

those occupations. There are things like emergency workers, police, ambulance and others. There is also a class of people who are prescribed, such as medical workers, medical retrieval teams and public transport workers. They are provided for under section 5AA(1) of the Criminal Law Consolidation Act, where an aggravated offence applies if the offender knew that they were performing that work.

This bill defines retail workers as a class to be added alongside public transport workers, for example. We have all seen, no doubt—some may have experienced it in retail settings—customers' frustrations, particularly during the pandemic, being taken out on retail workers, many of whom are required to work and, in doing so, are keeping South Australians stocked with the things that they need to survive.

Retail workers are frontline workers during this pandemic and, as the union that represents their interests has said, no-one deserves a serve. This bill seeks to recognise the important work they do. It seeks to put them on the same footing as, say, public transport workers—so that offenders might think twice before entering into some of the behaviour that unfortunately we have seen, in particular, during this pandemic—whom we have seen cop a serve in the past.

With that, I commend the bill to this chamber knowing that the member for Dunstan's (Steven Marshall) Liberal government appears too scared to come back to the lower house. We therefore recognise that this bill probably does not have a chance to pass during this sitting of parliament, but it is an important bill to put on the table and to put in people's minds, particularly to indicate and show our support for those who have supported us during the pandemic.

Debate adjourned on motion of Hon. J.S. Lee.

Motions

MEAD, SISTER J.

The Hon. K.J. MAHER (Leader of the Opposition) (12:47): I move:

That this council—

1. Notes the passing of Sister Janet Mead in January 2022; and

2. Recognises the contribution of Sister Janet Mead to the Aboriginal community and homeless people in Adelaide.

This motion is a simple motion. It recognises the work and contribution of Sister Janet Mead and marks the passing of a significant South Australian. Sister Janet Mead was born on 15 August 1937 and passed away on 26 January 2022. She was a teacher for almost 30 years, between 1955 and 1984. While I am not religious, I note that she founded the Rock Mass 50 years ago, which still continues today. In doing so, she realised that conservative and traditional organisations needed to offer an olive branch to a changing world and engage new generations.

From my perspective, and I think from many perspectives, perhaps her most important achievement was the foundation of the Adelaide Day Centre for the homeless in September 1985. Supporting the most marginalised in our community is indeed a noble cause that many talk about, but only a rare few, like Sister Janet Mead, made it their life's work.

I remember first meeting Sister Janet Mead at the Adelaide Day Centre almost 20 years ago, not quite to the day, and certainly next month or the month after would mark 20 years since I first met Sister Janet Mead. It was during the first few weeks of my first job in politics with the Hon. Terry Roberts—my second favourite Terry I have known in this chamber, I suspect, sir.

The DEPUTY PRESIDENT: No—your first favourite and my first favourite too.

The Hon. K.J. MAHER: No, that would be misleading: my very first favourite, sir. Many who knew the Hon. Terry Roberts would be as surprised as I was when, very early on in the first few weeks of working for him, he told us we were going to lunch at the Adelaide Day Centre with a group of nuns. Terry and I shared a lot in common, including some of our religious views and probably the lack of our attendance at organised religious services.

However, after that first visit with Sister Janet Mead, the extraordinary work she and her sisters at the Adelaide Day Centre did in caring for many in the community became very clear. It was

quite phenomenal. I know that many who worked for Terry at the time, including former long-time adviser John Sutherland, still kept up a lot of contact with the Sisters of Mercy at the Adelaide Day Centre. John would regularly drop in produce from his property on Yorke Peninsula to Sister Janet and others.

It was always an interesting and sometimes challenging visit to the Adelaide Day Centre. For those who have not had a lunch at the Adelaide Day Centre, you go to their place in the east of the city, sit down with the staff and clients and eat a meal that has been cooked by the same people with the many ingredients they grow in their own gardens—gardens, I might add, with little patches that are mostly named after socialist revolutionaries from around the world. With that, I could relate very strongly to Sister Janet Mead.

Over lunch, we would talk. We would meet and hear directly from the people Sister Janet Mead was supporting and advocating for, and we would be amazed at the energy and the tireless work and service. The last time I saw Sister Janet Mead was at one of those lunches towards the start of the pandemic. I was invited there with the member for Reynell in another place, Katrine Hildyard, and we talked with Sister Janet Mead and representatives from the group Nunga Babies Watch.

This group had been formed to address some of the issues dealing with the separation of Aboriginal mothers from their newborn children. Some of the stories we heard from the people Sister Janet Mead had invited there were stories of Aboriginal women with English as a second language who had had their newborn babies removed at birth without really understanding what was going on. I thank Sister Janet Mead and the others there for bringing it so passionately to our attention. As I said, this is how I knew Sister Janet Mead: a fearless advocate for marginalised people in our society and a great friend for the Aboriginal community, particularly in Adelaide.

Many others will remember sister Janet Mead for her musical career. I think her rock version of the *Lord's Prayer* was the first ever Australian recording to sell over a million copies in the US, and I think it went to No. 3 or No. 4 on the US *Billboard* charts as well as staying in the top 10 in Adelaide and in Australia for a very long time, but I am sure that is not what Sister Janet Mead would most want to be remembered for. It is for her work at the Adelaide Day Centre and for those who needed her support, care and advocacy that I remember her. Rest in peace, Sister Janet Mead.

Debate adjourned on motion of Hon. N.J. Centofanti.

Sitting suspended from 12:53 to 14:15.

Bills

AQUACULTURE (TOURISM DEVELOPMENT) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

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

Assent

Her Excellency the Governor assented to the bill.

FAIR TRADING (MOTOR VEHICLE INSURERS AND REPAIRERS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

SUICIDE PREVENTION BILL

Assent

Her Excellency the Governor assented to the bill.

CIVIL LIABILITY (INSTITUTIONAL CHILD ABUSE LIABILITY) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (STRATA SCHEMES) BILL

Assent

Her Excellency the Governor assented to the bill.

MUTUAL RECOGNITION (SOUTH AUSTRALIA) (FURTHER ADOPTION) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

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

Assent

Her Excellency the Governor assented to the bill.

SOCIAL WORKERS REGISTRATION BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (CHILD SEXUAL ABUSE) BILL

Assent

Her Excellency the Governor assented to the bill.

COORONG ENVIRONMENTAL TRUST BILL

Assent

Her Excellency the Governor assented to the bill.

Ministerial Statement

PARLIAMENTARY PRIVILEGE

The Hon. R.I. LUCAS (Treasurer) (14:19): I make a ministerial statement on the subject of parliamentary privilege and the 2019 Christmas party allegations. On 8 September 2021, the Hon. Ms Franks, under parliamentary privilege, made a series of allegations in this chamber in relation to events of December 2019. During that speech the Hon. Ms Franks indicated that, 'I have heard many rumours.' She went on to state:

> I believe that a staffer who was accompanying and with the member for Waite at the time urinated in a corner of an MPs office, before turning around with his penis still exposed, waving his appendage into the breeze, with his arms in the air calling out, 'Touch it, touch it'.

An independent investigation was conducted into these claims. That independent investigation has found that there was no evidence that any staffer urinated in the corner of an office and then turned around and exposed himself. The investigation did find that there was evidence of staff behaving in a lewd and drunken manner.

In the speech made under parliamentary privilege, the Hon. Ms Franks also made the following claim:

> The member for Waite made his disruptive entrance into the lower ground floor corridor function of the crossbenchers from that first floor-level function in the Balcony Room as a Liberal female staff member appeared to be in some haste to reach her office and escape him. When she got to that corner office she slammed the door behind her. It caught members of the crossbench drinks event's attention and concern. To the bystanders it now appears that she was seeking to escape his attentions and, indeed, did so successfully for that moment.

Further on in her speech the Hon. Ms Franks said:

We crossbenchers and others were not the only ones impacted by that bad and harassing behaviour that night. I will return to the start of the speech, where the Liberal staffer went hurriedly through our gathering, slamming the office door behind her. He, of course, seemed in pursuit, but then was alerted to his potential new prey.

The independent investigation also spoke to this staff member about that allegation by the Hon. Ms Franks. The staff member told the investigation that she did hurry to her office that day to get her bag and shoes and was not running away from anyone. No-one acted inappropriately towards her that evening. The Hon. Ms Franks had never spoken to her about the events of that night. She did not know why the Hon. Ms Franks made the statement that she did in parliament.

Whilst only a minor matter, it does throw light on the accuracy of the rumours on which the Hon. Ms Franks based her speech. The Hon. Ms Franks did state that the Liberal Party function was held in the Balcony Room at Parliament House; that also was not correct.

Parliamentary privilege is, as the name suggests, a privilege afforded to all members of parliament. This privilege should be used by members with caution and common sense and based on fact. Sadly, the contribution from the Hon. Ms Franks does not meet that standard, as she confessed that, in part, her speech was based on rumours she had heard.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

COVID-19 MANDATORY VACCINATIONS

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking a question of the Treasurer regarding COVID.

Leave granted.

The Hon. K.J. MAHER: It was reported today in InDaily and I quote:

Police, teachers, medical staff and sports stars (not to mention administrators and presenters) are losing their jobs for refusing the COVID jab, but evidently if you work in the Premier's office it's business as usual, more or less.

Steven Marshall is taking every opportunity to urge South Australians to get the jab, but his pleas appear to be falling on deaf ears in some close quarters—InDaily understands that a member of his own media unit, which broadly handles PR for his various ministers, is yet to receive a COVID-19 vaccination.

The article goes on to conclude:

Still, it's good to know that while the Government is stepping down unvaxxed frontline workers, they're still doing their bit for individual freedom where they can.

The opposition has been informed that at least two of the Treasurer's own staff remain unvaccinated. My questions to the Treasurer are:

1. Are all of your staff vaccinated and, if not, how many are yet to receive a single dose?

2. What risks do unvaccinated staff present to the community, in your role as the Treasurer and responsible for Electorate Services?

3. How many tens of thousands of public servants under the responsibility of the minister for the public sector have a mandated requirement to be vaccinated?

The Hon. R.I. LUCAS (Treasurer) (14:25): In relation to the last question, I would have no idea what the number is. It would be a significant number, I suspect, given that significant numbers of the health portfolio and aged-care services portfolio would certainly be incorporated into that. Given that health is our biggest budget portfolio, it is likely to be a very significant number.

Nevertheless, there are significant other sections of the public sector which are not mandated in relation to their employment requirements. They would include, I am sure, Premier and Cabinet,

Treasury, and a variety of other agencies which are not designated as frontline service agencies such as health, aged-care services, and disability services as my colleague reminds me.

There are a range which have already been publicly announced where either by direction or otherwise—I think it is by direction, it has been mandated—but it doesn't apply with large swathes of the public sector. In relation to what number in the broader public sector are not vaccinated, I would have no idea in relation to that particular position.

The government's position is quite clear. We urge everybody to be vaccinated to the appropriate level. It probably explains why I was asked the question at a press conference if I was vaccinated or not. It seemed to come from left field and I had no idea why I was being asked. The answer to that question, if anyone is interested, because I have great knowledge of that, is yes, I am vaccinated and I have had a booster. I was one of the lucky ones who didn't have any side effects from either the AstraZeneca or the Pfizer booster. Not everyone can say that.

I don't know the answer to the question as to how many of those who are not mandated are vaccinated or not, but certainly, from the government's viewpoint, we urge everybody to do it. I'm certainly not going to go into the personal issues of my ministerial office or indeed the Premier's media advisory staff. I have no direct knowledge of the Premier's media advisory staff, their vaccination status or not, frankly. I'm certainly not going to enter into a discussion about the personal arrangements of staff within my office.

COVID-19 MANDATORY VACCINATIONS

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary: does the Treasurer have any advice, as the minister responsible for Treasury and Finance which is responsible for Electorate Services, on what risks political staff pose to the community if they are unvaccinated?

The Hon. R.I. LUCAS (Treasurer) (14:28): In relation to health advice, that is best coming from the Chief Public Health Officer. I suspect she and her very hardworking assistants or deputies are best placed in relation to that governance across the, I suspect the world, but across the nation in making decisions about certain cohorts of frontline services, as they might designate them, as being required or mandated to be vaccinated, and then there are vast swathes of many other workers where it is not mandated.

If the Leader of the Opposition in this chamber is announcing that a Labor government, if elected, is going to mandate all members of the public sector to have to be vaccinated, and if he is going to announce that that is the import of the question, that all Premier and Cabinet and Treasury staff and all other public servants will be mandated, that is a courageous decision, but let it at least be a policy decision being announced by the alternative government in South Australia.

We can read into the honourable member's question what we see, and it is clearly apparent that he, on behalf of the Labor Party, is inclined to want to mandate large swathes of the public sector which are not currently mandated.

COVID-19 MANDATORY VACCINATIONS

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Supplementary question arising from the original answer: can the Treasurer just clear it up once and for all and inform the chamber if he is aware if all his staff are vaccinated or not and, without going into the individual details of any particular staff member, are all of his staff in his ministerial office vaccinated?

The Hon. R.I. LUCAS (Treasurer) (14:30): I have answered the question. I am not going to add anything more.

COVID-19 MANDATORY VACCINATIONS

The Hon. R.P. WORTLEY (14:30): Can the minister advise the chamber whether any special measures are taken to protect the vaccinated from people who are not vaccinated within your department, taking into consideration that unvaccinated people have a far greater risk of contracting COVID and a much greater risk of spreading COVID?

The DEPUTY PRESIDENT: It should have just been a question rather than the explanation at the end. Treasurer.

The Hon. R.I. LUCAS (Treasurer) (14:31): I have nothing further to add to answers to similar questions that were asked by the Leader of the Opposition.

COVID-19 STATISTICS

The Hon. C.M. SCRIVEN (14:31): My question is to the Minister for Health and Wellbeing regarding COVID. Can the minister explain exactly why South Australia has the highest number of deaths per COVID infection in Australia, more than five times the rate in the Northern Territory, around four times higher than Tasmania and almost triple the rate in the ACT? What message does the minister have for those 131 families who have experienced the tragedy of death from COVID this year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I don't know the data that the honourable member refers to. I am not aware of any official data that compares deaths with cases, but I think one of the things that—

The Hon. C.M. Scriven interjecting:

The Hon. S.G. WADE: Excuse me, I would just like to answer your question.

Members interjecting:

The DEPUTY PRESIDENT: Order! Minister, continue.

The Hon. S.G. WADE: One of the factors that has been quite confounding, if you like, during the Omicron wave has been to make sure that we are making legitimate comparisons. For example, there was a suggestion, I think, coming out of Queensland that they had done a survey of testing in the community and found that I think it was in the order of 20 per cent of people who were identified in the survey as having been COVID positive were not aware that they had been COVID positive.

The case numbers can be significantly different on the basis of what I understand is the technical expression 'case ascertainment'. In other words, if you don't have an accessible testing regime you won't pick up as many cases—accessible in terms of lines and the like—but also if you have very high levels of community transmission, as you found in some of the Eastern States, many people just don't get tested. Many people say, 'Well, my partner's had COVID and I have very similar symptoms. I am assuming I have COVID. I will isolate, but I am not going to go and get tested.'

So it is very difficult to compare statistics from jurisdiction to jurisdiction. If the honourable member has an official source for that data, I would certainly be keen to look into it. I am sure that one of the factors in relation to any death statistics in relation to South Australia is the fact that we have the oldest community on mainland Australia in terms of the state. I could be wrong, but I seem to recall that Hindmarsh might actually be the oldest community in the whole of Australia.

The Hon. J.M.A. Lensink: Mainland Australia.

The Hon. S.G. WADE: Mainland Australia. Certainly, age and—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —chronic disease and the like will feed in to those sorts of figures, but also in the COVID environment we have the dynamic nature of the comparators.

COVID-19 RESPONSE

The Hon. C.M. SCRIVEN (14:34): Supplementary: is it actually the fact that the higher death rate in South Australia compared to other states is because the government failed to properly prepare the hospital system before opening the borders?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): I would be interested to know the source of the honourable member's data. I don't recall having seen data from an official

source that made those sorts of comparisons. I would rather not start providing commentary on data that I can't judge as to whether it's from a reliable source.

On the point about availability of beds, the Treasurer, through the 2021-22 budget, started the ramping up of additional bed capacity. It was only those investments from the middle of last year right through to the end of last year that meant that, when we were experiencing the Omicron wave at its height in January, we had 500 beds that could be dedicated to the COVID response. My understanding is that we had, at the current peak, 300 beds, so there was certainly more capacity during the Omicron wave in January to deploy more hospital beds than were being deployed.

The suggestion that we weren't prepared—we have been preparing for months for this. The fact that we had more capacity than was needed in that January wave validates that.

COVID-19 RESPONSE

The Hon. C.M. SCRIVEN (14:36): Further supplementary: the fact that the government opened only two COVID care clinics as opposed to the network of clinics that had previously been promised—does the minister consider that may also be a factor in the higher death rate experienced by South Australians?

The DEPUTY PRESIDENT: I don't see how that arises from the original answer. You can ask that question when you next have the opportunity.

COUNTRY HEALTH SERVICES

The Hon. E.S. BOURKE (14:36): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding country health.

Leave granted.

The Hon. E.S. BOURKE: This week, a country GP in Maitland, in the heart of Yorke Peninsula, wrote to the minister raising serious concerns about patient care. A palliative care patient presented to the local hospital for pain relief after their local GP had provided updated case details to the hospital. The correspondence states that the patient was seen by a locum and 'informed that there was nothing they could do for him, and he was sent home'.

The GP was 'disgusted when I heard about the treatment of my patient that morning' and went on to further say, 'I am extremely concerned about the future of palliative care at this hospital and have no confidence in referring patients to the hospital if this is any indication of the likely treatment that they will receive.' In a subsequent email to me, the GP said:

> It's heartbreaking, to know I would do that job so much better, but just don't have the time. It adds insult to injury when the locums are paid 7 times the amount that we have been paid. It doesn't support long term sustainable health care provision in country hospitals.

My questions to the minister are: what has gone so wrong in country health that palliative care patients who have only days or weeks to live can't get pain relief, even after their GP has personally gone to the hospital to provide that supporting information? If a local GP is questioning the capabilities of a local hospital, why isn't the minister?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:38): I thank the honourable member for her question. I will certainly follow up the letter that the honourable member refers to and seek details in relation to the case.

I think it's a timely opportunity to highlight that the Marshall Liberal government has recently come to an agreement with rural doctors in relation to the fee-for-service agreement. It's a once-in-a-generation development of the agreement and will see a significant increase in the remuneration for country doctors and other entitlements and facilities. I am certainly hopeful that agreement will enhance the attractiveness of engaging in country hospitals from GPs. There is no doubt that the engagement of a local GP in a local hospital provides continuity of care and other benefits that are greatly valued by the community and are also facilitative of positive health outcomes.

I would just inform the honourable member that locums, as I am advised, started to be significantly used in South Australia about 10 years ago. That happens to have been during the long

years of neglect of country health by the former Labor government. I think it was a former Labor Premier—

The Hon. E.S. Bourke interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —who said, 'We don't worry about what happens in the country. They don't vote for us there.'

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: And then the current leader wants to forget all that.

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: He wants to forget that Mike Rann said, 'We would never, ever close the Repat.'

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: He wants to forget that Jay Weatherill said, 'Country people, they're not ours.' These are not things that country people forget.

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: These are not things that country people forget.

Members interjecting:

The DEPUTY PRESIDENT: Order! The honourable Leader of the Opposition, order!

The Hon. S.G. WADE: They know that they couldn't trust Labor—

Members interjecting:

The DEPUTY PRESIDENT: Order, the Hon. Mr Hunter!

The Hon. S.G. WADE: —on the promise on the Repat. They couldn't trust Labor on looking after their health services either.

The DEPUTY PRESIDENT: The Hon. Ms Bourke, you have a supplementary question. I will be fascinated to know how you heard what the actual answer was, but have a go anyhow.

COVID-19 RESPONSE

The Hon. E.S. BOURKE (14:41): How is blaming the former Labor government helping the patient who is dying now?

Members interjecting:

The DEPUTY PRESIDENT: The Hon. Ms Bourke, please repeat your supplementary question.

The Hon. E.S. BOURKE: No, I haven't forgotten it. I said: how is blaming the former government and pointing the finger at us, after you being in government for four years, helping a patient who is dying now?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I have no doubt that the recently concluded fee-for-service agreement with country doctors will encourage more and more country doctors to engage with country hospitals. The engagement of locums, I understand—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —started significantly about 10 years ago. That was under the former Labor government. It's a problem that was exacerbated during the COVID period because a significant number of locums were coming across the borders to provide medical services and also there was an increase in the cost, the amount of money that was being charged by locums. I think the increase in this period was about 20 per cent, so that was a significant increase to the cost of the locums.

As the honourable member quite rightly highlights in her quote in relation to the GP, it's incredibly frustrating for fee-for-service local GPs, so I am very pleased that it was this government that delivered a significant generational change in the rural GP fee-for-service agreement.

I would just remind the Labor Party, which seem only when it is convenient to represent the worker, that my understanding is when the last rural GP fee-for-service agreement was being negotiated the former Labor government decided that they weren't going to stay engaged with the representatives of the GPs and went straight to the GPs with what their representatives saw was inadequate. This government stayed at the table—about 18 months I think it took to get the right agreement—and I believe it's a generational change in rural health, which will have long-term benefits for country South Australians.

COVID-19 RESPONSE

The Hon. E.S. BOURKE (14:43): Supplementary: what support did the Marshall Liberal government provide in 2019, 2020 and 2021 to support the Central Yorke hospital in providing long-term sustainable health care?

Members interjecting:

The DEPUTY PRESIDENT: Order! The Hon. Ms Bourke, I will rule and it is not a supplementary. Thanks for your help. The minister can answer if he wants.

Members interjecting:

The DEPUTY PRESIDENT: Order!

INDEPENDENT RETAIL SECTOR

The Hon. H.M. GIROLAMO (14:44): Can the Treasurer please outline to the house, after four years of providing greater freedom of choice for trading on public holidays, what evidence is there on the impact on the independent retail sector?

The Hon. R.I. LUCAS (Treasurer) (14:44): An excellent question, and one that lets me respond in question time. As members will know in this chamber and elsewhere, the Australian Labor Party and various other crossbench members and the independent retailers have railed, screaming in the breeze to anyone who will listen, that the government's decision over four years to provide greater freedom of choice for public holiday trading would kill off the independent retail sector in South Australia—shops would be closing, supermarkets would be closing left, right and centre, and the sky would literally fall in.

After four years of actually doing it, I am delighted to report on the health of the independent retail sector in South Australia. Drakes Supermarkets officially opened its $125 million state-of-the-art distribution centre in Edinburgh North, employing a further 140 full-time staff in September 2019. Drakes have just announced a new supermarket to be part of the new $30 million Lightsview shopping centre development (a joint venture between Peet and Renewal SA, with the Lofty Property Group), which is expected to be completed in 2023.

Romeo's have opened Rundle Mall's first independent supermarket, with in-house cafe, sushi bar, dumpling bar, salad bar, florist, deli and expansive walk-in cheese room, and employing close to 120 full-time and casual retail jobs in 2019. Drakes Supermarkets have just announced a 2,000 square metre flagship store in the new $20 million retail precinct to be built in the Springwood Place housing development in Gawler East. That announcement was made last year, with construction commencing late last year.

Adelaide's finest supermarkets' Nick Chapley and Spero Chapley (Pasadena and Frewville Foodlands) unveiled publicly in July last year their vision for the development of a new gourmet supermarket integrated with an onsite urban farm. They announced that publicly in the middle of last year. Renewal SA have advised me that independent retailers are expressing interest and competing to open stores in new developments that Renewal SA is responsible for at Forestville, which is the former Le Cornu site, and the massive and exciting Villawood development at Oakden.

Contrary to the claims that the sky was going to fall in, independent retailers would go broke, they would be closing left, right and centre because there was greater freedom of choice, to the contrary we see them thriving. Let me conclude by quoting directly from Drakes' representative in September last year, looking at their 2020-21 year. This was a statement from Drakes CFO Scott Lintern in a LinkedIn video with director John-Paul Drake. He said, and I quote:

> Our growth has been really, really great as well. So we've been growing around seven to eight per cent since last year, so really, all up, it's been an amazing year for Drakes.

He went on to say there had been high teen percentage growth for the company since 2019.

As we have said all along, it would not be the end of the independent retailers. They would thrive because people in South Australia continue to support independent retailers, together with some of us who still like to go to Coles and get our $10 chickens as well, but there are more than enough South Australians to encourage the Drakes and the Romeo's and the Chapleys of this world, contrary to the alarmist claims that have been made.

Sooner or later the troglodytes within the Australian Labor Party and other political parties, and amongst the independent retailers, will get with the program and realise the future is—as we are seeing—a thriving independent sector with greater freedom of choice for traders, shoppers and workers.

LOT FOURTEEN

The Hon. F. PANGALLO (14:49): I seek leave to make a brief explanation before asking a question of the Treasurer about Lot Fourteen tenants.

Leave granted.

The Hon. F. PANGALLO: As we know, there are a lot of untenanted buildings within the CBD, but going by recent announcements by the Premier his pet project, Lot Fourteen, is going gangbusters. This week, another big name tenant is moving in—tick, good. Salesforce is the latest to develop tools to gauge carbon emissions for industry. Lot Fourteen appears to be a place teeming with startups and unicorns. My question to the Treasurer is:

1. Has the government offered companies incentives, including subsidised and free rent?

2. How many are benefiting from the generous benevolence of the government with free or subsidised rent?

3. Are the rents at Lot Fourteen being collected under market rate commercial terms or are discounts being offered and applied?

4. How many and which companies are receiving free or subsidised terms?

5. Has the new addition, Salesforce, been offered free or subsidised rent?

The Hon. R.I. LUCAS (Treasurer) (14:50): I am not aware that companies like Salesforce and the others have been offered free rent at all. I know that the case for the new Entrepreneur and Innovation Centre (EIC)—which Quintessential Equity were the successful proponents in relation to that particular offering—the rent they are looking at for tenants to move into that particular building is market rental in relation to the buildings.

There are a range of buildings on that site. There are the old heritage buildings on Frome Road, as opposed to the whiz-bang brand-new redeveloped buildings that are going to be developed, so there will be a range of rental arrangements for those. The big companies that the honourable member is talking about, there is no way in the world they will be getting free rental. What the

arrangements are for some of these startups where you've got a single-person startup trying to start a business—I'm not sure that's the substance of the honourable member's question anyway—I would need to take some advice on.

The responsibility for Lot Fourteen was delegated to the Premier a number of years ago and officers within the Premier's department, so I can certainly take some of the detail of the honourable member's question and see what information I may or may not be able to provide.

COVID-19 AGED CARE

The Hon. J.E. HANSON (14:52): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID.

Leave granted.

The Hon. J.E. HANSON: Federal reports show that 90 aged-care residents have died with COVID in South Australia this year. The opposition have been contacted by families who are concerned their loved ones have still not had their vaccines. My questions to the minister are:

1. Did the minister ensure that the vast majority of aged-care residents had their booster doses before the government opened the borders?

2. How many residents in aged care were still waiting for their booster dose before the government opened the borders?

3. Was there any modelling on the impact of Omicron on aged care before the government ignored the advice of Professor Spurrier to close the borders because of the Omicron variant?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): I am not going to go through the factual errors that were inserted or sprinkled through that statement; for example, the suggestion that the government had advice from Professor Spurrier to close the borders. The fact of the matter is, the advice that Professor Spurrier gives is to the State Coordinator. It was the State Coordinator's decision.

The suggestion that somehow we weren't planning for the impact on residential aged-care facilities just doesn't tally with the facts. On 28 October 2021, the decision was made by SA Health that as we opened the borders we would have to change our strategy to deliver care to residents of residential aged-care facilities. Up until that time, it had been South Australia's practice to relocate every COVID-positive patient from a residential aged-care facility to hospital at diagnosis.

Our planning for the opening of the borders, our planning for living with COVID, indicated to us that it was not possible. If we were leaving, as the rest of the nation was and is, every single state in Australia is going to open its borders and Western Australia is, if you like, the last state to achieve that. In relation to living with COVID, the decision was made in late October that it was no longer sustainable in a non-elimination environment to do the transfers of all residents.

Discussions were had with the aged-care industry. They were very concerned about the change, but the reality is the Omicron wave has shown it would not have been possible to have every active case in a residential aged-care facility in hospital, and also it would not be necessary. Many residents, even many older people, have relatively mild symptoms. If the Labor Party is suggesting that every COVID-positive person who is in a residential aged-care facility should be transferred to a hospital, it would just highlight that they are not fit to run the health system.

We will continue to work with the aged-care industry. It has been my practice since I have been minister to meet regularly with the aged-care industry during the COVID pandemic. Our teams meet regularly, my understanding is almost weekly, particularly in peak periods, to discuss the COVID pandemic. In relation to our close liaison with the commonwealth, we actually have an aged-care response group that meets daily.

In relation to the honourable member's questions about boosters, again let's just try to remember history. The booster did not become available for older South Australians until, I think, 9 November. That is a commonwealth decision. The commonwealth, through ATAGI, gets advice. So, in terms of availability alone, it was only available for older people relatively late in the year.

Because of the necessary gaps between the two AstraZeneca doses, which was the vaccine being used by older people, together with the period to the booster, even when the boosters were available in early November, many residents of aged-care facilities would not have been eligible to get a booster.

Again, the opposition seems to have wonderful powers of hindsight, which perhaps they should have used in their 16 years of previous government. In relation to Omicron, which was not even identified in the world until after we had opened the borders, it's a bit rich to say, 'You should have had the third booster available'—for a variant that was yet to emerge. These are decisions that have to be made in a dynamic pandemic environment, but they will be made on public health advice and not on the basis of Labor Party press releases.

COVID-19 AGED CARE

The Hon. J.E. HANSON (14:58): A supplementary question: how many residents of aged care still don't have their booster shots today?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I'm certainly happy to get that data for you, but let me stress: residential aged-care facility vaccination programs, both the national program and the state-based program, are delivered by the commonwealth.

COVID-19 VARIANTS

The Hon. F. PANGALLO (14:58): A supplementary in relation to the minister's answer: is the minister saying that the South Australian health plan, particularly that for the reopening of the borders, at no time considered the probability that there would be other variants of COVID-19?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): That's definitely not what I said. In fact, I think yesterday I explicitly said that of course public health planning envisages the prospects of future variants, but you never know the qualities of a variant. In many ways, the Omicron variant highlights that because it brings with it both positive elements and negative elements, if I can put it in simplistic terms. The positive element is that the severity of symptoms in most cases is milder. The negative is the transmissibility. The transmissibility of Omicron is higher and therefore makes it very difficult to manage.

Another example of where those qualities have to change the way you respond to Omicron is in relation to regional and remote Aboriginal communities. I was in a meeting earlier this week with the Northern Territory Minister for Health and the Western Australian Minister for Health. I sought to meet with them because I wanted to discuss what their experiences were in dealing with the Aboriginal outbreak. What those discussions highlighted is that Omicron has significantly changed our response there too. With a variant of such high transmissibility, the earlier intent to transfer positive cases off remote communities to regional centres and particularly to Adelaide will increasingly be unrealistic.

We are already putting in place regional isolation facilities and I am sure that we will continue to work with communities to establish community-based isolation facilities. Whether it is aged care—we knew we had to change the aged-care plan as we opened the borders because living with COVID is not the same as an elimination approach, but then Omicron arrived. You have to be humble to learn its characteristics, and that takes time. There were certainly some early suggestions of the characteristics of Omicron that were not borne out over time. Some were. As we learnt what we could, the public health team took that into account in its planning, and our plans will continue to evolve because the pandemic has many more surprises to come.

YOUTH JUSTICE SERVICES

The Hon. N.J. CENTOFANTI (15:01): My question is to the Minister for Human Services regarding youth justice. Can the minister please inform the council how the Marshall Liberal government has had to clean up Labor's mess in youth justice services?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:02): I thank the honourable member for her question. Once again, in this space, the Marshall Liberal government has been cleaning up Labor's poor record of running state services. In 2014, Labor introduced spit hoods into South Australian youth justice detention facilities. The South Australian Ombudsman, concerned

about their use, investigated 12 incidents of spit hood use during 2016 and 2017 and released a report in September 2019.

The report noted that there were 57 reported incidents involving their use between October 2016, when the recording of their use commenced, to June 2019. His report concluded that the application of spit hoods to children and young people detained in the Adelaide Youth Training Centre was not consistent with the objects and guiding principles of the youth justice system and appeared contrary to the charter of rights for youths detained in training centres.

In the first year that we came into government, their use significantly declined, with spit hoods only used five times during 2018-19. The following year, in 2019-20, in response to the Ombudsman's report, the Marshall government banned and ceased their use, and last year, of course, in response to the Hon. Connie Bonaros's bill, this was enshrined in law.

In 2017, the Ombudsman also commenced an investigation into complaints by young people about their treatment. That report was released in February 2020 with some damning findings that the department, under the former government, had 'acted in a manner that was unreasonable, wrong, oppressive, unjust and contrary to law'. All 20 of the Ombudsman's recommendations were accepted by the Marshall Liberal government and we have undertaken other significant reforms since we took office.

This includes injecting $18.7 million into consolidating Kurlana Tapa to be a single site to provide all young people in custody with access to better amenities, facilities and programs, which is anticipated to achieve practical completion by 30 June next year. On a single site, this will deliver 80 beds to be able to be split into 13 separate areas for cohort management, including a new 12-bed accommodation unit with a centralised office space and a new eight-bed police custody unit to enable separate accommodation for remandees; a new classroom space to enable educational requirements to be met with all population cohorts on site; and an extended visiting space to support children and young people having time with families and visitors.

I have also spoken about our plan, Young People Connected, Communities Protected, which forms the overall framework for our approach, investing in new technologies, which includes body-worn cameras and installation of full-size body scanning technology at Kurlana Tapa, which increases the safety of staff, children and young people and visitors, as well as reducing the need for partially closed services.

We have also improved the Community Service Order program, opened the Aboriginal Cultural Trail and Connection Space at Kurlana Tapa and implemented the KIND program to assist young men and young parenting men who use violence.

We have also done what we believe is a national first, which is, from the most recent budget, a two-year child diversion program. The pilot commenced on 3 December to enable children under the age of 14 who come into police custody to be accommodated in a short-term alternative secure location, rather than being in high security Kurlana Tapa.

Also, pleasingly, the number of young people on an average day has significantly reduced, from 51 on average in 2015-16 to 24 in 2021, a decrease at double the national average in the rate of Aboriginal and Torres Strait Islander young people in detention over the last five years—from 60 per cent to 30 per cent—and a significant headway in meeting key Closing the Gap targets to reduce the rate of Aboriginal and Torres Strait Islander young people, the target being 30 per cent by 2031.

The rate of Aboriginal and Torres Strait Islander young people in the 10 to 17 group has reduced from the baseline year in 2018-19, at 27.7 per 10,000, to 22.1 in the following year, which is a first-year improvement of some 20 per cent.

RELIGIOUS DISCRIMINATION

The Hon. R.A. SIMMS (15:06): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Premier on the topic of religious discrimination.

Leave granted.

The Hon. R.A. SIMMS: Last night, the House of Representatives in the federal parliament passed the Religious Discrimination Bill. While an amendment was successfully passed to provide protection to students against discrimination on the grounds of sexual orientation, gender identity, pregnancy or relational or marital status, the remnants of the bill remain deeply concerning.

The bill will provide religious organisations with protection from compliance with antidiscrimination laws. For instance, under the guise of a Statements of Belief, the laws could allow the following to occur: a transgender person could be told by a person providing goods or services that their gender identity is not real and is against the laws of God; a female employee could be told by a manager that a woman's place is in the home and that women should always submit to their husbands; and a student with a disability could be told by a teacher that their disability is caused by a sin and is a trial imposed by God.

My question to the minister is: what does this law mean for South Australian legislation like the Equal Opportunity Act, and does the Marshall Liberal government believe that discrimination against South Australian women, LGBTI people or people with disabilities is acceptable?

The Hon. R.I. LUCAS (Treasurer) (15:08): I apologise humbly to the Hon. Mr Simms. I will urgently get some advice in relation to what the question was about, because I was anxiously reading an email. If I can get an answer back to him before the end of question time, I will give him a response.

The Hon. R.A. SIMMS: I am happy to repeat the question.

The Hon. R.I. LUCAS: If you would, that would be very useful.

The Hon. R.A. SIMMS: I will go through it very quickly. Last night, the House of Representatives passed the Religious Discrimination Bill with the support of both Labor and the Liberals. While an amendment was successfully passed to provide protection to students against discrimination on the grounds of sexual orientation, gender identity, pregnancy or relational or marital status, the remnants of the bill are still very concerning.

The bill will provide religious organisations with protection from compliance with antidiscrimination laws. For instance, under the guise of a Statements of Belief, the laws will allow the following to occur: a transgender person could be told by a person providing goods or services that their gender identity is not real and is against the laws of God; a female employee could be told by a manager that a woman's place is in the home and that women should always submit to their husbands; and a student with a disability could be told by a teacher that their disability is caused by sin and that it is a trial imposed by God.

My question to the Treasurer therefore is: what does this law mean for South Australian legislation like the Equal Opportunity Act, and does the Marshall Liberal government believe that discrimination against South Australian women, people with disabilities and LGBTI people, is acceptable?

The Hon. R.I. LUCAS: I guess I can excuse myself for tuning out; I thought it was a question more directed to another minister or perhaps to the Attorney-General. I am not sure of the direct relevance to me. I represent, I think still, the Hon. Josh Teague in this chamber, so I am happy to seek advice. I haven't caught up with all the debates because they sat into the early hours of the morning, but I think someone reported to me that the bill might not have proceeded in the federal Senate today.

The Hon. R.A. Simms: It passed the House of Representatives.

The Hon. R.I. LUCAS: It passed the House of Representatives, but I understood that it might have been delayed. I saw one media report—and I place no greater weight on it than that—that this meant that it was going to be put off until after the federal election.

The Hon. I.K. Hunter: The commonwealth have pulled the legislation.

The Hon. R.I. LUCAS: I am being assisted by colleagues on both sides, thank you very much; that's very useful.

The DEPUTY PRESIDENT: Interjections are out of order—

The Hon. R.I. LUCAS: Yes, but they have been very useful on this occasion—

The DEPUTY PRESIDENT: —but unsolicited help is always very greatly received.

The Hon. R.I. LUCAS: —from colleagues and opponents, and that is that the legislation is not proceeding. Nevertheless, the import of the honourable member's question remains: should it pass in its current form.

My understanding is that the federal parliament has the same challenges in relation to any piece of legislation. The form that a bill arrives in the upper house doesn't necessarily reflect what the actual statute or law might be after it has endured its passage through the federal Senate, and therefore I don't think we should accept that the legislation, as it has passed one house of parliament, will necessarily be the concluded view.

Before people are too concerned as to what it will mean for various groups or individuals within the nation, but particularly within South Australia, it is probably very sensible to wait and see exactly what the federal legislation looks like eventually. At that stage, a re-elected government with an Attorney-General, or a new government with a new Attorney-General, will be able to consider it and more fulsomely respond to the honourable member's question, and I do apologise for making him repeat the question.

RELIGIOUS DISCRIMINATION

The Hon. R.A. SIMMS (15:12): Supplementary: rather than simply waiting for the federal parliament to potentially once again consider the bill, will the government be advocating for the rights of women, LGBTI people and people with disabilities to ensure they are protected by the federal Liberal government?

The Hon. R.I. LUCAS (Treasurer) (15:12): I think, under the leadership of Premier Steven Marshall, the former Attorney-General Vickie Chapman, and the Hon. Josh Teague, who is acting in that position at the moment, South Australia is in very safe hands in terms of protecting the interests of all South Australians.

I think this government has demonstrated time and time again its willingness to provide the sorts of protections that the honourable member has at least canvassed. Ultimately, it will be a judgement call in South Australia for a re-elected government or a new government as to exactly what the federal legislation looks like or doesn't look like, and what advocacy we might take up in the interim period. Given the record of the Premier—he has often spoken out on these issues—he certainly, I am sure, is not going to be shy in expressing his view should it be asked of him.

RELIGIOUS DISCRIMINATION

The Hon. T.A. FRANKS (15:13): Supplementary arising from the original answer: who is the Attorney-General?

The Hon. R.I. LUCAS (Treasurer) (15:13): The Hon. Josh Teague is acting in the role of Attorney-General at this point.

RELIGIOUS DISCRIMINATION

The Hon. T.A. FRANKS (15:14): Supplementary arising from the answer: what does 'acting as the Attorney-General' mean and who is the Attorney-General?

The Hon. R.I. LUCAS (Treasurer) (15:14): I have nothing further.

SA HEALTH

The Hon. T.T. NGO (15:14): My question is to the Minister for Health and Wellbeing about health. Does the minister have confidence in the Chief Executive of SA Health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): Yes, I do.

THE DEPUTY PRESIDENT: The Hon. Mr Ngo, you berated me yesterday for not giving you a supplementary but I can't give you one out of that.

REGIONAL HEALTH SERVICES

The Hon. J.S. LEE (15:15): My question is to the Minister for Health and Wellbeing about regional health. Can the minister update the council on health services in the region?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): I thank the honourable member for her question. The Marshall Liberal government is continuing to deliver for regional people in South Australia. Just last week, I had the pleasure of visiting Clare, located in the Yorke and Northern Local Health Network to officially launch the Rural Health Workforce Strategy. The Rural Health Workforce Strategy is a commitment of $20 million over four years to deliver and maintain sustainable health services in the country.

The investment has delivered or is delivering projects such as: a mobile clinical practice guideline app for the South Australian Ambulance Service, increased technical support for rural ambulance service officers, opportunities to expand the Ambulance Service regional volunteer recruitment, increased nurse practitioners in aged care and emergency departments, the development of a cancer service training pathway for regional pharmacists, mental health education for doctors and nurses, the allied health rural generalist pathway, telehealth equipment to support our country regional workforce and the expansion of the Road to Rural Intern Program.

The plan is just one more step in the Marshall Liberal government's efforts to address workforce shortages in our rural areas. Already, this government has more than tripled the number of medical interns in our regional local health networks, taking them from five in 2019, to 12 in 2021 and to 19 in 2022. We will also continue our commitments to training a metropolitan workforce in regional settings, with the goal that some will choose rural communities in which to make their home and build their career.

In the 2022 training year, there will be 50 metropolitan students completing a rural general practice rotation, 15 metropolitan interns completing rural emergency rotations, 17 rural GP registrars completing their advanced skill training and 2½ full-time equivalent fellowed rural GPs completing advanced skill training, including anaesthetics training, at Whyalla. The government is also committing over $550,000 to support the implementation of a regionalised Aboriginal health workforce plan and almost $400,000 in delivering a dental graduate program and dental assistant trainee programs in rural areas.

These investments by the Marshall Liberal government continue to show our support for regional South Australians in delivering quality health care closer to home. All South Australians deserve quality health care and this government is continuing to show that, for this government, regions matter.

MOTOR NEURONE DISEASE SOUTH AUSTRALIA

The Hon. J.A. DARLEY (15:18): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding funding to the Motor Neurone Disease South Australia association.

Leave granted.

The Hon. J.A. DARLEY: The Motor Neurone Disease South Australia (MNDSA) association is the only organisation in our state that provides dedicated support to people living with MND, their families and their carers. With the support of MNDSA, people living with MND are supported at home and kept out of hospital and respite care, relieving pressure on our strained health system and making substantial savings for our government.

The service they provide to the MND community and for our health system is invaluable, yet they are largely reliant on fundraising and donations, occasional grants and one-off funding from our government to ensure the continuation of their service. There is no support through recurrent funding, which similar organisations interstate enjoy. My question to the minister is: will the government commit to providing recurrent annual funding to MNDSA to ensure the sustainability and continuation of this important service?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): I thank the honourable member for his question. The Marshall government greatly appreciates its strategic partnerships with

non-government organisations that provide disease-specific support to South Australians facing health challenges, and the Motor Neurone Disease (MND) association is a high-quality organisation.

Certainly, during this term of the government, my understanding is that the Premier made a grant to MND to support their work in relation to equipment. Certainly, it is my recollection that through the Palliative Care Grants Program the health portfolio also made a contribution to the organisation. In terms of what I might call the interface with the NDIS program, my understanding is that SA Health worked with the NDIS to encourage more rapid access to supports under the scheme.

The Hon. J.M.A. Lensink: Complex support pathway.

The Hon. S.G. WADE: Yes. The minister responsible for disability services is talking about the complex care pathways, and my understanding is that there have been significant improvements to make it easier for people with MND to access NDIS support. Of course, one of the tragedies of MND is how short the window is in terms of life expectancy. All of us, when we are facing challenges such as disability, would want to have our needs assessed and dealt with expeditiously. It is doubly important that that is the case in relation to people with MND.

The MND association, of course, highlights to me that not all people with MND are diagnosed with the condition under the age of 65, so many of the patients will not actually be eligible for NDIS support. That is a challenge, at both the commonwealth and the state level, to provide appropriate support to MND. Certainly, the state government is keen to support ongoing partnerships with non-government organisations.

We greatly appreciate the support that the public gives in terms of donations and the like. It is our intention to partner with organisations and provide funding where we are able, but the reality is that we will never be able to meet all the requests that we receive in the context of MND, as we have seen with the equipment grant and the palliative care grants. This government holds MND with respect and will certainly give any requests for funding respectful consideration.

SA HEALTH

The Hon. I. PNEVMATIKOS (15:23): 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. I. PNEVMATIKOS: The minister just said in a previous question that he had confidence in his chief executive. This is despite the fact that the chief executive failed to declare private sector directorships and failed to resign from them before becoming the most senior health official in SA. This is despite the chief executive being involved in negotiations with his immediate former employer soon after joining SA Health.

This is despite the chief executive being found to have breached the Public Sector (Honesty and Accountability) Act by a former commonwealth ombudsman. This is despite the chief executive being required to undertake remedial conflict of interest training, and this is despite the chief executive leading SA Health at a time when the department was found by the Ombudsman to have acted in a party political manner.

My question to the minister is: does the minister only have confidence in the Chief Executive of SA Health because he attended a Liberal Party fundraiser in the months prior to the 2018 election, was in charge when SA Health social media was used in a party political way, ignored the Ombudsman recommendation to apologise for SA Health acting in a party political way in 2020, was in charge when links to a Liberal Party election database were embedded in SA Health COVID information websites in 2021, and failed to protect his public servants from having to be subject to the Premier's party political press conferences in 2022?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:25): This is one of the surprises of this last term in government. The Liberal Party came to government in 2018 and there were relatively minor changes to the public sector leadership. I expected the former Labor government, now in opposition, to show respect to public servants, but instead, time after time—particularly in committees—we have politicians smearing public servants who are simply doing their job serving the government of the day. The Labor Party says they are concerned—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —about politicising—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —the pandemic—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —but it continually smears public servants. I believe what they are trying to do is politicise the Public Service—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —so that they might be able to get, shall we say, advice of convenience if they were ever in government again. The fact of the matter is—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —the more they smear public servants—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —people simply seeking to do their job—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —the more that South Australians will see them for what they are. It's the old Labor Party—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —the union thugs coming into the parliament—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —smearing public servants. 'If you're not with us, you're against us.'

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: It's that sort of bullying behaviour that the South Australian community has rejected time and time again at former elections and—

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. S.G. WADE: —bring it on, we look forward to them rejecting that bullying behaviour at this election too.

Personal Explanation

LIBERAL PARTY CHRISTMAS PARTY

The Hon. T.A. FRANKS (15:27): I seek leave to make a personal explanation.

Leave granted.

The Hon. T.A. FRANKS: Earlier today, in a ministerial statement, the soon-to-be-departed Treasurer noted in his ministerial statement with regard to the 2019 Christmas party that I had got the room wrong of the Liberal Party Christmas party. He was indeed right. It was not in the Balcony Room; it was indeed in the Strangers Dining Room. I did attend that night and I note that both rooms are in the north-west corner of this building and that the furniture that is normally in the dining room had been cleared. I had viewed the photos of the room and they do look similar.

I love that the Treasurer takes great delight in the fact that the Liberal Party party was in the Strangers Dining Room—one floor down, in the exact same location, with the exact same entrance as the Balcony Room. I note on this occasion that, really, he did miss the point. We should be having a conversation about respect in this workplace, no matter what room we are talking about in this workplace.

Bills

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

Introduction and First Reading

The Hon. J.A. DARLEY (15:28): Obtained leave and introduced a bill for an act to amend the Children and Young People (Safety) Act 2017. Read a first time.

Second Reading

The Hon. J.A. DARLEY (15:29): I move:

That this bill be now read a second time.

This bill establishes the position of Foster and Kinship Carers Advocate, independent of direction or control by the Crown or any minister or officer of the Crown. The advocate must regularly consult with foster and kinship carers and their families and other groups and persons representative of foster and kinship carers.

An important function of the advocate is, on request, review a decision of the chief executive or child protection officer. The applicant may confirm a decision or, after consultation with the chief executive, vary or revoke the decision and require a report on the action that has been taken in relation to the decision.

The existing act allows for an internal review of decisions of the Department for Child Protection by the Department for Child Protection. A person who is aggrieved by a decision of the chief executive or a child protection officer, in a manner and form determined by the chief executive, may apply to have that decision of the chief executive reviewed and the chief executive may confirm, vary or reverse the decision under review.

Since my attention has been drawn to chapter 12 part 1 of the legislation, it describes a review process where the chief executive investigates the actions of his or her department over which he or she is responsible. An appeal right to SACAT after this review process does not compensate for the power imbalance in this initial process. Carers understandably are fearful that the children in their care may be removed by the very people to whom they are required to lodge a grievance.

In an organisation, for employees, an internal grievance process on some matters may make sense. For carers concerned about children in their care, as non-employees providing an essential service for the state, to be subject to such a complaints process, and face those to whom the complaints and grievances may be directed, is obscene.

Carers have been raising the issue of the power imbalance for many years. The Child Protection Systems Royal Commission reported in August 2016 after inquiring for two years, and I quote:

> [Some] carers feel overwhelmed by the power imbalance between them and Families SA, which has the ultimate power to remove the child from their care.

So the royal commission identified the problem for foster and kinship carers in the system:

> There were some examples of good cooperative relationships but, in many other examples, carers were treated poorly and the value of their contribution was minimised. They were often met with the comment, 'You're just the carer'.
>
> The Layton Review emphasised that the state cannot parent, but it must facilitate and support the parenting done by others. Thirteen years later, a lack of clarity remains about the reach of the Agency into day-to-day decision making for children in home-based placements.

Unfortunately, the royal commission did not recommend an external, independent complaints system, and I quote again:

> The Agency should develop a centralised complaints process for carers, to investigate complaints independently. It need not be a formalised investigation, but it should respond promptly in writing to complaints. The availability of the process should be well publicised.

Therefore, with the legislative amendments that followed, foster and kinship carers' complaints still occur within a system internally administered by the department. This needs to be addressed once and for all.

In a letter received from the minister on 30 November, the day before the bill for the independent inquiry into foster and kinship care was passed in the other chamber, the Minister for Child Protection referred to:

> …the development of a new complaints management processes and procedures [probably in 2019] that are robust, transparent and client-focussed. It may be that you are not aware of these new systems or pathways available to carers. I am advised that carers are aware of these provisions and accessing the pathways for complaint and review available to them. For your own background, I can confirm that initially complaints should be directed to the local DCP Office. If a complainant is not satisfied, the matter can be escalated to DCP's Central Complaints and Feedback Management Unit.

I think the minister and her department would understand that this is internal to the department and would of course be well aware of the Hon. M. Nyland's comments in the report of the royal commission of the power imbalance following the statement that carers are 'living in fear that the Agency will remove the child from them at any time'. Therefore, the assertion that this new system is 'robust, transparent and client-focused' must be challenged. Whilst the royal commission did not recommend an external complaints system, it did recommend:

> The process should not require as a matter of course that the first approach with the complaint to be to the local office or worker concerned. Although usually complaints should be raised initially at the local level, this should not be a prerequisite to raising the matter through a complaints office. The complaints office should however encourage, in appropriate cases, attempts to resolve issues through informal mediation between the parties.

The minister goes on to say, 'If a complainant remains unsatisfied, there are a number of pathways for escalation and independent review including', wait for it, 'internal reviews', the Contact Arrangements Review Panel (CARP), which is available for limited matters, and the Ombudsman SA and SACAT, which are not timely processes or of particular value and, in any case, by then the carer has probably been through a harrowing experience and the child may have formed attachments to others. The minister continues:

> In this context, and noting the Department's ongoing dialogue with CFKC-SA, Child and Family Focus SA as the peak representative body for carers, you will appreciate that we would find it difficult to support the investment of significant resources into a further 'independent inquiry' at this time. That is not to say the Government is not committed to a process of continuous improvement. We simply encourage our carers, and others as appropriate to take advantage of these already established processes and mechanisms in order to have them addressed.

And here is the rub: carers are complaining about the mechanisms the minister is urging them to use. Carers consider them inadequate. The minister is not listening. The need for the independent inquiry is because the minister has not listened, nor has the Premier.

I met with the Premier on 3 August last year, with carers, to discuss the need for an independent complaints mechanism. Carers provided clear advice to the Premier at the meeting that many carers felt they were not treated with natural justice and procedural fairness when making complaints, and this is affecting their role and the retention of carers. He listened, but no action followed. And so the situation continues of the inherent enormous power imbalance between DCP officials and foster carers who are afraid that if they question decisions of the department they could lose custody of children in their care.

The bill proposes an independent foster and kinship carers advocate to provide one model of how the system of dealing with complaints can be made independent of the administering department. Hopefully, the independent inquiry will listen to the foster and kinship carers and make the recommendation finally for a truly independent complaint system.

In addition to the advocate responding to any grievances lodged by reviewing departmental decisions (item 8), the advocate has the following listed functions allowing ongoing monitoring and improvements in the system and providing a place in the system for the voice of foster and kinship carers to be heard:

1. To support, promote and advocate for the rights and interests of foster carers and kinship carers.

2. To regularly review all programs designed to meet the needs of foster carers and kinship carers in the public and private sector.

3. To identify areas of unmet needs or inappropriately met needs of foster carers and kinship carers and to recommend to the minister the development of programs for meeting these needs or the improvement of the existing programs.

4. To make recommendations to the minister for legislative change in respect of unmet needs or inappropriately met needs of foster carers and kinship carers.

5. To advocate for and promote the rights and interests of foster carers and kinship carers.

6. To advocate for and negotiate on behalf of foster carers and kinship carers in the resolution of any problem faced by them arising out of their role as a foster carer or a kinship carer, as the case may be.

7. To advise foster carers and kinship carers on the application and operation of this act in relation to foster carers and kinship carers.

8. To review decisions of the chief executive or child protection officers in accordance with this chapter.

Accordingly, I commend the bill to the house to address a flawed system long overdue for an overhaul. If the Legislative Council sits again before the election, the contribution and discussion of other members on the issues involved will be most welcome. In any case, the desperate need for change has been put and, with the independent inquiry proceeding, a new parliament in May and a requirement to complete a comprehensive review of the legislation for introduction to parliament by October, discussion on the merits of this bill can also contribute and inform these processes. I commend the bill to the chamber.

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

RESIDENTIAL PARKS (MODEL AGREEMENT) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (15:43): Obtained leave and introduced a bill for an act to amend the Residential Parks Act 2007. Read a first time.

Second Reading

The Hon. J.A. DARLEY (15:44): I move:

That this bill be now read a second time.

This bill seeks to clarify four aspects of the present regulatory regime operating in residential parks in South Australia by:

1. Mandating the terms and conditions of the model residential park agreement.

2. Including in the agreement a security of tenure for a term of 20 years with an option of a further 20 years, exercisable at the discretion of the tenant and transferable to another person with the right of a new lease with a 20 plus 20 option.

3. Stipulating rent increases at the annual prescribed rate—

(a) if CPI is 2 per cent or less, CPI plus 1.5 per cent (up to a maximum of 3.5 per cent); or

(b) in any other case, CPI.

4. Stipulating payment by a resident is for rent, statutory charges and a bond only, with the requirement to pay any deferred amounts in the lease agreement prohibited.

The South Australian Residential Parks Residents Association (SARPRA) is seeking these changes. To date, I understand that the regulatory regime has had bipartisan support. I have sought contact with the commissioner over the last few weeks but have been unsuccessful. The previous minister responsible could have made appropriate changes but may have had her priorities elsewhere. Hopefully, the presenting of these amendments to the Legislative Council will encourage the next government to give priority to these reforms.

In the present legislative regime, the model residential parks agreement is not mandated. The bill will require all existing agreements to transition to the model agreement to ensure uniformity and consistency. As at 17 June last year, there were some 2,284 homes in residential parks, with 99 parks registered with Consumer and Business Services. This is a growing affordable sector in the housing market. The further legislative certainty provided by this bill will avoid a growing number of cases going to SACAT from those park owners doing the wrong thing.

For those people wishing to downsize and free up capital, residential parks provide an option that is being taken up in increasing numbers. For some, this is a more attractive option than remaining in their existing dwelling or exploring other ideas such as a retirement village or a reverse mortgage. A person rents a site, or a site and a dwelling, from the park owner to use as their principal place of residence.

There are some purpose-built dedicated residential parks offering manufactured or transportable homes for residential living. There are also mixed-use caravan parks that may offer both long and short-term accommodation in a mixture of manufactured or transportable homes, caravan sites, tents and holiday cabins. The legislation does not cover holiday accommodation agreements or retirement villages, which are regulated under the Retirement Villages Act 2016.

Whilst residential parks may offer an attractive lifestyle in a lovely location, with the resident often owning the building, they will be renting the site on which it is located, hence the need for the 20 plus 20-year security of tenure. A structure may be transportable, but the cost to transport the structure can be significant. If there is a permanent dwelling on a residential park site, the resident has the right to sell the dwelling if they choose to leave the park.

In a sale situation, the ongoing transferable security of tenure is important. When a site, rather than a site and a dwelling, is leased, it may be for a fixed-term agreement or a periodic agreement. The security of tenure available in the model residential park agreement is important for the longer fixed term. Stipulating rent increases at the annual prescribed rate also provides certainty and fairness for all parties in a long-term fixed lease.

Prohibiting deferred payments requires all payments the park owner needs in his or her commercial model to be included in the rent payments. For example, the rent payments must include the cost of providing and maintaining common buildings and their fittings, fixtures and furnishings, gardens, internal roads and paths, rubbish collection and shared utilities. This allows a potential resident to easily understand all the costs of a particular residential park and compare and contrast the benefits and facilities and costs among the available parks and other options.

Accordingly, I commend the bill to the house to ensure increased certainty, security of tenure, predictable cost-of-living increases and transparency.

The Hon. E.S. BOURKE (15:50): I rise to speak on the Residential Parks (Model Agreement) Amendment Bill. I would like to thank the Hon. John Darley for bringing this matter to our attention in this house. Residential Parks in South Australia play an important role in providing affordable housing opportunities to the community and offer attractive lifestyle options for retirees.

The Residential Parks Act 2007 regulates the relationship between residential park owners and residents who live in residential parks as their principal place of residence. The act was originally designed to address issues arising from people residing in caravan parks in demountable, movable or inexpensive structures erected on the sites and rented from the park owner.

The type of residential parks that have developed since the commencement of the act are unlike those envisaged by the legislation. Some residential parks in South Australia offer purely long-term living in constructed or manufactured homes while others are a mix of tourist accommodation and dedicated areas for residential living. The types of dwellings in these parks range from caravans with annexes to transportable and manufactured homes. Residential park living in South Australia is continuing to grow in popularity, as it is in the remainder of Australia. Residential parks can offer residents the security of living in a small community in cost-effective housing, often in a pleasant location.

When in government, Labor conducted a widescale review of the act. The review sought to make a number of improvements to the then laws that regulated residential parks. Feedback received indicated overwhelmingly that the primary concerns were insecurity of tenure, the absence or inadequacy of legislation requirements relating to the disclosure of information, safety in parks, and the payment of compensation. Labor conducted the review in consultation with key stakeholders, including the South Australian Residential Parks Residents Association, SA Parks, state government agencies and park residents.

The review sought to implement measures to provide a fairer and more transparent system for residential park residents and owners. As a result, Labor ensured that residents were provided with improved disclosure of information in the establishment of a residential park agreement. We increased the penalty on park owners if agreements were not put into writing and residents were not provided with a signed copy of the agreement together with a copy of written park rules. The review also resulted in a 14-day cooling off period to ensure that prospective residents have significant time to properly consider their agreement and obtain advice where necessary.

Labor understands the need to provide better protections to consumers. Labor did this by improving the security of tenure for residents in residential parks. Many of these people have invested significant amounts of money in their homes and deserve to have a greater level of security around their tenure. Labor fixed this.

When last in government, Labor oversaw many other improvements to the act, providing greater protections to residents living in residential parks. We on this side of the chamber know that we must continue to review legislation and improve protections where they are lacking. Once again, thank you to the Hon. John Darley for bringing this important issue to our attention. We look forward to reviewing your bill in detail and working with you to gain a greater understanding of the issues that you have raised.

Debate adjourned on motion of Hon. N.J. Centofanti.

VALUATION OF LAND (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (15:54): Obtained leave and introduced a bill for an act to amend the Valuation of Land Act 1971. Read a first time.

Second Reading

The Hon. J.A. DARLEY (15:55): I move:

That this bill be now read a second time.

The report of the Select Committee on Certain Matters relating to the Operations of the Office of the Valuer-General was completed on 11 November and tabled in the Legislative Council on 16 November 2021. This bill seeks to improve the land valuation system by:

(a) addressing issues raised in the report of the select committee;

(b) enhancing transparency and accountability in the valuation process;

(c) ensuring that the objection process is open, transparent and fair;

(d) mandating the annual valuation services of the valuing authority to assist the rating and taxing agencies in their task of determining rates, taxes or imposts levied or imposed on the land on the basis of the valuations of that valuing authority;

(e) providing certainty for agricultural land and the principal place of residence in receiving the protection of notional values with any highest and best use disregarded, as was intended in the original legislation in 1982;

(f) recognising the added value and income from the improvements in the determination of the notional site and capital values;

(g) requiring the Valuer-General in the preparation of guidelines relating to the assessment of a land attribute affecting the value of land to consult and have regard to the views of prescribed groups;

(h) requiring the Valuer-General when requested by a local government authority to value a portion of land forming part of a larger parcel to provide such a valuation, but not to create a separate assessment of that portion on the South Australian Integrated Land Information System;

(i) providing protection for land subject to a lease under the Residential Tenancies Act and its existing use essential to the maintenance of rental stock from higher valuations seeking to apply a potentially highest and best use disincentivising the existing rental use; and

(j) providing protection for the existing use of commercial and industrial land from valuations based on potential use, potential intensification of use or potential or existing land division that is an impost on the existing business use.

The last two items are very important in a COVID and post-COVID world. I expect the present government and opposition would want to protect businesses from the impost of being taxed on a use or benefit that they are not realising, particularly when, in many cases, they are struggling to maintain and derive the full benefit from their existing commercial use in the face of necessary government regulation and changed consumer behaviour and habits.

The dissenting statement by the Liberal member of the select committee that the state government considered the economic impact of implementing such recommendations needed to go further. Along with any impact on revenue, there should be an assessment on the fairness and impacts on businesses, which this government is apparently pledged to protect.

The government has addressed the issues of trust and aggregation of properties for land tax. It is only fair that it protects industry from valuations on unrealised benefits; after all, it is the commercial and industrial enterprises that provide the much-needed employment.

The particular provisions of the bill are now examined. The original intent of section 6A of the act was to ensure the essential requirement of the Valuer-General to be independent in the application of policies and evidence in the valuation of particular properties. The select committee did not consider the intent of the clause was to remove responsibility or ministerial oversight for the soundness of policies and the transparency and accountability of the functioning of a semi-privatised land valuation system, and recommended a legislative clarification accordingly, recommendation 9.

The Valuer-General produces directives on land attributes. The select committee was advised by the Office of the Valuer-General that two tools were both developed post-commercialisation to assist in the identification, development and prioritisation of required policy

to direct the valuation process, namely, a guideline, direction and policy procedure document and the policy priority matrix. Identification of areas of concern, and the process for the development and implementation of appropriate policy, needs to be formalised to meet standards of transparency and accountability.

Accordingly, the new section 10 inserts that practice into the legislation and mandates how the formulation of policies will be informed and published to allow for community awareness, input and knowledge of these policies. The Legislative Instruments Act also applies to these policies as if they were a regulation allowing oversight of these policies of the Valuer-General.

Some councils raised concerns to the select committee about up-to-date valuations on recently subdivided land and new developments occurring in their areas in the previous rating period. The new section 14A mandates that a comprehensive program of supplementary valuations must be completed annually on new developments and subdivisions to assist rating and taxing authorities.

Section 17 prevents the Valuer-General creating separate assessment numbers on the South Australian Integrated Land Information System when a council requests a valuation of a portion of land forming part of a larger allotment. This has created problems, such as those arising from the government charges in retirement villages. In section 22A(1)(2)(b) notional valuations apply where:

> the owner of the land is a natural person, the land constitutes his or her principal place of residence, and is not used for any commercial or industrial purpose.

This later clause is too restrictive in a COVID and post-COVID world, as more people are working from home or able to operate their business from their premises. For this reason the later clause is modified to read, 'and the land predominantly constitutes the person's principal place of residence'.

Section 22A(1)(b)(ii)(D) also needs to be modified to allow for some commercial and industrial use associated with a number of principal places of residence on land invested in a body corporate:

> (D) the land is not predominantly used for a commercial or industrial purpose.

Section 22A(1)(c) refers to a number of enhancements of land that need to be disregarded in determining notional valuations for qualifying agricultural land or principal place of residence. This includes existing or potential land division and proposed use, but also needs to be strengthened to include actual use when 'the fact that part of the land is actually used for its highest and best use'.

In section 22A(2), the valuing authority may assign a notional value to agricultural land or principal place of residence of an owner if it is satisfied that they are entitled to this benefit. This needs to be changed to the requirement that it must apply the notional value. Section 22C is inserted to address land use for commercial or industrial purposes. For land valuation purposes, existing use of the property only is to be considered, with the potential use, intensification of use, or potential or existing land division to be disregarded.

Taxing unrealised use is unreasonable and detrimental to business. In addition, fully recognising the value and income from improvements is essential in the determination of notional site and capital values. There is an increase in practice emerging of discounting these improvements to maximise the site value and therefore the land tax.

Section 22D is inserted to help address the precarious position of maintaining the private rental stock and market. For land valuation purposes, where land is used for residential rental purposes, the existing use and configuration of the land for residential use and derived rental income are the only factors that are to be considered. Any potential use, including intensified residential use or existing or proposed land division are to be disregarded. Similarly, fully recognising the value and income from improvements is essentially in the determination of fair notional site and capital values for taxation purposes.

The process of objection to valuation needs to be made more transparent and accountable, with the guarantee that certain steps will be followed. Accordingly, it is made clear in section 24(1) that a person can object to:

…any aspect of the valuation such as its land use and notional value benefit determination, or any other land attribution, or lack thereof.

I had previously attempted to delete the 60-day limit for an objection to be lodged and the Valuer-General's discretion that this time period could be extended as unnecessary and troublesome to the objector. There is no compelling reason for this limitation, and the person receiving the valuation notice should be able to object until the next valuation notice. Indeed, from an administrative viewpoint, it may smooth out the workload.

Because of the mess with the land tax notices being issued extending into the following financial year by the government, a prior attempt to get rid of this unnecessary time limit was not able to be enacted without unintended consequences. I am currently advised, well into January 2022, several thousand land tax notices have not been issued, extending back 2½ years. In circumstances where poor administration may again arise, or continue to arise, I have been forced to insert the following change and I quote:

An objection to the valuation may be made by the owner or occupier so served, or an agent acting on behalf of the owner or occupier, or within 60 days after the date of service of the notice or within the relevant valuation period, whichever is the longer.

It is important that a person has every reasonable opportunity to raise their concern about their valuation, as it can have a substantial financial impact. I would like to point out that about 1 per cent of the valuations are objected to and about 50 per cent of these objections are successful. Historically, and prior to privatisation, common sense prevailed and the informal process provided plenty of opportunity for the objector to put their view. It is now necessary to legislate these steps formally:

1. The objector has the opportunity to meet with the valuer on site before the valuer makes their recommendation to the Valuer-General, and subsequently the objector must be provided with the evidence upon which the valuer's recommendation relies and be allowed to submit their comments.

2. An agent of the objector, as well as the objector, must be provided with this information from the valuer and, in addition, any other information informing the Valuer-General's view prior to the determination of the Valuer-General upon which his or her decision will rely. The objector may submit their comments.

3. The Valuer-General, in making his or her determination, must take into account (1) and (2) above.

4. The objector and agent are provided with the full evidence upon which the Valuer-General's decision relies, to enable an informed process for further appeal.

Amendment in the bill to section 24, Objection to valuation, and section 25, Valuer-General to consider and decide upon objection, have been changed accordingly. Provisions of the bill seek to address some outstanding issues emerging in the valuation system. Protection for the principal place of residence and agricultural land from creeping imposts denying them the rights of notional valuation is unfair and unsound government policy.

Similarly, the need to protect residential rental land and commercial land and industrial property from valuations based on unrealised potential is essential to protect these properties from unfair and unsound government policy. Accordingly, I commend the bill to the council and naturally welcome any amendments which will improve the bill.

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

Motions

FOSTER AND KINSHIP CARE INQUIRY

The Hon. J.A. DARLEY (16:11): I move:

That this council—

1. Condemns the Minister for Child Protection and government's mishandling of the setting up and arrangements for the independent inquiry into foster and kinship care that the government did not consider necessary;

2. Expresses its concerns regarding the Minister for Child Protection and government's motives in not seeking the advice and support of foster and kinship carers in the appointment of an inquirer and then ignoring feedback they subsequently received; and

3. Expresses its deep concern about the motives of the minister and government in publishing terms of reference for the independent inquiry into foster and kinship care to foster and kinship carers that is not the complete wording from the legislation, creating a misleading impression.

The government has not been willing to listen to foster and kinship carers. Both the Minister for Child Protection and the Premier have made statements and taken actions without seeking the views of foster and kinship carers. This was shown in August last year. At a meeting with foster and kinship carers, the Premier was advised that many carers felt that they were not treated with natural justice and procedural fairness when making complaints, and this was affecting their role and the retention of carers.

In response, a couple of months later the Premier advised, on advice from the Department for Child Protection that he:

> …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.

This was clearly not an answer to the question carers raised. Carers were increasingly concerned that their voices would not be heard in the legislative review of the act scheduled for October.

Carers considered an independent inquiry was required focusing on their needs. The independent inquiry would assess the procedures, including the handling of complaints processed within DCP. The inquiry would address the inherent enormous power imbalance between DCP officials and foster and kinship carers. Many carers are afraid that if they question decisions of the department they could lose custody of the children in their care.

It is important for the inquiry to have the confidence of carers and establish processes that satisfy carers. It will only be successful if carers, past and present, are made aware of their right to present their views to the inquiry, believe their anonymity will be protected and perceive the inquiry will be truly independent in receiving their evidence. The minister in a letter of reply to me stated:

> …we would find it difficult to support the investment of significant resources into a further independent inquiry at this time…we welcome feedback, complaint and suggestions for improvement. We simply encourage carers, and others as appropriate, to take advantage of these already established processes and mechanisms in order to have them addressed.

The minister is telling carers what to do rather than listening to what they want. This is not consistent with a minister who values and respects carers. On 17 December, I wrote to the Premier after parliament established the independent inquiry and ahead of the cabinet appointment of the inquirer. I quote:

> Such an appointment that is not perceived as truly independent would be catastrophic—foster and kinship carers have begun to anticipate this Independent Inquiry as their opportunity to have their voices heard in the child protection system. Any appointment that does not meet the test of perceived independence will lead to anger, bitterness and impact badly on morale of foster and kinship carers.
>
> The reaction in the Legislative Council in February will likely mirror any such reaction from carers. It will be perceived that your Government, Minister and Department for Child Protection are genuinely fearful of an Independent Inquiry and wanting to control the agenda…the proper focus on hearing of the concerns and voices of the carers, and the opportunity for there to be improvements that should lead to improved collaboration and partnership in the sector, will be lost.

But the Premier did not heed this advice. Indeed, he did not seek the advice and wishes of the carers, but instead talked about his 'confidence' in cabinet's appointment of the inquirer and was 'confident that foster and kinship carers across South Australia will have the opportunity to contribute to, be listened to and heard'. Further, the Premier suggested I 'encourage foster carers to make submissions to the inquiry once the process formally commenced'. On 24 January, I wrote to the Minister for Child Protection, noting that:

I have sent a copy of the letter to The Carer Project and CFKC-SA so they may know that I am listening to their views and not just stating a position of confidence that the Premier considers is appropriate. Many people will be watching to see if this Inquiry is successful, and that the government finally belatedly listens to the people this inquiry has as its subject and in which the Government didn't consider necessary. It is the Government that has work to do with foster and kinship carers and not for me to "encourage foster carers to make submissions to the Inquiry once the process has formally commenced."

I clearly believe in the Independent Inquiry. I put the legislation to Parliament and it was the Government that considered it unnecessary to listen to foster and kinship carers. It will be devastating if carers do not have confidence in an Inquiry they so badly want and the responsibility will solely rest with executive government if it fails. I have done everything I can to win the case for the Independent Inquiry and advise government so that it will be a success and I will continue to do so.

I also pointed out to the minister that, and I quote:

I have received many copies of correspondence sent to you by concerned carers. I assume you are addressing these issues in detail, on behalf of the Government's responsibility to set up a successful independent inquiry needing to have the confidence of carers.

The government and minister, not listening or respecting the views of foster and kinship carers, have caused much angst for carers at the commencement of the independent inquiry, for which the government must accept full responsibility. Was this an act of arrogance by the minister and the Premier or something more sinister, a desire to sabotage an inquiry they did not consider necessary?

Dismayed by the mess the government has made establishing this inquiry, I approached the Labor opposition with a request that they rescue the independent inquiry that the government does not consider necessary. I acknowledge the commitment Labor has agreed to, and I quote:

South Australian Labor is committed to ensuring that carers are heard. At the conclusion of the inquiry, South Australian Labor will seek the views of carers and should carers voice that a review of the inquiry's findings and recommendations is warranted, Labor will seek to establish such a review.

What a mess the government has made of their executive responsibilities! As a result, I have felt compelled to ask questions of the minister so that other faux pas may not occur:

1. DCP to provide information

It is expected that the Independent Inquiry will forward redacted carer evidence in a manner that protects individual anonymity at times to obtain a departmental response. In other cases, no doubt the inquiry will seek direct access to departmental files to protect the individual's anonymity. Will government instruct DCP to prepare accurate and relevant responses to issues raised and directed to them by the Independent Inquiry and make their records available? Obviously, any obscuration, avoidance, evasion or attempt to provide hidden or indirect information will be called by the Independent Inquiry and undermine the integrity of the process.

2. Location of the inquiry

My office was advised several weeks ago that arrangements were being made to locate the inquiry in a location independent of DCP. Can you advise when these arrangements were finalised? Given that the inquiry has officially commenced and is meant to be at arm's length from the government, I would also appreciate advice regarding where future correspondence to the inquiry should be directed.

3. Resources made available to the Inquiry

…how carers can make a submission, how…their confidentiality and anonymity [will be protected], how carers will be supported in submitting evidence and the processes and methodology…to guarantee the voice of the carers are heard and acted upon. It is a focus on carers and not the child protection system in total that this Independent Inquiry is about. The Minister representing [child protection] in the Legislative Council, made clear that the child protection system will be holistically examined later this year as part of the legislative review and the carers voice should be an important input…

The final point I raise is the terms of reference of the independent inquiry. On 23 December, when the minister announced the inquiry, the terms of reference were inappropriately precised. It may be understandable in a newspaper article but not on the DCP website. The precis gives the wrong flavour and discourages carers submitting their full range of concerns. The CFKC-SA website quite properly, as required, reproduces the terms of reference in its entirety. The precised terms of reference are wrong on the DCP website and has led a major NGO to record the precised terms of reference.

This may be the last incompetency or deliberate act of sabotage this government inflicts on the independent inquiry. Foster and kinship carers deserve better. The government and the minister,

with the their much-touted statement of commitment on foster and kinship carers being informed, supported, consulted, valued and respected, need to recover any credibility by now acting accordingly.

I conclude the motion of condemnation of the minister and government by stating my appreciation to foster and kinship carers for the essential tasks they unselfishly undertake for vulnerable children and call on all members to deliver the independent inquiry they want and truly deserve. Accordingly, I ask that this chamber:

1. Condemns the Minister for Child Protection and the government's mishandling of the setting up and arrangements for the independent inquiry into foster and kinship care that the government didn't consider necessary;

2. Expresses its concerns regarding the Minister for Child Protection and government motives in not seeking the advice and support of foster and kinship carers in the appointment of an Inquirer and then ignoring feedback they subsequently received; and

3. Expresses its deep concern about the motives of the minister and government in publishing terms of reference for the independent inquiry into foster and kinship care to foster and kinship carers that is not the complete wording from the legislation, creating a misleading impression.

The Hon. E.S. BOURKE (16:25): I would like to thank the Hon. John Darley for his motion, and I echo and support his sentiments. We owe a great debt of gratitude to foster and kinship carers who have been critical to our child protection system for many years. They are classified as volunteers and sacrifice a lot for their families and other people's families.

I also want to take a moment to acknowledge that there is a type of kinship carer that although they are not recognised as a formal figure they, too, do a tremendous amount of caring. Largely, they are grandparents, but also others. While they do not have any formal arrangements, they do this incredibly important work out of the goodness of their heart, out of the desire to see their family members get the care and the opportunities that they need.

They do this without the support of government, day in and day out, with little to no respite. They do it to ensure the children in their care do not miss out on the attention, love and support they need and deserve. Caring for young children and adolescents can be mentally and physically taxing, especially on older people, particularly if the child has emotional and behavioural issues. So thank you to all those foster and kinship carers, for your dedication to our state's youngest citizens, for the tireless work you do to provide for the children and young people in your care.

The worker of foster and kinship carers, although unpaid, is invaluable to our community. Their unpaid work stands in stark contrast to the almost $370,000 paid to the Minister for Child Protection by taxpayers each year. Despite her failing in her basic duties, and her ministerial responsibilities being stripped away from her, she continues to be the minister in charge of child protection.

The Minister for Child Protection has presided over and is—at this point I would like to quote from Judge Paul Rice—'a significant failure', regarding her handling of sexual abuse cases involving two pregnant 13 year olds in state care who were sexually abused by paedophiles. Aside from declaring the Minister for Child Protection 'a failure' the Rice review recommended stripping the minister of her responsibilities for significant incident reporting among children in state care. Add that to the list of responsibilities already stripped from the minister due to her inability to manage her own portfolio.

Let us not forget that Minister Sanderson was appointed as a dedicated child protection minister in 2018, yet within just two months she was stripped of responsibility for:

- Commissioner for Children and Young People;
- Guardian for Children and Young People;
- Child Death and Serious Injury Review Committee; and
- Child Development Council.

But wait, there's still more. In March 2019, the Hon. Michelle Lensink was given Minister Sanderson's responsibilities to 'deliver and commission intensive family services with a focus on early intervention, to reduce the number of children entering out of home care as a result of suffering abuse and neglect'.

Despite this, Sanderson is still paid the same full salary of ministers with a much higher workload. I wonder how her cabinet colleagues feel when they are burdened with her responsibilities, and the Minister for Child Protection flits off to yet another function in her electorate? I wonder how those foster and kinship carers feel when, while taking the child in their care to school, they see her standing on the side of the road waving and promoting herself, who has dismissed their valuable feedback, expertise and lived experience of a system under review. I am sure that they expect the Minister for Child Protection, who shares of them the responsibility for the children in their care, to dedicate her life to her job, and the children in state care, the way that they do for the children in their care.

Foster and kinship carers often put themselves last. They make huge sacrifices in their own lives so that they can provide love, attention and support to children and young people in their care, because that is what it takes and that is what they will do. Putting yourself last and making sacrifices are things that many of us as elected representatives are familiar with. We all are, or at least we all should be, dedicated to South Australians first and foremost, and all of us, when our schedules are full, make sacrifices because that is the right thing to do.

We are so privileged to be elected by South Australians to hold the positions we do and, when we take it seriously, our jobs can put pressure on our families and our friends, on our social lives and so much more. We miss dinners with friends when parliament sits late, we give up watching our kids play weekend sport while we are somewhere else supporting community events, but that is part of the job—figuring out which things we should sacrifice and which things we should prioritise. I am sure the Minister for Child Protection is aware that she needs to sacrifice too. It is just that it appears that she is confused about which things she should be sacrificing.

Ministers, of course, have extremely busy schedules and balancing competing priorities can be extremely difficult. Ministers have huge responsibilities. Arguably, the responsibility of children in care is amongst the highest. But this is why ministers are being paid as much as they are: to sacrifice their time for the time spent on their portfolios; to take the time to engage; to listen to peak bodies, to those with lived experience and to advisers; to be balanced on upcoming views; to look at evidence and reports and determine what needs to be done to ensure the best outcomes possible for the portfolios they are managing and the people affected by those outcomes. Ministers are extremely busy and finding time in their schedules for all of these is not an easy task.

So when Minister Sanderson took on her busy schedule, I can understand there are things she simply does not have time to do. Luckily for the Minister for Child Protection, she does now have less to do than she did since Minister Hon. Michelle Lensink has taken on so many of her responsibilities. That is a relief. She has had time now for the really important things, not meeting with foster and kinship carers or meeting with her departmental staff about paedophiles getting children pregnant, not about ensuring that DCP staff who have police records for domestic violence are stood down, not for actively engaging with peak bodies nor the crossbench about the Child and Young People (Safety and Miscellaneous) Act—for that, she could find time.

Judging by her Instagram, she has spent a little bit of time for the important things, though: breakfast with friends or time in her garden, time to contemplate sunsets, art gallery openings, days at the beach, a mosaic stepping stone for her holiday project, time to explore the Botanic Garden, street parties, a night at the theatre, dinner with friends, festival openings, hosting parliament tours for musicians and days out at the footy.

Just hours after revelations that children were pregnant in state care, Minister Sanderson was at a citizenship ceremony—a significant and important event for new Australians to be at, but is it the appropriate place for a minister to be when she has just found out through the media that a child is pregnant in state care? I would think not. It could only be seen that the minister was more worried about her own job than the safety of children.

What is the Minister for Child Protection finding time for this week when questions are being asked of her office regarding the inquiry into foster and kinship carers, when the Hon. John Darley is

bringing up this motion and when a tabled government bill from her portfolio was adjourned for the fifth time just yesterday?

If we check her schedule and we go over things that are really important, we can go to her Facebook page. It says: 'I'll be out and about for the rest of the week'—what a lucky minister she is—'doorknocking in my community'. That is not all she is doing. She is also found doing one of the most important things as the Minister for Child Protection: standing on the side of the road, waving at motorists as they go past! Is there a formal way to describe my tone of sarcasm in the last line for the *Hansard*, or do you think it will be obvious?

Again, in thanking the Hon. John Darley for his motion and for his attention and consultation with foster and kinship carers, we, too, condemn the Minister for Child Protection. We, too, express our deep concerns regarding the Minister for Child Protection's motives as well as her priorities, and we question what the Minister for Child Protection's priorities are. Are they the priorities of the role and responsibility of her portfolio or the valued children in her care, or, as it appears, is it sandbagging her marginal seat?

The Hon. J.M.A. LENSINK (Minister for Human Services) (16:36): I rise to make some remarks on behalf of the government in relation to this particular motion. I would first like to place on the record once again the appreciation of all of us for our foster and kinship carers in terms of the important support, love, nurturing and care they provide to so many children in South Australia who, for various reasons, are unable to be with their birth families. It is important work.

It is often hard work. Some of the children come from very complex families. They can have trauma histories, and that can make them even more challenging to provide care for. Sometimes, they are in the situation where the carers will be handing the children on to someone else who provides instability for them, but they continue to do the best work that they do.

In relation to this particular motion, the Children and Young People (Safety) (Inquiry into Foster and Kinship Care) Amendment Bill 2021 introduced a new section 169A, which received royal assent from Her Excellency the Governor and came into operation on 9 December 2021. This section requires the Minister for Child Protection to cause an independent inquiry to be established into foster and kinship care and requires this to occur within one month.

I understand that the Minister for Child Protection met with a number of stakeholders, including Connecting Foster and Kinship Carers, the peak organisation in SA that represents foster and kinship carers; CREATE; the Hon. John Darley MLC; and Belinda Valentine, and she has also listened to many carers about the process for the inquiry. The government has chosen to appoint Dr Fiona Arney as the independent person to lead the inquiry.

Dr Arney has significant national and international experience in child protection spanning two decades, including serving as independent professorial fellow to the board of inquiry into the Northern Territory child protection system, the royal commission into the South Australian child protection system, the Royal Commission into Institutional Responses to Child Sexual Abuse and the Royal Commission into the Protection and Detention of Children in the Northern Territory. Those credentials demonstrate very clearly that Dr Arney has been on many occasions considered as an independent, highly credentialled person to conduct this inquiry.

Dr Arney has served as a member of independent oversight bodies, including child death review committees and reform monitoring committees, and she was the Chair of the South Australian Council for the Care of Children, whose role included legislative review and monitoring, providing independent advice to government and promoting the rights of children. Dr Arney has extensive experience in oversight and independent evaluation of child protection reform relating to the recruitment, retention and support of foster carers, including the redesign of complaints and support mechanisms for foster carers and kinship carers.

Dr Arney has received awards for her service to research, reform and advocacy, including for her contributions to child health and development, science and innovation, community engagement, policy impact and women in leadership. Dr Arney was formerly the director of the Australian Centre for Child Protection when it was a member of the external expert consortium.

This consortium was actually engaged by the former Labor government to provide independent research and evaluation to support the reform of the child protection system following the Child Protection Systems Royal Commission which had uncovered the shocking state of the system under the former government. The consortium comprised leading academics from across South Australia's tertiary institutions, including the University of South Australia and the University of Adelaide. It was formed based on Commissioner Nyland's recommendations to engage relevant independent experts external to government to build a rigorous evidence base to support sustainable change.

Dr Arney supported the consortium in conducting the case study reviews. These reviews provided critical insights into the experience of children and families engaged with child protection. Collectively, the work of the commission identified serious challenges with the structures of the child protection system at that time and provided frank advice on the critical need for a systems overhaul.

I note that some people have stated that the inquiry should be conducted by a retired judge. With due respect, retired judges do not necessarily have expertise in these areas. It can take them quite some time to get up to speed, if you like, on the areas within the terms of reference, and Dr Arney is very broadly respected in all of the areas in which she will be undertaking the review.

Significant Australian and international inquiries into child protection have also been conducted by highly regarded academics and subject matter experts. These include, for example, the inquiry into the child protection system in the Northern Territory, which was led by Professor Bamblett, Dr Roseby and Dr Bath; Professor Davis's independent review into Aboriginal and Torres Strait Islander children and young people in out-of-home care in New South Wales; and the United Kingdom's Munro Review of Child Protection.

It is somewhat disappointing and potentially disrespectful that Dr Arney's reputation, experience and independence are being questioned in this way. Dr Arney has the confidence of many carers and stakeholders in the sector as someone who will be and is capable of being impartial and fair. The government has confidence that her independence, combined with her knowledge, will ensure that this is a fair and balanced inquiry that listens to the voice of all carers.

In relation to the terms of reference, the government has always stated that these are determined and contained within the act. This is provided in the first line under the terms of reference on the inquiry website, and I quote, 'The scope of this inquiry is determined under section 169A of the Child and Young People (Safety) Act 2017.' There was a summary of the terms of reference included in the original media release, as the terms of reference in the act are somewhat long, wordy and confusing.

The inquiry has a set of procedures and processes free from the influence of government or the department. The inquiry website is live and there is an email for the inquiry, I am advised. As would of course be necessary and appropriate, the department will have no involvement in receiving or reviewing submissions and strict confidentiality procedures are in place, including to protect the identity of responders who wish their submissions to remain confidential. I hope that provides some commitment to give people confidence in this process.

Our government deeply values the role of carers in providing a loving home to some of our most vulnerable children and young people. As I have said, these people open their hearts and their homes. Since coming into office, this government, through a whole-of-government strategy for child protection, has made significant improvements to our child protection system to better support carers and we are continually looking at new ways to improve.

We are reversing the mismanagement of the previous government and we have implemented many new child protection measures to improve outcomes. Just last month, through the Mid-Year Budget Review, an announcement was made of the biggest foster and kinship carer payment increase in more than a decade of an additional $50 per fortnight for general carers who look after children under the age of 16.

We are making improvements in education, early intervention, health and increasing funding to carers. We have extended carer payments for eligible carers and young people up to 21 years of age through the Stability in Family-Based Care program. We are introducing the Next Steps program

in residential care, which is extending existing supports to young people up to the age of 21. We have increased the number of family-based carers, and we are always looking for more people who would open their hearts and homes to our most vulnerable children, and are working to reform a system which had many well-known failures under the former Labor government.

I would like to address some of the, I think, spurious and unfair comments in the Hon. Emily Bourke's contribution. In relation to machinery of government changes, she identified some of the commissioner roles and the early intervention directorate. There have been many machinery of government changes across government, quite frankly, since we took office because things could be better aligned in other portfolios. So I think it is just character assassination, quite frankly, for the Hon. Ms Bourke to try to attack the Minister for Child Protection when we are realigning what were often departments that had all sorts of functions which better sat with others.

The Hon. E.S. Bourke interjecting:

The Hon. J.M.A. LENSINK: Again, the Hon. Ms Bourke, who is very involved in the campaign for the Labor Party in the seat of Adelaide, is criticising the Hon. Ms Sanderson for campaigning in her seat. Goodness me—she is getting out and about and talking to people. It is shocking, absolutely shocking, that she should be poster waving at 8 o'clock in the morning with myself and others—absolutely shocking to be accessible to people in the community.

The Hon. E.S. Bourke interjecting:

The DEPUTY PRESIDENT: The Hon. Ms Bourke, we listened to you in silence.

The Hon. J.M.A. LENSINK: It is rather bizarre, and she is criticising the Hon. Ms Sanderson for having dinner with her friends. What does she expect? Those of us who have children, post pictures of our children. The Hon. Ms Sanderson is entitled to have dinner with her friends. I think the Labor Party is just in the gutter.

I am disappointed with the Hon. Ms Bourke because I know that many of her colleagues love to get in the gutter, but I am disappointed that she has chosen this way. She probably has too much personally invested in the Adelaide campaign, but she really needs to stop, take a step back and be a little bit objective and a little bit fairer because I think most people would judge her comments as being pretty darn grubby. We are not supporting the motion.

Debate adjourned on motion of Hon. H.M. Girolamo.

AGED CARE

The Hon. J.A. DARLEY (16:48): I move:

That this council—

1. Acknowledges, as a matter of the highest priority, the protection of the human rights of the frail aged;

2. Affirms, as a compassionate society, the need to fully support and protect the frail aged as some of our most vulnerable citizens;

3. Acknowledges the around-the-clock care many South Australians provide their elderly loved ones;

4. Acknowledges the necessity of residential aged care for many and the need for fully resourced and quality regulated services delivered by the aged-care sector;

5. Calls on the government to commit to the complete implementation of recommendation 17 of the comprehensive $100 million Royal Commission into Aged Care Quality and Safety;

6. Acknowledges the passing in this chamber of a private member's bill that implemented item 5 above; and

7. Expresses its disappointment that the responsible minister and the South Australian government have not been able to achieve this human rights protection in this term of government and urges all parties to commit to the above goal in the next term of parliament.

Recommendation 17 of the Royal Commission into Aged Care Quality and Safety recommended that in relation to the use of restrictive practices the principle must be that the treatment of people receiving aged-care services is consistent with the treatment of other members of the community.

This is about basic human rights being protected and upheld for the frail aged, one of our most vulnerable groups.

The royal commission recommended that the use of restrictive practices in aged care must be based on an independent expert assessment and subject to ongoing reporting and monitoring; that is, restrictive practices should be prohibited, unless recommended by an independent expert accredited for the purpose as part of a behaviour support plan reviewed quarterly by the expert, with reports on implementation of the behaviour support plan being provided on a monthly basis.

There was also provision, 'where necessary, in an emergency to avert the risk of immediate physical harm'. The response by the federal government was to enact provisions for 'strengthening providers' and 'independent oversight for aged-care consumers to minimise the use of constraints' and to 'fund training and support services to support aged-care providers in better management of behavioural and psychological symptoms of dementia'.

The point of intervention for the federal government was via its regulation and licensing powers in relation to aged-care providers. Whilst well and good, it was not inserting the requirement from the royal commission that restrictive practices would be prohibited unless an independent expert made an independent assessment in accordance with a behaviour support plan.

I introduced a bill to protect and safeguard human rights of the frail aged. Delays in addressing human rights continue to impact on their lives, particularly in residential care, but also those receiving home care packages. Further safeguards and protections under the Ageing and Adult Safeguarding (Restrictive Practices) Amendment Bill would have provided significant protections. It is a tragedy for the frail aged that the bill was not passed.

Systemic reform in the aged-care sector is past overdue. Significant support and further regulation for our aged-care sector is important. Parliament was able to expedite consideration of legislation when it considered it necessary, evidenced by the ICAC legislation. I would argue that the need for these protections, for one of our most vulnerable group of citizens, is of the highest priority.

The need for my bill was driven by the $100 million aged-care royal commission—recommendation 17, regulation of restraints—and the absence of the South Australian government preparing appropriate legislation. It took months for the bill to be prepared and then a delay while the policy in the draft bill needed to be properly addressed before its final presentation to this chamber very late in the parliamentary session. It also required that I introduce a further 19 amendments for the intent of the bill to be properly addressed after extensive interaction with parliamentary counsel. Unfortunately, the window for the bill to be considered in the other place closed.

Labor received submissions from a number of organisations they sought comment from. Labor provided these submissions to my office and face-to-face meetings and phone discussions with most were undertaken. Each was provided with a written response. Most of the issues arose from a copy of the bill, before the 19 amendments being sent to these organisations. I am satisfied that the bill I proposed is sound and it has stood the test of scrutiny by these organisations.

No amendments were offered by other honourable members, and the parliamentary debate between the major parties was not very enlightening. Both criticised each other for not preparing any amendments. There was no positive statement from the government's speech on my bill to indicate that they had conducted any real investigation or developed state measures to address practices in the aged-care sector.

It was some six months after the final report of the $100 million royal commission and the commonwealth government response to recommendation 17. It was also more than six months since I raised in the council in response to the NDIS restrictive practices the need to extend these safeguards and protections to other vulnerable groups, and particularly the frail aged. Government inaction dates from the Governor's speech on 3 May 2018:

> In the wake of Oakden, my government will introduce legislation to provide legal safeguards for adults who are vulnerable to abuse or neglect.

It is not surprising, with the introduction of my bill the day before on the Tuesday, that the Minister for Health and Wellbeing took a government question:

Will the minister please update the council on what the government is doing to protect vulnerable South Australians?

The minister drew attention to the Adult Safeguarding Unit, which deals after the fact in responding to complaints. That is not what was implied in the statement in the Governor's speech, but would have been addressed in my bill.

I issued a media release on 29 April 2021 titled 'Broadening groups who will have legislative safeguards against restrictive practices'. I asked the Minister for Human Services a question on May 11. Her answer was unclear and ultimately not delivered in the months that have followed. The minister stated:

It certainly is the intention of the government to implement the legislation he has identified to minimise the use of restrictive practices. We agree with him that it can be a breach of human rights. Some practices have taken place in previous times because it was at the convenience of the providers and the like. We certainly are of the view that restrictive practices should be minimised. They should only be used for the safety and wellbeing of the person who is under the restrictive practice and/or other people who are around them.

It's been tasked to the Attorney-General to manage the overall process. We wanted to make sure that this legislation was introduced and implemented, because South Australia has been behind in terms of its legislation. Without the legislation that is currently before the assembly there are a lot of practices that take place that are actually unlawful, and for that reason a very large amount of reporting goes to the Quality and Safeguards Commission as part of their collection of information. So it is in process.

I can seek a response from the Attorney in terms of the time frame, but it is something that the government has been working on for quite some time with a range of representatives from most of those agencies that I have identified where restrictive practices take place. It's something that's very front of mind for us and is a very large work in progress at this stage.

On the basis of checking from my office with the minister's office, and receiving the advice that the minister did not intend to provide any further information arising from my questions, I decided to prepare my own bill. Following the outcome of the royal commission, and the federal government response in their legislation, I issued instructions to parliamentary counsel at the end of June.

A detailed modified bill on aged-care restrictive practices, based on the ACT Senior Practitioner Act 2018, was presented to parliamentary counsel. Unfortunately, it took until 8 October to receive the work in a very different form and further time to communicate with parliamentary counsel to ensure essential points were not compromised. I had sought not to be overly critical of the government record or progress in this space in the hope that the government may cooperate with my bill or prepare their own legislation vital to the human rights of the frail aged.

Following the second reading speeches in this chamber, in proposing to have the bill introduced by the member for Florey in the other place, I put forward the suggestion to extend the date of operation in the bill from six months until 3 January 2023. This would have allowed the abysmal intergovernmental relations in the aged-care area to be harmonised, to the best extent possible, the all-important regulations and guidelines to be completed with the involvement of all the key players and for the aged-care sector with its 'profit model' to prepare.

The submissions received and meetings I had did not point to the need for further amendments to the bill. My bill dovetailed into the commonwealth's legislative regime, filling the gaps to provide more comprehensive human rights protections. However, the need for extensive involvement of the aged-care advocacy bodies and the aged-care sector in the regulations and guidelines is definitely indicated and will be the responsibility of the executive government and parliamentary oversight of the regulations. It is not appropriate at this time to again discuss in detail the provisions and structure of my now lapsed bill.

However, I ask the chamber to support my motion and, particularly, to express its disappointment that the responsible minister and the South Australian government have not been able to achieve this human rights protection for the frail aged in this term of government, and I urge all parties to commit to the above goal of introducing the much-needed legislation in the next term of parliament.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:01): The Marshall Liberal government has a strong commitment to supporting South Australians to age well and to age safely. The Marshall Liberal government established the Adult Safeguarding Unit to respond to reports of

abuse or neglect of adults vulnerable to abuse. The ASU responds to the Closing the Gaps report, which is subtitled 'Enhancing South Australia's response to the abuse of vulnerable older people'. The lead author was Professor Wendy Lacey. It led to a national first legislation to safeguard adults and was delivered in the first 100 days of this government.

We are undertaking an Australian first trial to assess the use of CCTV in aged-care facilities. We are working diligently to implement the recommendations of the Oakden oversight committee and the Royal Commission into Aged Care Quality and Safety. The government undertook an audit of all state-run aged-care facilities to ensure quality and safety.

The government has delivered a vision for ageing well over the next five years called South Australia's Plan for Ageing Well 2020-2025. The plan will provide a mechanism for SA Health to implement reforms that are consistent with the commonwealth government's response to the royal commission. In addition, the SA Health regional aged-care strategy has been developed by the department in partnership with the six regional local health networks. It will provide strategic direction for aged-care services to ensure high-quality contemporary aged-care services.

The honourable member's motion refers to his private member's bill, and I just wanted to highlight some of the concerns that the government has in relation to the bill. Of course, the commonwealth government has primary regulatory and funding responsibility for aged-care services. Following the Royal Commission into Aged Care Quality and Safety, the commonwealth government has made changes to the Aged Care Act and Quality of Care Principles 2014 relating to the use of restrictive practices in aged care and will also establish a new role of senior practitioner.

In South Australia, the Attorney-General's Department has been undertaking a project to assess and develop a uniform approach to the regulation and authorisation of restrictive practices in South Australia across all settings. Given the significant work being done in relation to restrictive practices for older people, at both a state and national level, it is the government's view that further consideration of the honourable member's proposal is required to ensure the provisions are complementary rather than duplicate the work already underway.

For example, the bill requires a senior practitioner to be appointed by the Governor, who would be accountable to the parliament and independent of direction and control by the minister for establishing and implementing a scheme for the authorisation of restrictive practices in aged-care settings, but it is unclear how this role would interface with a national senior practitioner for restrictive practices.

Currently, approval for the majority of restrictive practices is sought via an order from the South Australian Civil and Administrative Tribunal. The bill is not clear on the interaction between the proposed new scheme and the role of SACAT in authorising the use of restrictive practices under section 32 of the Guardianship and Administration Act, increasing potential for further confusion in the sector.

It is the government's view that the scheme proposed in the bill is not workable in its current form and risks duplicating existing systems at both the national and state level. While there is value in considering improvements to the current authorisation process, the bill requires significant work and consultation to ensure it is workable, cost-effective and will achieve its objectives.

Debate adjourned on motion of Hon. N.J. Centofanti.

EMERGING INDUSTRIES

The Hon. J.A. DARLEY (17:05): I move:

That this council—

1. Expresses its lack of confidence in the Minister for Trade and Investment and the government's economic development credentials and commitment to support emerging industries;

2. Condemns the lack of assessment and support for ACE EV Group and notes its probable loss for South Australia; and

3. Demands the government undertake rigorous assessment of the opportunities provided by newly emerging industry sectors and related specific high-value employment enterprises and develop appropriate support plans.

In December last year, I requested a copy of any documents from Renewal SA, Department of the Premier and Cabinet and the Department for Trade and Investment relating to the assessment of the merit or otherwise for the South Australian government to provide support to ACE Electric Vehicle (EV) Group's location in South Australia. This is to include:

1. Assessment of ACE EV Group's importance to South Australia's economic development priorities;

2. Assessment of ACE EV Group's business plan and model and investor commitment that would ensure the success of the project in South Australia; and

3. Assessment of the level of support the government should provide to ACE EV Group based on the assistance the company has requested.

I have received replies to my FOI requests. The Department of the Premier and Cabinet advised:

> [that they do] not hold any documents in relation to your request. It is likely documents would be held by the Department of Trade and Industry (DTI).

Renewal SA advised:

> …their role with ACE EV has been solely related to assisting to source a suitable property for their proposed business. Renewal SA's role does not extend to the assessment of the value of the proposal to the State's economic priorities, or assessment of the ACE EV business plan or investor strength. I understand that the documents you are seeking relate to the ACE EV business investment itself. I am advised that these documents are more related to the functions of the Department for Trade and Investment (DTI).

DTI decided to rewrite the FOI request to them, perhaps to avoid providing any documents, namely:

> Documents relating to the assessment of ACE EV Group's importance to SA's economic development priorities; and assessment of ACE EV Group's business plan and model and investor commitment that would ensure the success of the project in South Australia; and assessment of the level of support the government should provide to ACE EV Group based on the assistance the company has requested. A search for documents held by DTI was conducted and I have determined that no documents were identified as meeting the scope of your request. I can confirm that the Department has been working with ACE Electric Vehicle Group on its consideration of South Australia as an investment location, however, there are no documents to make an assessment on its business case.

One would wonder how the department could work with ACE Electric Vehicle Group on its consideration of South Australia as an investment location without doing an 'assessment of the merit or otherwise for the South Australian Government to provide support for ACE Electric Vehicle Group's location in South Australia'. However, I am going to take this reply from DTI at face value and assume that the department worked with a company under the knowledge and direction of the Minister for Trade and Investment without undertaking an assessment on its bona fides and level of importance.

I will now recount my involvement with the company ACE EV and the government, where I repeatedly questioned the government's actions or lack thereof. I wrote to the Minister for Trade and Investment on 27 September last year and advised, and I quote:

> My office was contacted by Mr Greg McGarvie, Managing Director of ACE Electric Vehicle Group, on 20 August 2021. Mr McGarvie provided his opinions and advice on policies relating to road user charging for Electric Vehicles. In the course of that conversation, my staff raised the possibility of his company setting up in South Australia. My policy advisor was told there had been past conversations with the SA Government but that 'things have gone quiet' and positive developments had proceeded in other States. Accordingly, I contacted Minister Pisoni and yourself on Monday 24th August to see if the enterprise had been investigated and there was no interest for South Australia.
>
> My policy advisor contacted Mr McGarvie late last week to check on the outcome and he advised that he had still not had any contact from the SA Government. My policy advisor contacted your Office late last week and wanted to find out what had happened. He was advised a letter had been prepared and asked for an indication of the action being proposed but did not receive any further contact from your Office. If there are economic or financial reasons for SA not pursuing any offering from ACE Electric Vehicle Group, I would be interested in obtaining this information. It would be very disturbing, if there is benefit for SA, but the matter had not been pursued.

On 1 October, the minister sent me a copy of a letter he wrote to ACE EV, advising:

> I was pleased when ACE Electric Vehicle Group received $5 million from the Federal Government to develop a bi-directional vehicle-to-grid (V2G) trial. I was delighted to learn of the recent launch of the X1 Transformer modular platform of electric light commercial vehicles and the progress of the ACE Electric Vehicle Group's plans to commence their assembly in the first half of 2022. I encourage you to follow up with Renewal SA and, in the meantime, the Department for Trade and Investment will continue to connect ACE Electric Vehicle Group with various channels for

South Australia Government support, including local supply chain services, Immigration SA, investment facilitation, and training and skilling services.

I encourage you to provide updates on ACE Electric Vehicle Group's plans as you progress discussions with Renewal SA and other relevant developments.

It is surprising that this information would be received by the department without, as indicated in my FOI, and I quote:

…assessment of the merit or otherwise for the South Australian Government to provide support to ACE Electric Vehicle Group's location in South Australia.

On 7 October, I wrote to the Treasurer:

I spoke to Rex Patrick this morning. Independently, he has written to the Premier and is awaiting a reply. He indicated that he obtained $5 million for ACE EV for South Australia and indicates a 1000 jobs are involved! He is very unhappy and will not wait long for a reply from the Premier before going public on the matter.

I also need a speedy response. My advisor has followed up with Renewal SA and is not convinced much priority or understanding has been inserted into the process between Trade and Industry and Renewal SA. ACE EV needs to receive an unambiguous message that SA is very interested and not the converse.

A letter was sent from my office the next day to the Treasurer's Chief of Staff pointing out the following points:

I am concerned that this matter is not being taken very seriously.

I understand that $5 million was secured by Senator Patrick for SA for the ACE EV project to develop mobile energy management technology (a global first) plus develop EV manufacturing and the intention was that this would be a development opportunity for SA.

Senator Patrick has recently written to the Premier about the matter. Our office had become aware of the matter since August 20th and has tried to understand what is happening; hence our correspondence to Minister Patterson (see attachments.) I don't know the SA government's assessment of the proposed enterprise or its priority but I do know the Queensland Government has shown considerable interest and negotiations are well advanced.

What may in the past have been an easy exercise of SA securing this project is now more complex. Whilst not receiving feedback from SA, this time has allowed ACE EV group to secure interest from other states impacting the Group's previously interest in SA.

I am preparing a MOI for John Darley for next Wednesday and would like to include the actions of Government on this matter. Managers in Renewal SA and DTI have been informed to engage with ACE EV Group to identify land which I understand was the outcome of our enquiry to Minister Patterson's Office.

The government needs to be clear in their position on ACE EV Group (interested or not), and have head of agencies speak with Managing Director Greg McGarvie directly on his company's requirements, and what might be met by SA Government, and therefore whether SA is interested in following up.

I received no further advice on the subject and developed a matter of interest the following week. The pertinent points from that matter of interest on 11 October were as follows:

I rise to speak about the possibility of EV production returning vehicle manufacturing to South Australia.

Senator Rex Patrick's strong advocacy was instrumental in ACE Electric Vehicles Group securing a $5 million grant in the 2020-21 Federal Budget for

1. a South Australian Advanced Manufacturing Facility to facilitate the manufacturing and assembly of electric vehicles, and

2. a bi-directional vehicle-to-grid trial to examine the concept and operation of systems which support solar home charging, grid services and virtual storage infrastructure.

I understand that Stage 1 of ACE EV Group project planning is underway with this $5 million grant. The bi-directional vehicle-to-grid will not only support energy trading opportunities that lower home energy costs and vehicle running costs, but the virtual power plants and the multi-use of the EV batteries can contribute to grid resilience, home energy security during blackouts, and Mobile Energy Management as a direct power source for tools and other off-grid applications.

South Australia is in the box position, because of the high level of roof-top solar and renewables, to do the forward supportive thinking for Grid management, when it comes to encouraging EVs as virtual power plants, and indeed the use of these economics, to encourage transition to EVs. Just as easily, lazy grid management strategy could be rolled-out that disincentivises the concept of local virtual power plants by not rewarding their use.

The ACE EV Group particularly point to the importance of mobility electrification and mobile energy noting that it will be transformative in our society, spawning new industries, and drawing an analogy with mobile phones.

The next stages planned by ACE EV Group is the location of their Head Office and locating and establishing a manufacturing hub. The ACE EV Group indicate the benefits from their forward plans to be in the order of 1,400 jobs by 2025 with a further 12,000 indirect jobs, generating $1.37 billion revenue. Overseas partners of ACE EV have already built two plants so the Australian plant would be the third. The manufacturing process uses moulds, plastic, carbon fibre and gluing.

These are very substantive claims and benefits for South Australia being made by the company, so I concluded my MOI by stating, and I quote:

I am not in a position to check and evaluate the veracity of the ACE EV Group project claims but the Company has obtained funding from the Federal Government. I am concerned about the extent to which the SA Government has determined its position and assisted the company over the last several months. I have been in contact with the company since the 20th August, asked questions of several Ministers, and tried to find out what the Government is doing. I am concerned that there has been uncoordinated and inconsistent follow-up that will result in a potential project of real significance being lost to South Australia.

I have a copy of correspondence sent by ACE EV to DTI and DPC in January 2021 pointing to the substantial benefits for South Australia of $1.37 billion in revenue, 1,400 jobs and a further 12,000 indirect jobs, and an export industry—and then, in the words of the company, things went quiet. Documents were provided. Yet, to repeat, I have discovered from an FOI that there is no record of 'assessment of the merit or otherwise for the South Australian Government to provide support for ACE Electric Vehicle Group's location in South Australia'.

ACE EV, at the Electric Dreams Expo showgrounds in Brisbane, are launching their product, and any opportunity for South Australia to be at the centre of their activities is all but finished. It has been put to me by a minister that the government does not pick winners, but are they doing enough in the area of newly emerging industries associated with electric vehicles given their woeful dealings with ACE EV?

Will the government apologise to South Australians if this company is a success elsewhere because it did not assess the merit or otherwise of providing support for this company? May I suggest there are important economic development issues to be explored by a select committee to be established next year on EV vehicles. I call on this chamber to consider the track record of the government and ask that this chamber:

1. Expresses its lack of confidence in the Minister for Trade and Investment and the government's economic development credentials and commitment to support emerging industries.

2. Condemns the lack of assessment and support for ACE EV Group and notes its probable loss for South Australia.

3. Demands the government undertake rigorous assessment of the opportunities provided by newly emerging industry sectors and related specific high-value employment enterprises, and develop appropriate support plans.

Debate adjourned on motion of Hon. N.J. Centofanti.

Bills

ELECTORAL (EARLY COUNTING) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (17:23): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985. Read a first time.

Second Reading

The Hon. T.A. FRANKS (17:24): I move:

That this bill be now read a second time.

This bill I bring to this place today on behalf of the Greens, but I note that while I bring this legislation forward in that way it is actually a bill that was reflected in a piece of government legislation late last year that was passed through this place. Indeed, it is deeply disappointing that we are having to bring

this bill to this place today, and it highlights yet another failure of the Marshall Liberal government to prepare for basically anything during their four-year term.

The Legislative Council passed this piece of legislation within another bill on 18 November last year, yet that passage in this place was not prioritised in the other place in the remaining sitting days of the late months of last year. It is absolutely woeful form on the government's part that these important legislative changes to our electoral processes were not only that close to the upcoming state election, indeed, they are still unresolved so close to the issue of the writs.

This bill is exactly what it says on the tin. It would allow for pre-poll votes to start being counted before election day so that we can have a more accurate result shared with everyone on the night of the state election this year. The past decade has seen a dramatic surge in pre-poll voting at both state and federal elections.

Here in South Australia, the last state election, 2018, saw 120,468 ballots cast at pre-poll voting centres. That represented 10.8 per cent of all ballots cast during that particular election. It was a 241 per cent increase in the number of pre-poll ballots cast since the 2010 state election. Similarly, postal voting has also seen a dramatic surge in popularity, with 73,982 postal ballots returned and admitted to the count in 2018, representing some 8.5 per cent of all votes cast in that election.

Those were both before we were in a pandemic. The Electoral Commission of South Australia quite rightly anticipates these numbers to continue to increase with each future election. Add to that the situation of a pandemic, and of course these votes are going to increase in number. Given this year's upcoming state election is taking place within the pandemic and these numbers will increase even further, who will want to be lining up in crowded spaces or taking the risk of voting in person on election day and risking contracting COVID-19?

Many South Australian voters will, and should be supported to, opt to exercise their vote in a more COVID-safe manner, whether that be a postal ballot or at a pre-poll centre. During this difficult and uncertain time, we should be doing everything we can to enfranchise people to vote, and that means knowing that their vote is going to be counted in a timely manner and giving us the certainty on election night of better knowing the results.

The growth of pre-poll and postal voting has altered the flow of results on election night, of course. Without the counting of pre-poll votes on election day, the chance of having that clear result on election night is greatly diminished. Increasingly, we are seeing a greater number of seats on election night remain what is called 'too close to call' because the results are so close, and they are reliant on pre-poll and postal votes to determine those outcomes when that affects the broader outcome of the general election. This is why it is important to count those votes as soon as possible.

Importantly, as well, the legislation before us today will still safeguard people's votes so that the results of pre-poll votes will not be leaked out ahead of election day by persons undertaking early counting or by scrutineers. Under this legislation, the Electoral Commissioner will determine an area to be a restricted area, which is where the votes will be counted. People entering this area will need to undertake to abide by any conditions of entry and surrender any devices that allow information to be communicated outside the restricted area.

Penalties will apply to a person who fails to comply with an undertaking of a condition of permission of entry. Penalties also apply to a person who discloses any information relating to scrutiny of votes before the close of poll to a person outside the restricted area. The Electoral Commissioner has the power to make exemptions to the strict rules to deal with any emergency or urgent situation, if required.

This is a simple bill, the contents of which everyone in the chamber already agreed to late last year. With that in mind, I hope that it will pass quickly this evening; however, nothing is taken for granted in this council. While I know that this will no longer be able to be considered by the other place given the government's refusal to front up for work this week, I note also that the Electoral Commissioner and the State Coordinator are now in the invidious position of having to make calls of their own volition and their own independence.

Surely it will send a strong signal to them that the Labor Party, the Greens, the Liberal Party, SA-Best and Advance SA, at the very least, have indicated with their votes their support for this

move. While we did not make provisions late last year, we can certainly send a strong message tonight. With that, I commend the bill.

The Hon. R.I. LUCAS (Treasurer) (17:30): Given the lateness of the hour, I do not intend to make a lengthy contribution at all. As has been acknowledged, the bill cannot be passed, this week anyway, but in principle the government is supportive of the notion of being able to count the votes on election day to the extent that is possible for the reasons that have been well and truly outlined and the experience that we have seen elsewhere. My advice is that there are one or two—or certainly one further amendment that the government believes is required to this sort of proposed package, which would need to be undertaken, but I do not propose to waste the time of the council by outlining that at this particular stage.

From the government's viewpoint, as I said, in principle we accept the logic of what has been discussed. One would hope that the new parliament will make the changes in plenty of time for the 2026 election. The other thing I should note is that, as with the telephone assisted voting, the official advice from the Electoral Commissioner is that even if this particular bill were to be passed this week there is not sufficient time for the Electoral Commission to implement this change before this election anyway.

The Hon. K.J. MAHER (Leader of the Opposition) (17:32): I place on the record very quickly that the opposition will be supporting this bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. T.A. FRANKS (17:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

WORLD WETLANDS DAY

The Hon. T.A. FRANKS (17:35): I move:

That this council—

1. Notes that 2 February 2022 marked World Wetlands Day and that this is now the second World Wetlands Day that has passed since the dieback of the St Kilda mangroves;

2. Notes that the salt and brine still has not been removed more than 12 months on from when the Department for Energy and Mining directed Buckland Dry Creek to do so on 24 December 2020;

3. Calls on the Marshall Liberal government to finally complete and release the investigation report into the St Kilda mangrove poisoning;

4. Calls on the Marshall Liberal government to finally enforce the directions issued by the department and stop the still-leaking toxic brine making its way into the mangroves; and

5. Recognises the need for a positive vision for the salt flats, as well as a time line for site remediation.

This is not the first time I have been here talking about the St Kilda mangroves, but I would hope that it might be the last time because there would be no need to be raising my concerns. There is no way to say this, though, and I wish I did not have to still be talking about this matter, but the reality remains that more than 12 months on the St Kilda mangroves are still a mess, and it is a mess that the government will not even properly acknowledge, to the extent that we have seen the department battling for months to suppress documents and prevent them from being released through the freedom of information processes.

It is absurd, as well, that these documents, when finally released, show what and when the government knew about the deaths of mangroves as a result of waste brine leaking from the moribund salt ponds at St Kilda. The documents also reveal that there was no environmental bond

taken from the operator and when the mining leases were recently renewed for 20 years, raising the possibility that the public of South Australia may well be left to foot the bill to clean up this mess.

It is pretty depressing that we have just marked yet another World Wetlands Day. It should be a day for celebration, but in fact it is the second since this disaster has unfolded, yet the situation has seen little improvement.

There is still toxic brine leaking out of the salt pond adjacent to the national park. There is still damage occurring to the mangroves, saltmarsh and samphire and we still have not been given a definitive explanation of what happened. No-one has been called to account, except the poor scientists who have been trying to keep this government honest, only to have their names publicly smeared for doing so.

We must remember that the impacts are not just limited to the area south of St Kilda. The unstable salinity in the northern end of the salt fields continues, which likely has led to the loss of shorebird habitat within those northern ponds and presents a clear danger to fringing mangrove and saltmarsh communities.

I will not repeat my previous comments because I think the realities of the impact on the mangroves from the leaking brine have been well ventilated in this chamber, but I will remind us yet again that rainfall continues to lead to leaking brine, that we still do not have the report on the investigation into the causes of the damage done and that no rehabilitation and repair of the damaged mangroves can take place until the highly toxic brine is removed.

It is deeply frustrating that Buckland Dry Creek and the government appear to have given up on stopping further damage from occurring. It is well past time that we actually enforced the directions issued to remove the salt and brine from leaking ponds. It is time that we have a real conversation about what the future of these salt flats looks like—and properly this time—more than a holding pattern that was meant to only last for a year that has turned out to be almost a decade.

Even the environment minister has stated on ABC radio that salt mining is unlikely to have a place within the future of the St Kilda landscape, so this is an opportunity for us to embrace this opportunity to secure a sustainable future for that site and for our state.

It is critical that we consider what is the planned final land use proposed for that majority Crown-owned prime stretch of real estate, and biodiversity between Dry Creek and Middle Beach, which is in the South Australian public's best interest. What is the end game here? How can we maximise economic outcomes from this land, while also preserving one of South Australia's most significant biodiversity hotspots?

While salt production was obviously considered the most productive use of the land, contributing towards the creation of potash for the manufacture of explosives in an effort to provide military independence after the world wars, times have changed. The global economy, our valuation of various natural resources and our dependence on the Australian production of these chemicals have transformed completely in the intervening generations.

Building on the foundational work of Warren Bonython and Mike Olsen over the 80 years since the salt field was first proposed, our understanding of the economic values of these landscapes to fisheries and water quality has transformed completely. Our economic markets have matured, with the inclusion of representative values on carbon and biodiversity credits, along with green bonds and significant financial valuations for ecotourism, alongside outdoor recreation, such as bird watching, recreational fishing, herpetology and bike riding.

Two-thirds of the salt field crystalliser land is freehold land, owned by the Crown. The development work currently proposed on this area by the leaseholder can just as easily be completed by any other property developer at the behest of the government of South Australia. The funds raised by the development of this crystalliser area could then be used to augment funds provided by the miner to restore and enhance the moribund concentrator ponds, building an accessible, economically self-sustaining, ecological wonderland on the doorstep of our state capital.

This proposal would hire just as many people as the proposal currently being put forward by the leaseholder while ensuring that the state government had enough income generation via carbon

and biodiversity credits to mitigate management risks and ensure its long-term survival. This is not a new proposal. This was all planned out by the South Australian government agencies and previous site leaseholders from 2012 to 2014, and with lead scientists and community members engaged and in agreement.

The current situation with the proposal to supposedly restore the site to salt production, by someone who has never built or operated a salt field, when all other commercial salt producers have walked away from the proposal, is a temporary aberration in a long period of strategic planning inaction and action leading towards a common vision of a sustainable and economically beneficial landscape, which will be of benefit to all.

We have to move on. We cannot keep having this conversation around the mangroves go in circles while the salt and brine remain. We have to finally and properly address the situation down at the mangroves. We need a plan, we need remediation and we need to get real about the future of the salt fields. Certainly the Greens are dedicated to a real vision for the future of this area that can be good for the environment, good for people and good for the economy, and we encourage this parliament and any future government to get on board with that.

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

COVID-19 MODELLING

The Hon. T.A. FRANKS (17:43): I move:

That the Minister for Health and Wellbeing lay on the table of this council, no later than today, Thursday 10 February 2022, documents detailing full modelling commissioned by SA Health and undertaken by Professor Joshua Ross at the University of Adelaide, that projects the impact of COVID-19 and the Omicron variant in South Australia.

I speak with some frustration on this issue, and I note that originally I would have hoped to have spoken to this motion earlier yesterday, giving a full 24 hours for the production of these documents. But I recognise that at long last SA Health have now uploaded most of the information that I understand they have, but apparently not all.

At least, we would certainly hope that the modelling they have received is, in fact, a little bit more than the five slides and some explanatory notes that are currently on the website, though it would be good to be able to access all of the information now. I reflect that it certainly would have been better had this information been provided to the several select committees that have investigated what is going on in this state under the COVID-Ready phase post 23 November and indeed since the knowledge of the Omicron variant.

Given the brevity of what SA Health has released to date, I certainly hope that that is not all the information that in fact the Chief Executive of SA Health, Dr Chris McGowan, told the COVID-19 Response Committee to go and FOI for ourselves if we wanted to see it. I note with great disappointment this flippant response to our request for this modelling by the Minister for Health and Wellbeing yesterday, or this week, when he said:

The Department for Health and Wellbeing has been progressively releasing modelling that has been produced by Professor Ross and will continue to do so.

There are, I suppose, two silver linings to that response: first, the government finally admit that what they are using is not Doherty Institute modelling but, rather, modelling from a professor who is a member of the Doherty Institute and, second, I am going to take that statement as a commitment from the minister that SA Health will, in future, be more transparent with their modelling and release it in a timely manner without the parliament or its committees needing to demand it in this way.

I do note, though, that he might want to check in with his own department on this topic, given Dr Chris McGowan's previously stated response to the COVID-19 Response Committee:

It's not my intention to release the entirety of all the models and the iterations of it that come through on a regular basis for our particular issues.

I fear that I sound like a broken record in this place, but it is a good tune as I continue to lament the lack of transparency, accountability and accessibility when it comes to the science. This government consistently claims to rely on that science but does not share it willingly. This is not only poor form

from a scientific perspective but it is inconsistent with the way scientific modelling and information has been shared throughout this pandemic.

Globally, we have seen journals provide free access to papers relating to COVID. We have seen data sharing agreements between agencies, all in the name of good science. In fact, some of the largest journals and research databases are providing COVID-19 literature and research for free, including sources like ProQuest, Springer Nature, Wiley, Elsevier and JSTOR. This is because the global community recognises that sharing information with the public, not just with those who would normally have exclusive access to it, is vital to community trust and to our collective understanding of COVID.

I would like to note some key messages on the need for open science in combatting COVID-19, as outlined by no less than the OECD:

> In global emergencies like the coronavirus (COVID-19) pandemic, open science policies can remove obstacles to the free flow of research data and ideas and thus accelerate the pace of research critical to combating the disease.

While global sharing and collaboration of research data has reached unprecedented levels, challenges remain. Trust in at least some of the data is relatively low and outstanding issues include the lack of specific standards, coordination and interoperability, as well as data quality and interpretation.

To strengthen the contribution of open science to the COVID-19 response, policymakers need to ensure adequate data governance models; interoperable standards; sustainable data sharing agreements involving the public sector, private sector and civil society; incentives for researchers; sustainable infrastructures; human and institutional capabilities; and mechanisms for access to data across borders.

I think this government should give the community some credit. The modelling, to the great credit of Professor Joshua Ross, is very easy to understand when considered in its entirety, as his notes have been consistently very clear and concise in the past. It is frankly insulting to have heard SA Health, or the head of SA Health, dismiss the modelling as too difficult for the parliament or the public to understand, particularly given the previous modelling had been released in full.

I am quite confident that none of this is too much to ask of this government and of SA Health, particularly in the context of an ongoing pandemic and particularly in the context of the ongoing uncertainty that the public faces due to this pandemic.

We already know that the public trust in this government's handling of the pandemic is taking a hit. At least if we have clear and ready access to the modelling on which the decision-making is based we can have a better understanding of the measures we are being asked to comply with and, importantly, we will have better oversight, transparency and accountability over that process. That is what is expected in a democracy. That is what is expected in a pandemic.

If all of this information and modelling that the government and SA Health have received has been released, then I am sure there will be no objection to this motion and it will take you just one minute to send it all through in the link to the page where it has already been uploaded. I commend the motion.

The Hon. I.K. HUNTER (17:50): It is a pretty sad day when a chief executive of a government agency refuses the request of a committee, a committee of this house, for information about modelling of a disease pandemic that we are going through right now on the basis that well, he is rather busy and on the basis that 'Well, you wouldn't understand it anyway.' What select committee in the past would have been faced with a chief executive of a government agency responding to a polite request for information with, 'You won't understand it, chaps,' and, 'I am too busy to give it to you'? It is an outrage.

I am so pleased, and also so disappointed, that it has taken a motion of the Hon. Tammy Franks in this chamber to scare a chief executive into producing documents. It is an absolute outrage. The Chief Executive of the Department for Health and Wellbeing was asked at a select committee, the South Australian parliamentary COVID-19 Response Committee, to release this documentation. Dr McGowan was asked by my colleague the Hon. Emily Bourke MLC why

SA Health had not released the full updated modelling on the Omicron variant, as they had done in the past with other modelling and indeed as they did with the Delta strain modelling.

The answer that we heard, as I said, from Dr McGowan was, 'There's a lot of it and most people can't understand it.' When pressed further, instead of being willing to provide the select committee of this chamber with that information and also provide it to the South Australian people, Dr McGowan's was response was to refer anyone who wants it to FOI it—to FOI it. I ask you, Mr Deputy President, have you heard of any chief executive of a government agency doing that to a select committee of this chamber? I have to stretch back a long way and I do not think I can actually recall such a petulant response to a polite request.

At a time when the government is calling on the public to heed its public health messages, to trust them about what they are saying to the public, 'Get vaccinated. Get boostered,' you would think he would openly and transparently provide the information to whoever wants it—the media, the parliament, the public—the basis on which they are making these messages to the public. You would think a chief executive of the Department for Health would fall over himself to provide that information to whoever requested it, but not Dr McGowan.

I struggle to see how releasing the documentation would have been difficult for him. He had it. Presumably he had it already in e-format, and he could have just instructed or caused someone to release it, as I understand from the Hon. Tammy Franks' contribution they have now done today. Not a great effort at all. If it was a great effort, we might have listened to a reasonable argument about it, but he had it. He had it already, and it was a very easy thing for him to do.

We deserve the full story, as we were given in the past. Has Dr McGowan considered what his actions might engender in terms of people's suspicions of him, his agency and this government? They released the information in the past openly and transparently, and that was good. Then, when they were asked for it again, they said, 'No, you can't have it. It's too hard. You won't understand it.' The natural instinct of people is to say, 'What are you hiding? What don't you want us to see in this information that you have in your hands and that you won't release?'

That is a disaster for public health messaging. It is a disaster for the administration of good governance in this state when a chief executive of an agency does that to a select committee of the Legislative Council. I want to remind Dr McGowan that, however bad his day was, this chamber has the ability to call him before the bar and ask him and instruct him to release documents. If this is his attitude into the future, he should dwell on that fact.

The Hon. T.A. FRANKS (17:54): I thank those who made a contribution: the Hon. Ian Hunter. I note that I had hoped to move this motion and speak to it yesterday, giving the minister a full 24 hours to provide the documentation.

I clarify that we do not believe the full documentation has actually been released. We believe that some slides that supported a presentation have been released, but certainly, should that be wrong and that was the full documentation, we are happy to be corrected. This motion calls for the release of the full modelling commissioned by SA Health and undertaken by Professor Joshua Ross earlier this year and that actually projects the impact of the COVID-19 and the Omicron variant in our state.

I note that what is available does actually indicate that in April, with the uptake of boosters potentially waning but assuming that the uptake of boosters would be continuing to be as strong as when the modelling was first done, we would in fact see renewed restrictions. We are certainly interested in that information. That is simply one paragraph, however, and what appears more to be the cliff notes rather than the full documentation that we seek today.

I am not sure with the passage of this motion whether or not the Minister for Health and Wellbeing will front this chamber. Certainly, it is calling on him to lay some documents on the table of this council, so I would be expecting that those documents would be laid on the table of this council before we rise today. The Treasurer scoffs, but seriously—

The Hon. K.J. Maher: We will come back Tuesday.

The Hon. T.A. FRANKS: I have no desire to come back.

Members interjecting:

The DEPUTY PRESIDENT: Order!

The Hon. T.A. FRANKS: I am sorry, the Treasurer should not be scoffing at the idea—

Members interjecting:

The DEPUTY PRESIDENT: Order, Leader of the Opposition and the Treasurer! You don't even need to jump in.

The Hon. T.A. FRANKS: —that the Omicron variant modelling be released in full, as the Delta was, as previous modelling was. We are often told we are in a pandemic. The thing is: why has the practice changed and why is there such contempt shown to a select committee of this parliament not to simply provide what is, you would think, an apolitical document. With that I commend the motion.

Motion carried.

Bills

FREEDOM OF INFORMATION (MINISTERIAL DIARIES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 December 2021).

The Hon. F. PANGALLO (17:57): I rise to speak in support of this bill. I commend the Hon. Robert Simms for his initiative. He referred to the provisions in it as 'basic transparency measures', but it is more than that. It is also an integrity measure. Entries in diaries in other states—Queensland, New South Wales and the ACT—have proven to be effective in integrity investigations. They are required to provide copies publicly. Those entries become particularly important when ministers are required to defend their positions on matters, or in the event there is a suspicion of political influence being exerted from, say, lobbyists and donors, like property developers.

I note the Premier is resisting FOI pressure from the opposition trying to shed some light on his curious relationship, or friendship, with one of the Liberals' biggest donors: the enigmatic and mysterious Sally Zou. Why the reluctance? Transparency, sunlight is always the best disinfectant. The requirements in this bill are not intrusive on a personal level. They would simply require the information to include meetings, events and functions that relate directly to the minister's responsibility. It means they are an open book on their dealings.

This bill would have been handy if it were in force when, I guess it is, the dormant Attorney-General, the Hon. Vickie Chapman, was going through the process of considering the Smith Bay wharf project on Kangaroo Island, which she killed off despite it being approved by the State Planning Commission. It would have been enlightening to know who the minister may have met with connected to this project. Questions still remain, but if there was nothing to see about her call, perhaps the diary entries may well have cleared the air over her decision. We will never know, of course.

It is interesting that around two years ago we were debating a lobbyist bill in this place, which would have created a register as well as place restrictions on those who would be eligible to be a lobbyist, preventing recently retired MPs fresh out of state or federal level, which was one of my amendments, from acting in the role for a period of years. It was a sensible bill, but it bit the dust inexplicably. Newly minted lobbyists may have been threatened by it.

The Leader of the Opposition has promised to scrap political donations if he wins government. We would support it and hold him to it. It is a turnaround from the measure I sought, and Labor opposed, to stop donations by property developers and other building industry persons to councillors during the local government reform bill. We will look at reviving the lobbyist bill with inclusion for providing information from ministerial diaries should this bill not pass, if the honourable member reintroduces it in the Fifty-Fifth Parliament. With that, I say that we support the bill.

Debate adjourned on motion of Hon. H.M. Girolamo.

CRIMINAL LAW CONSOLIDATION (HUMAN REMAINS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2021.)

The Hon. F. PANGALLO (18:02): I rise to speak in support of the Criminal Law Consolidation (Human Remains) Amendment Bill, as introduced by the Hon. Kyam Maher. I understand that this bill has arisen to close off an unintended loophole in the criminal law that can give a significant incentive and forensic advantage to an offender who has disposed of, concealed, interfered with, mutilated or not reported a corpse. These actions could potentially protect an offender from being charged with more serious crimes as well as making it much more difficult to prosecute offenders due to the lack of evidence. It is important that we remove this incentive and possible protection for perpetrators.

There are apparently over 28 cases since 2000 in South Australia where a body has been disposed of. In some of these cases, even where an offender has been found guilty of manslaughter or murder, family and friends often never know what really happened to the deceased and, even worse for families, many have never had justice, closure, resolution or a funeral. They continue to suffer all their days.

Sadly, my own family and extended family also had firsthand experience of the need for this bill. In December last year, South Australia Police were called to the Wingfield Integrated Waste Services after staff found a body buried in green waste. The 52-year-old male victim was identified as my wife's cousin Anastasios Tzanavaras—Soulis to those of us who knew him. A person has been charged with his murder, but the case has not been heard yet.

As you can imagine, it was a crime which has shocked and caused distress to Soulis' immediate family, especially his mum and dad, sisters, his children, and those of us who knew him. Soulis was a troubled and complicated soul for much of his adult life, but inside there was a sensitive heart of gold. Unfortunately, the world had long sped past Soulis and, as much as he and his loving family tried, he struggled to keep up. However, nobody deserves the cruel fate that befell him. That his body was discovered at least provided some tiny consolation and closure.

In other cases, concealing the body has meant that a person has been able to evade apprehension and has been freely living in the community. In the case of Geoffrey Adams, who murdered his wife and buried her in the backyard of the family home on Yorke Peninsula, he evaded detection for around 45 years. He was convicted of manslaughter, but died before being sentenced.

The vile serial killing spree of John Bunting and Robert Wagner, who murdered 12 people over a seven-year period but were able to evade detection by eating the flesh of their final victim and putting the remains of another eight inside six barrels in a bank vault in Snowtown, is a particularly dark case in South Australia's criminal history.

More recently, the heartbreaking murder of Karlie Pearce-Stevenson and her two-year-old daughter, Khandalyce Pearce, by Daniel Holdom is another example of concealing the body protecting a perpetrator, often for decades. The remains of Pearce-Stevenson were found in Belanglo State Forest, New South Wales in 2010, and those of her daughter Khandalyce Pearce were found near Wynarka, South Australia, five years later, in 2015. They had been missing since 2008.

Holdom had evaded detection and re-partnered, living in the community for over seven years. It was not until the gruesome 2015 discovery of Khandalyce's remains, and some outstanding police work in regard to that evidence, that the offender was able to be charged and convicted of both murders.

Another case that comes to mind was the brutal murder of Adelaide pensioner Vonne McGlynn. Angelika Gavare, 35, killed the 82 year old and dismembered her body before disposing of the body parts. Ms McGlynn disappeared from her home at Reynella in late 2008. Parts of her body were found at nearby Christie Downs in 2009, but her head and hands were never found.

Prosecutors alleged Gavare killed the pensioner out of greed and had planned to steal the woman's house and sell it for financial gain. Having done so she needed to hide the body and conceal any evidence that might connect her with the crime. The defence attempted to argue that the evidence proved Gavare committed fraud but not murder. The court found there was sufficient evidence notwithstanding Gavare's efforts to conceal the body. However, these laws would have assisted in applying an additional offence and penalty.

Then, of course, one of the most high-profile cases in recent times was the shooting murder of English backpacker Peter Falconio on a lonely stretch of the Stuart Highway near Barrow Creek in July 2001. Mr Falconio's body was never found, and Northern Territory police to this day continue to search for his remains and have vowed to leave no stone unturned to solve the last piece of this mystery. The man convicted of the crime in 2005, Bradley Murdoch, is in gaol refusing to provide any information to police about the location of Mr Falconio's remains, even if it results in an earlier release. He is not due for parole for another 10 years.

All clues and leads have so far come to a dead end, including one I investigated with the Seven Network 10 years ago—that the body may have been disposed in a well on Neutral Junction station only a few hundred metres from the crime scene. After Northern Territory police contacted me two years ago, my office provided them with a sworn statement from a credible witness. They then proceeded to drain the well. Sadly, they found no evidence of a body. However, it was too important for all concerned, including Mr Falconio's family, that this lead had to be investigated and eliminated.

I was in touch with Mr Falconio's still grieving parents, Joan and Luciano, during this period. I cannot imagine the pain and suffering they continue to endure daily, hoping and praying for a breakthrough that can give them all some peace of mind and resolution, if that is possible. Let's hope Murdoch finds some conscience and gives up the information before they leave this earth.

More recently, I have highlighted the heartbreak and distress of the Jenkins family from Adelaide, who have been trying to get Malaysian police to fully investigate the disappearance and likely murder of Mrs Anna Jenkins in Penang five years ago. Some remains and possessions were later found discarded on a construction site, but they have yet to be returned to the family here.

The federal government; Foreign Affairs Minister, Marise Payne; Australian Federal Police; DFAT; and the Australian High Commission in Malaysia, have not been helpful at all. It is a poor indictment on them that the interests of an Australian citizen abroad are not being upheld at senior diplomatic levels probably because it has not been a high-profile case, and high profile enough for the media, for them to care or act with some conviction.

However, I once more thank the members of the Legislative Council for passing an important motion last year urging the country's ruler, the Prime Minister and police to investigate the case properly. I would also like to thank the President, the Hon. John Dawkins, who has written a letter to the ruler of Malaysia urging the police to act promptly on the matter. As a result, there will be an inquest starting at the end of March, and I am pleased to also report that the Malaysian police are now taking a keener interest in it this time. I thank the chief of Penang police for this new approach.

I have a lot of sympathy for people like Lynette Nitschke of the Homicide Victim Support Group, who has long been an advocate for such laws to be in place since her daughter Allison was murdered. These cases must be very frustrating for police, the DPP and the victim's families and loved ones, but this bill should provide some assistance to address this gap in the law. I strongly support the introduction of the three new offences created in this bill. I will not go into detail about what each of them will do, but suffice to say they all deal with the defilement, destruction, concealment or alteration of human remains for various purposes.

The first two offences apply an additional maximum penalty of two years in prison. This will provide the courts with the ability to prosecute this offence in addition to the lesser crimes they may have been restricted to prosecuting due to the lack of evidence from the victim's body—for example, manslaughter instead of murder. The bill will mean that an offender could face a significant term of imprisonment for concealing a body in addition to any other charges, so the advantage to the perpetrator of taking these actions to defile, dispose, conceal, interfere, mutilate or destroy a body does not exist as it does now.

I am pleased to see that the third offence covers not reporting a body when discovered unless the person making the discovery reasonably believes that it has already been reported or is covered under the legislation—for example, for the Coroner or Aboriginal heritage. This offence has a lesser penalty of a maximum penalty of two years in prison and should act as a strong deterrent, particularly to accomplices.

I am interested to hear more about the bill's provision for the courts to deliver an alternative verdict where a particular intent cannot be proven beyond reasonable doubt, as I believe that would be a slippery slope without appropriate safeguards. I am also interested to hear the views of SAPOL, victims of crime groups, the Law Society and other stakeholders who have been consulted about this bill.

In closing, I would also like to thank one of my staff, Adrienne Gillam, who contributed to this speech and research into the bill. It is likely to be Adrienne's final contribution to SA-Best and the office in this parliament and before the new parliament begins. On behalf of the office, I would like to sincerely thank her for her invaluable input and advice. She joined us three years ago. She has been a thorough professional and her parliamentary knowledge and skills have been much appreciated by all. With that, I am pleased to support this bill and commend it to the chamber.

The Hon. R.I. LUCAS (Treasurer) (18:14): As I have said in three other contributions, given the lateness of the hour and the fact that the House of Assembly is not sitting, my contribution will be brief. I am advised that the government's position is to broadly support the bill; however, there are a number of amendments, which I understand the Leader of the Opposition might be supporting. I am also advised that the Director of Public Prosecutions, South Australia Police and the Commissioner for Victims' Rights all support the proposed offences contained in the bill. The government's amendments are essentially about increasing the penalties for the proposed offences. I indicate the government's support.

The Hon. K.J. MAHER (Leader of the Opposition) (18:15): I am pleased to see the broad support there is for the bill in this place. It is an important bill and, as the Hon. Frank Pangallo has chronicled and outlined, there are good reasons for this. The incentive for an offender to hide and dispose of a human body to try to avoid (a) detection and (b) with the passage of time the possibility of having what would possibly have otherwise been a murder charge and conviction or a manslaughter conviction, means that it is necessary to act in this case.

I want to thank Mindy and Philip Hind, who are Daniel Hind's parents, who have advocated very strongly for this bill. I was fortunate to spend some time talking to Mindy Hind. I think it was in November last year. She put very concisely and in a heartfelt way the reasons for needing this bill. The Hon. Frank Pangallo mentioned, and I think I mentioned in my second reading explanation when I introduced this, the work and advocacy of Lynette Nitschke, who I have known for 30 years. I was a close friend of her daughter Allison.

I want to place on record thanks for the indication of support for this bill from the Treasurer and note the support for this bill that the Treasurer has outlined from the DPP and South Australia Police. I do note that it is a very substantial change of heart from the Liberal government. The current Attorney-General—I think she still is—the member for Bragg, Vickie Chapman, certainly was very strong at the time this bill was introduced to parliament that the Liberals will not be supporting this and will not be acting on this, which is a very curious thing given the revelation today that the DPP and police both support this bill.

I guess this is one of the problems that we face at the moment. We have a person who holds the office, holds the ministerial title of Attorney-General, being the member for Bragg, the Hon. Vickie Chapman, but we also have another member of the executive, the Hon. Josh Teague, the member for Heysen, and I think his signature block is 'the minister exercising the powers of the Attorney-General'. We have an Attorney-General pro tem, who currently still has the title, who will not support this bill. We have the planning minister, exercising the powers of the Attorney-General, who is supporting this bill.

I note the Hon. Rob Lucas is trying to wind up. This is the bloke who last night went on for 70 or 80 minutes a time on his motions, so when he winds up and says, 'I want to get out of here. I want to spend time with my ponies in the fields tonight,' I will speak on this. The Hon. Rob Lucas has

interrupted my train of thought, so I will have to rewind slightly. As I was saying, the current Attorney-General for the time being, the Hon. Vickie Chapman, the member for Bragg, was very firm that she would not act on this, as she has been very firm on other pieces of legislation that not just the opposition but crossbenchers have introduced that would increase penalties, particularly in the area of child sex offenders. There has been radio interview after radio interview during the course of the last four years where the current Attorney-General, the Hon. Vickie Chapman, has refused to act or has acted belatedly.

As I was saying, this is one of the problems we have: no-one knows, if they vote for the Liberal Party at this election, who the Attorney-General will be after the election. We have someone in Vickie Chapman who has the title of Attorney-General but is apparently not allowed to come to the office and no longer comes to cabinet meetings. We have a planning minister—I think the 15th minister in the executive whose signature block says they are exercising the powers of the Attorney-General—but I have not heard from anywhere in the government who, should they win, will be the Attorney-General.

When you have such diametrically opposed views, you have the person who actually holds the title of Attorney-General saying, 'We won't follow DPP or police advice and we will not act on this,' as was the case last year, and then you have someone else who says, 'Apparently, we will act on this, and not just that but move amendments much closer in line with what the opposition and the crossbench have been advocating for.' I think it makes it very difficult for electors, if they vote Liberal, to know what they will get in terms of an attorney-general.

It is an important office that needs to be held, and I think it is unfair on the public of South Australia that when they come to cast their vote they will not know who they will have as Attorney-General after the election—someone who will not support bills like this one or someone who may support bills like this one; someone who will not listen to the DPP or police or someone who apparently has belatedly done so. I think it has been communicated through the Treasurer that apparently the minister exercising the powers of the Attorney-General has had a change of heart in relation to this, and I am very disappointed that we are still none the wiser as to who we can expect—not just the parliament but the South Australian public—to be dealing with after the election in relation to these issues.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

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

Amendment No 1 [Treasurer–1]—

Page 2, line 15 [clause 3, inserted section 175(1), definition of *cremated*]—Delete 'a process for' and substitute 'means'

I understand this fixes a drafting error in the definition of 'cremated'.

The Hon. K.J. MAHER: I have a question of the Treasurer on this and the further amendments. How did the recommendations come about? Was it the DPP or police who recommended the change in penalty? Was it discussed in cabinet.

The Hon. R.I. LUCAS: This is your bill.

The Hon. K.J. Maher: Yes, but you are moving amendments.

The Hon. R.I. LUCAS: Well, don't support it. You told me you were going to support them.

The Hon. K.J. Maher: I am going to support them. I am interested in why you are putting them.

The Hon. R.I. LUCAS: Then get up and support it.

The Hon. K.J. MAHER: I note the government does not know why they are moving these amendments, which is quite a peculiar sort of thing, but I guess it is a reasonable thing for the Treasurer's last act in his 40 years to not know why he is doing something.

The Hon. R.I. LUCAS: So are you supporting it?

The Hon. K.J. MAHER: Yes.

Amendment carried.

The CHAIR: The next amendment is Amendment No. 2 [Treasurer-1], Treasurer?

The Hon. K.J. Maher: Do you know what you are doing on this one, mate?

The Hon. R.I. LUCAS: If you want to stretch this out, Kyam, go your hardest.

The CHAIR: Order!

The Hon. R.I. LUCAS: You said you were going to support these.

The Hon. K.J. Maher: I am.

The Hon. R.I. LUCAS: Well, belt up.

The CHAIR: Order! Treasurer, sit down. That is unparliamentary to tell the Hon. Mr Maher to belt up—shocking. Treasurer. He will withdraw if he feels like it.

The Hon. R.I. LUCAS: It is half as serious as some of the things he has called me in the last 48 hours.

The CHAIR: Exactly.

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

Amendment No 2 [Treasurer–1]—

Page 3, line 37 [clause 3, inserted section 177(1), penalty provision]—Delete '10' and substitute '15'

This amendment proposes to increase the maximum penalty for the new offence in section 177 of the Criminal Law Consolidation Act from 10 years' imprisonment to 15 years' imprisonment. During consultation on the bill with South Australia Police they indicated that, whilst they were supportive of all the new offences proposed in the bill, in their view the penalties were insufficient and should be increased; therefore, this amendment seeks to incorporate the feedback from SAPOL and increases the maximum penalty for this offence.

Amendment carried.

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

Amendment No 3 [Treasurer–1]—

Page 3, after line 37 [clause 3, inserted section 177]—Insert:

(1a) Despite section 26 or any other provision of the *Sentencing Act 2017*, a court sentencing a person for an offence against this section where the person is also found guilty of causing the death of the decedent must direct that the sentence be cumulative on any sentence of imprisonment or detention in a training centre being served, or to be served, by the defendant (other than a sentence of life imprisonment) in relation to that causing of death.

This amendment inserts the provision into new section 177 to provide that where the person who is convicted of this offence is also the person who has been convicted of causing the death of the deceased person, the sentence for the section 177 offence must be served cumulatively upon any other sentence of imprisonment, other than where the offender has been sentenced to life imprisonment.

Amendment carried.

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

Amendment No 4 [Treasurer–1]—

Page 4, line 14 [clause 3, inserted section 178, penalty provision]—Delete '5' and substitute '15'

This amendment is proposed for the same reasons I outlined in relation to amendment No. 2 and will increase the maximum penalty for the offence in section 178 from five years' imprisonment to 15 years' imprisonment.

Amendment carried.

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

Amendment No 5 [Treasurer–1]—

Page 4, line 21 [clause 3, inserted section 179(1), penalty provision]—Delete '2' and substitute '5'

Again, the government proposes to increase the maximum penalty for this offence from two years' imprisonment to five years' imprisonment as a result of the feedback on the bill from SAPOL. In addition, the offence as it is currently drafted, is a summary offence and SAPOL indicated they were concerned that this meant that there is a limitation of time within which charges must be laid. This means that if a person concealed human remains for two years, they could no longer be prosecuted for this offence. Therefore, the increase to the penalty serves two purposes: firstly, to indicate the serious nature of the offending and, secondly, to ensure that a person can be charged with the offence after a longer time period has elapsed.

Amendment carried.

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

Amendment No 6 [Treasurer–1]—

Page 5, line 4 [clause 3, inserted section 179(4), penalty provision]—Delete '2' and substitute '5'

This amendment is consequential to an earlier one.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Leader of the Opposition) (18:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Procedure

STANDING ORDERS

The DEPUTY PRESIDENT: I have a letter to the President from the Governor:

Dear Mr President,

On Wednesday 22 December 2021 you presented amendments to the Standing Orders of the Legislative Council to me for my approval in accordance with section 55(2) of the Constitution Act 1934.

I am pleased to advise that such approval was granted in Executive Council on 3 February 2022.

Her Excellency the Honourable Frances Adamson AC

Governor of South Australia

ADJOURNMENT

The DEPUTY PRESIDENT: While I am on my feet, before we conclude can I thank the table staff, the Clerk and Black Rod for their assistance this week, which has been quite an interesting week. Can I thank all members of the council for their tolerance and often good humour for helping us get through this week; I really appreciate it.

At 18:31 the council adjourned until Tuesday 3 May 2022 at 14:15.

Answers to Questions

SAFEWORK SA

In reply to **the Hon. C. BONAROS** (16 November 2021).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

SafeWork SA has completed an investigation of a complaint lodged by the widow of Dr Yap against the Australian Health Practitioner Agency (AHPRA).

SafeWork SA has advised that AHPRA's duty of care to health practitioners and other persons under the Work Health and Safety Act 2012 (SA) (WHS Act) is essentially confined to reasonably practicable measures which would minimise risks to health and safety where these measures would not materially impact the capacity of AHPRA to fully and properly investigate matters.

In assessing this matter, SafeWork SA has considered AHPRA's duty under section 19(2) of the WHS Act, not only the interests of health practitioners who are the subject of AHPRA's investigatory processes but also to complainants and patients who are connected to the conduct under investigation.

The Health Practitioner Regulation National Law (SA) Act 2010 is the legislative basis for AHPRA's investigations. In fulfilling AHPRA's investigatory and disciplinary functions, it is not reasonably practicable to expect AHPRA to take (or not take) certain investigatory actions (either at all or in a certain way) on account of these actions exposing a health practitioner to a risk of psychological harm.

SafeWork SA acknowledges a person can be exposed to psychological stressors when the subject of an investigative process and in particular, when the outcome of the investigative process results in disciplinary actions. Where a health practitioner disagrees with the investigatory and disciplinary decisions of AHPRA, there are a range of avenues of review. With regard to AHPRA's investigative process and the sanctions imposed on Dr Yap, the National Health Practitioner Ombudsman and Privacy Commissioner have the power to consider and investigate how AHPRA has handled a matter, that is, was the matter handled fairly and reasonably and in line with the relevant law and applicable policies and procedures.