

LEGISLATIVE COUNCIL**Tuesday, 29 November 2022**

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 and read prayers.

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

*Bills***NEW WOMEN'S AND CHILDREN'S HOSPITAL BILL***Assent*

His Excellency the Governor's Deputy assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL*Assent*

His Excellency the Governor's Deputy assented to the bill.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (GAS PIPELINES) BILL*Assent*

His Excellency the Governor's Deputy assented to the bill.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS)(REGULATORY SANDBOXING) BILL*Assent*

His Excellency the Governor's Deputy assented to the bill.

*Parliamentary Procedure***ANSWERS TABLED**

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

*Parliamentary Committees***SELECT COMMITTEE ON DOLPHINS IN ADELAIDE DOLPHIN SANCTUARY AND PORT RIVER**

The Hon. T.A. FRANKS (14:20): I bring up the interim report of the select committee.

Report received and ordered to be published.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. J.E. HANSON (14:20): I bring up the annual report of the committee, 2021-22.

Report received and ordered to be published.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. K.J. Maher)—

Reports, 2021-22—

Adelaide Festival Centre Trust

Adelaide Festival Corporation

AGSA—Art Gallery South Australia
Australian Health Practitioner Regulation Agency and National Boards
Board of the Botanic Gardens and State Herbarium
Carrick Hill Trust
Coast Protection Board
Country Arts SA
Club One
Defence SA
Department for Environment and Water
Department for Innovation and Skills
Environment Protection Authority
Green Industries SA
International Koala Centre of Excellence trading as Koala Life
JamFactory Contemporary Craft and Design Inc
Libraries Board of South Australia
National Health Practitioner Ombudsman and National Health Practitioner Privacy
Commissioner Annual Report
Pastoral Board
Premiers Climate Change Council
SA Water Corporation
South Australian Film Corporation
South Australian Heritage Council
South Australian Museum
South Australian Small Business Commissioner
South Eastern Water Conservation and Drainage Board
State Opera South Australia
State Theatre Company of South Australia
Stormwater Management Authority
Witjira Park Co-Management Board
Regulations under Acts—
South Australian Public Health Act 2011—Notifiable and Controlled Notifiable
Conditions—Miscellaneous
Supplementary Report and Determination of the Remuneration Tribunal No. 5 of 2022—
Allowances for Members of Local Government Councils

By the Attorney-General (Hon. K.J. Maher)—

Reports, 2021-22—
Law Society of South Australia—Legal Practitioners' Fidelity Fund
Legal Services Commission
Professional Standards Councils
Public Advocate
Quarterly return pursuant to Section 74B(9) of the Summary Offences Act 1953—
Road Blocks 1 July—30 September 2022
Rules under Acts—
Legal Practitioners Act 1981—Amendment to Rules of the Legal Practitioners
Education and Admission Council 2018—
Miscellaneous

By the Minister for Primary Industries and Regional Development (Hon. C. M. Scriven)—

Board of the Australian Criminal Intelligence Commission Chair—Report, 2020-21
Reports, 2021-22—
Dog Fence Board
South Australian Fire and Emergency Services
South Australia Police
Regulations under Acts—
Electricity Act 1996—General—Prescribed Conditions

Harbors and Navigation Act 1993—Alcohol and Drug Testing—
Transport Portfolio
Local Government Act 1999—
Amendment of Schedule 5 of Act
General—Miscellaneous
Procedures at Meetings—Presiding Member
Transitional Provisions—Conduct
Planning, Development and Infrastructure Act 2016—General—Schedule 4
Rail Safety National Law (South Australia) Act 2012—Drug and Alcohol Testing—
Transport Portfolio
Road Traffic Act 1961—
Miscellaneous—Transport Portfolio
Road Rules—Ancillary and Miscellaneous Provisions—Parking
South Australia Petroleum and Geothermal Energy Act 2000 compliance report—2021

Members

CONGRATULATORY REMARKS

The PRESIDENT: I would like to congratulate the Hon. Ms Curran on behalf of the chamber for her marriage on Saturday.

Matter of Privilege

MATTER OF PRIVILEGE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): I rise on a matter of privilege. On Thursday 8 September, the Hon. Emily Bourke was asked a question by the Hon. Stephen Wade in relation to the government's policy for specialist support in schools. The question asked specifically if:

...the 100 additional specialists equate to 100 additional full-time equivalents over and above the staff that were already budgeted prior to the election, or does it include the 55 specialists announced by the former government?

The parliamentary secretary replied:

The government has committed an additional \$50 million over four years to employ 100 additional mental health and learning support specialists.

She then went on to describe matters such as qualifications and identified that 25 had already been recruited. The Hon. Stephen Wade followed up with a question of clarification:

Could the parliamentary secretary address the issue of whether the additional specialists are in addition to the 55 already committed by the former government and in fact the addition is only 45.

The parliamentary secretary replied:

As I stated earlier, the government has committed an additional \$50 million over four years to employ 100 additional mental health and learning support specialists.

This information, provided on two occasions to the council by the parliamentary secretary, is contradicted by evidence given to the council's Budget and Finance Committee by departmental officers, according to the *Hansard* of the meeting on 9 November, which was made public during the last sitting week. Starting on page 248, the Chair of the Budget and Finance Committee is recorded as asking:

Is the \$50 million for 100 additional health and learning support specialist in schools all new money, or was that already in the budget?

The department's chief executive, Professor Martin Westwell, replied:

The money for the 100 mental health and learning support specialists is \$50 million within our budget, within the context, of course, of our \$4.5 billion overall budget.

The Chair went on to ask:

So that's existing; so that's not a new announcement. Does it include funding for 55 mental health care specialists that was funded and announced by the previous government, according to the strategy released by the department prior to caretaker mode?

The chief executive replied:

Yes, that's right; and we have put additional funding in to make that to the 100 mental health and welfare specialists.

The Chair went on to provide some detail about the previous information provided to the council on this matter and received the following further response from the chief executive:

We want to make this clear: there was the original 55, we expanded it to 100, and the extra cost was existing money from within the department's budget.

Both of the statements of fact in that last answer clearly and directly contradict information provided to this council by the parliamentary secretary on 8 September. In almost three months since then, the parliamentary secretary has made no attempt to correct the record despite the fact that the supplementary question from the Hon. Stephen Wade should have drawn her attention to the issue that her statements were incorrect, and despite this evidence being provided several weeks ago there has been no attempt to correct the record.

The parliamentary secretary was asked if the government's policy was for 100 additional staff or just 45 additional staff. She replied 100. The chief executive of the department has clarified that the correct answer was 45. The parliamentary secretary also stated twice that 'the government has committed an additional \$50 million over four years to the project'. The chief executive of the department has said that 'the extra cost was existing money from within the department's budget'.

The parliamentary secretary has misled this council. She has provided no qualification in her answers. She has made no attempt to correct the record in almost three months. I submit that a prima facie case has been established that a Privileges Committee should be established to investigate the matter. I therefore give notice that on the next day of sitting I will move that a Committee of Privileges be established to inquire into and report on whether the parliamentary secretary to the Premier misled the Legislative Council whilst answering a question without notice on 8 September 2022.

Question Time

INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): I seek leave to make a brief explanation before asking a question of the Attorney-General.

Leave granted.

The Hon. N.J. CENTOFANTI: On 15 November, the Attorney-General was asked a question in this place regarding the circumstances surrounding the withdrawal of charges and abandonment of proceedings against Mr Hanlon on the first day of the trial in the District Court on Wednesday 9 November and whether he had requested a briefing from the DPP and ICAC regarding the matter. The Attorney replied:

As I outlined earlier, the fact that this matter has attracted significant media attention and the fact that the bodies have very significant powers creates a need for very significant oversight and very significant confidence in what such bodies do. That's why I wrote to both the DPP and ICAC the same day as the discontinuance of the prosecution on 9 November, last week.

And:

Whenever you have matters like this, where significant issues are raised—and particularly in a matter like this that has had much attention, and rightly so, in the media—I think it's reasonable that both the ICAC and in this case, as I referred to earlier, the DPP provide a full explanation of what has occurred.

My questions to the Attorney-General are:

1. Since 15 November, what response has the Attorney-General received from the DPP and ICAC to his request for a full explanation of events?

2. If the Attorney-General has not received a response from the DPP and ICAC over that time, what has the Attorney-General done to ensure that a response is forthcoming?

3. When will the Attorney-General share with the council any further action he will take, including publishing the response he receives from the DPP and ICAC?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): I thank the honourable member for her question. As I have previously said, I have received some information from the DPP and the ICAC. I am considering what further information is needed in relation to what further action may be taken. I will be happy to inform the house in the not-too-distant future.

BIOSECURITY ACT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding the biosecurity act.

Leave granted.

The Hon. N.J. CENTOFANTI: In 2020, the then minister, the member for Chaffey, Tim Whetstone, released South Australia's biosecurity policy 2020 to 2023 and in addition went out to consultation regarding developing a simpler, modern and more effective legislative framework for biosecurity in South Australia. My question to the minister is: when will the biosecurity act be introduced into this parliament?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I thank the honourable member for her question. She is accurate in that the former government relatively early in its term did go out for consultation on a biosecurity act, but then it failed to progress. In fact—

The Hon. N.J. Centofanti: It was 2020.

The Hon. C.M. SCRIVEN: Sorry, whichever year it was, 2020 or 2021. Then it failed to progress. I recall, actually, two years in a row, I think, the then Minister for Primary Industries, the member for Finniss, speaking publicly, including in various media outlets, that this was a priority for him, and yet we failed to see it progress.

Members interjecting:

The PRESIDENT: Order! Minister, continue, please.

The Hon. C.M. SCRIVEN: Thank you. Upon coming to government and having the honour of becoming Minister for Primary Industries, I of course received briefs and made inquiries about the status of the proposed new biosecurity act. What became evident to me is that the consultation had in fact not been done in the robust way that I think most of us would like it to be done.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: There were a number of stakeholders who felt that they had been left out, or indeed brought into the process very late, and therefore, as I understand it, the proposed biosecurity act, which by the way I don't think we ever saw a draft from the then government—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: As I said, I don't think we ever saw a consultation draft, which one would have expected to be the next step, had that been at a stage to be able to progress. I think there are a number of issues that need to be taken into account. What I have said publicly is that I am keen for a biosecurity act to progress, but it needs to be an act that incorporates, ideally, all of the existing acts that cover biosecurity. That, of course, was the stated goal of the former government, and I think it was a valid goal. It is also, therefore, my goal, given the feedback from stakeholders.

I am progressing further consultation, to make sure that a consultation draft actually involves and includes all of the stakeholders.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Indeed, absolutely. When consultation has been done poorly in the past—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —it is unfortunately necessary to start again.

Members interjecting:

The PRESIDENT: The two leaders, I want to listen to the minister, please. Conclude your remarks, please, minister.

The Hon. C.M. SCRIVEN: Thank you, Mr President. I would be happy to conclude them if those opposite would like to listen, but instead they keep interjecting.

The PRESIDENT: Yes, thank you.

The Hon. C.M. SCRIVEN: A couple of things have progressed. Of course, some of the limitations that would have been addressed in the biosecurity act are limitations in the Livestock Act. I have brought to this place amendments, which passed in this place and hopefully will pass the other place this week, in terms of the Livestock Act, which impact on our ability to react swiftly and agilely in the event of a biosecurity incursion, particularly some of the diseases we have talked about here. In the meantime, work is going on and continuing with various stakeholders in regard to what an appropriate biosecurity act will include, and I will be able to update the chamber further early in the new year.

BIOSECURITY ACT

The Hon. H.M. GIROLAMO (14:42): Supplementary: what will the additional cost and time line be for this additional consultation that the department is currently undertaking?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43): I appreciate the honourable member's question. It does indeed go to the fact that where consultation is done poorly, unfortunately, as happened under the previous government, and it is required to be done again, it does incur some additional costs. Currently, those are being met from within existing resources, but I do take her point that the former government wasted money by not doing it right.

ONE BIOSECURITY PROGRAM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:43): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding biosecurity.

Leave granted.

The Hon. N.J. CENTOFANTI: One Biosecurity is an online risk management program that was developed in partnership with industry to ensure individual producers and farmers undertake on-farm biosecurity protocols as a second line of defence against exotic animal diseases. According to PIRSA, through stronger on-farm biosecurity One Biosecurity can make the industry less vulnerable to uncontrolled disease spread. My questions to the minister are:

1. How many livestock producers have registered for the One Biosecurity program in South Australia in total?
2. How many livestock agents, buyers, saleyards and abattoirs have registered for One Biosecurity in total?

3. How many livestock producers have registered for One Biosecurity since April 2022?
4. What has the government done to improve registrations to One Biosecurity since the detections of lumpy skin and foot-and-mouth disease in Indonesia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): I thank the honourable member for her question. I am happy to take the questions on notice and bring back an answer to the chamber.

Members interjecting:

The PRESIDENT: Order!

COMMERCIAL FISHERIES REVIEW

The Hon. R.P. WORTLEY (14:45): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on some of the election commitments made before the last election regarding fisheries?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I thank the honourable member for his question. Prior to the last election the then Labor opposition made a range of commitments to both the recreational and commercial fishing sectors. These commitments were made to recognise the importance of strong fishing and seafood sectors to the economy, jobs, regions, tourism and, of course, for the wellbeing and enjoyment of hundreds of thousands of South Australians.

One of the first election commitments we delivered back in May was to protect the giant Australian cuttlefish, by reinstating the fishing closure for the species that was unfortunately allowed to lapse under the former government. It was clear that communities in the Upper Spencer Gulf, in particular Whyalla, wanted this protection for the giant Australian cuttlefish. The aggregation and spawning event that occurs in May to August each year creates a significant tourism drawcard for the region which, on the back of this amazing spectacle on our doorstep, has created a number of businesses and employment opportunities for local people. A great example of this is Cutty's boat tours, which I am glad to say won silver in the New Business Tourism category at the recent SA Tourism Awards.

Another election commitment delivered very early in our term was fee relief for the commercial rock lobster sector, with licence fees reduced by 50 per cent in 2022-23 in recognition of the difficulties the sector faced after trade tensions with China saw a significant disruption to their businesses and livelihoods. I am glad to say that the federal Albanese Labor government has been taking steps to try to reduce some of those tensions with China, and I look forward to seeing developments as we go further forward.

Prior to the election we also made a range of commitments to the recreational fishing sector, including reinstating RecFish SA as the independent peak body for recreational fishing in the state. I am pleased to say that this commitment has also been met, with funding of \$200,000 per year, indexed in the 2022 budget. This funding will ensure that RecFish SA can not only represent anglers directly to government but also will be able to be heavily involved in a range of activities and programs that will improve the overall outlook for recreational fishing.

These include looking at ways to better integrate fishing into the tourism sector, increased participation amongst women, children and multicultural communities, identifying fishing infrastructure needs and work with government to identify opportunities to enable communities to be involved in education programs and data collection.

A commitment was also made to identify recreational fishing as an activity in the sport and recreation sector, meaning that fishing clubs are now eligible for government grants. This, too, has been delivered, and I look forward to working with my colleague in the other place the Minister for Sport, Recreation and Racing to identify more ways we can work together for the betterment of recreational fishing.

Just recently, the Malinauskas Labor government has shown that it is meeting another election commitment to better explain the science behind decisions that impact upon fishers, by

ensuring the release of the snapper stock assessment 2022, so that the fishing public can see for themselves the information that decisions are based upon. Further to that, the government held roadshows around the state so that stakeholders and the public could attend and hear directly from SARDI and PIRSA and have the opportunity to ask questions. These forums were held in Whyalla, Wallaroo, Adelaide, Victor Harbor, Port Lincoln and Ceduna, as well as an online forum.

Labor also committed to a review of the cost-recovery method for the commercial fishing industry, and work is underway to progress that commitment. I look forward to having more to say about this in the near future. On coming to government we have identified a range of other measures that could assist both recreational and commercial fishers, particularly on the back of the former government's marine scale fishery reforms that have seen the industry need to adapt to some difficult changes. We remain committed to working with all stakeholders to ensure the successful rollout of our election commitments, but also to identify and address the needs of sectors going forward.

COMMERCIAL FISHERIES REVIEW

The Hon. C. BONAROS (14:49): Supplementary: what specific work is underway in relation to the cost-recovery review that she just mentioned?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49): I thank the honourable member for her question, and also acknowledge her ongoing interest in the sector. We have had a number of very productive meetings, both on policy and individual circumstances. We have been having discussions with the commercial sector and have also been identifying the most appropriate way to do the review.

I have advised the sector that that will take place over the coming months, so into next year, and I have also advised them that any such review and potential adoption of recommendations that may come from that will not have an impact on the very next discussions around the cost-recovery process. But I do look forward to having those other discussions on an ongoing basis and making sure that we do have a robust review which addresses and answers some of the questions that we might have and, indeed, the commercial sector might have.

SOUTHERN INTERMEDIATE CARE CENTRE

The Hon. S.L. GAME (14:50): I seek leave to make a brief explanation prior to addressing a question to the Attorney-General, representing the Minister for Health and Wellbeing, on the closure of a southern suburbs mental health centre.

Leave granted.

The Hon. S.L. GAME: It has been reported that unions representing mental health workers are extremely concerned that a mental health centre, which was temporarily closed on 5 February this year, will permanently shut its doors. At the time, the then shadow health minister and local MP, Chris Picton, said that it was absolutely outrageous to close mental health beds amidst a mental health crisis.

The Southern Intermediate Care Centre in Noarlunga is described by SA Health's website as a centre that provides step-up and step-down care options and supports those living in the community who do not require acute mental health services. This sort of service is beneficial to prevent those people with less severe mental health issues from further deterioration or relapse and can avoid hospital admissions by dealing with issues before they become critical.

Given the plight of our state hospitals' inability to manage timely emergency presentations, the closure of this 15-bed centre will only further heighten the ramping and mental health crisis in South Australia, but particularly in our southern suburbs, which will no longer have any dedicated community health service of its kind. My questions to the minister are:

1. Does the minister believe that it is right to remove mental health beds from the health system at this time?
2. Does the minister think it is appropriate that the southern suburbs no longer have access to a community mental health care facility?

3. When will the minister make final determinations about the future of this and other temporarily closed health centres, such as the Strathalbyn emergency department?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for her question and will refer those matters to the minister in another place and bring back a reply.

RIVERLAND FLOOD RESPONSE

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:52): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about the Riverland regional community.

Leave granted.

The Hon. J.S. LEE: The Riverland regional community is going through many challenges right now and there are increasing concerns about the floods having significant impact on vulnerable community members. Rental assistance will be available for individuals and families who are not insured who are displaced from their homes by floodwaters and do not have access to alternative accommodation. My questions to the minister are:

1. What is the expected total number of individuals and families in the Riverland regional community that will make a claim?

2. What modelling is this based on?

3. How fast can vulnerable residents access the financial assistance, and can the minister indicate an estimated time frame—will it take days or weeks?

4. What measures will the government put in place for those who will miss out on rental accommodation and have nowhere to go?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:53): I thank the honourable member for her question. I will refer those questions to the relevant minister in the other place, the Minister for Human Services.

INDUSTRIAL RELATIONS

The Hon. I. PNEVMATIKOS (14:53): My question is to the Minister for Industrial Relations and Public Sector. Will the minister update the council on the progress that has been made on the delivery of the government's election commitments in the industrial relations portfolio?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for her question and for her lifelong interest in industrial relations both as a lawyer supporting workers and now in this chamber carrying on her lifelong work supporting workers in South Australia. I am most pleased to be able to answer the honourable member's question and inform the chamber about some of the significant progress that's been made on delivering election commitments in the area of industrial relations.

We have done a number of things. We have appointed former SafeWork Victoria director John Merritt to lead an independent review of SafeWork SA to ensure it's a best practice work health and safety regulator. I think, as I have previously informed this chamber, Mr Merritt's report will be handed down in the coming months, hopefully by the end of this year, and we expect it will be publicly released early in the new year in relation to reforms for SafeWork.

We have introduced legislation to make 15 days' paid family and domestic violence leave a minimum entitlement in the state industrial relations system because we recognise that we must do everything in our power to assist victims of domestic violence to escape these terrible circumstances. We have already this year made it an aggravated offence to assault a frontline retail worker. Often young workers at the very beginning of their working lives have sadly faced the brunt of public aggression, particularly during the pandemic. We have made it clear that violence and abuse towards these frontline retail workers is completely unacceptable.

We have restored funding to MATES in Construction, which was cut by the former Liberal government, committing \$240,000 over four years to suicide prevention work in the construction industry. We have provided \$400,000 over the next four years to the Asbestos Diseases Society and the Asbestos Victims Association—also cut by the former government—for their invaluable advocacy, education and support.

We have commenced a review of the practice and jurisdiction of the South Australian Employment Tribunal to ensure it is as effective and efficient as possible for all those who use it, a review being led from the front by those legal practitioners on both sides of the fence who are experts in our workers compensation and industrial relations system.

Just as recently as today, we have released draft legislation in relation to industrial manslaughter. Under these draft laws, people who, through reckless or gross negligence, breach a work health and safety duty and cause the death of an individual would face up to 20 years in prison and up to \$15 million in fines for companies. These draft laws are the result of extensive consultation with both business organisations and trade unions to bring South Australia into line with other jurisdictions and to make it very clear that every worker has a right to come home to their families and loved ones at the end of each day.

In drafting these laws, we recognise that the overwhelming majority of South Australian businesses take the health and safety of their workers very seriously. These laws are not designed to capture or punish those who do the right thing. They are designed to make it clear to dodgy operators who cut corners with health and safety that there will be significant potential penalties for gambling with workers' lives.

In just the seven months in which we have been in government so far, we have done more than the previous government was able to do in four years in making significant changes to our shop trading hours legislation. One can now shop, and has been able to do so for the last few weekends, from nine to five on a Sunday.

PUBLIC HOSPITAL DOCTORS

The Hon. C. BONAROS (14:58): I seek leave to make a brief explanation before asking the Attorney, representing the Minister for Health in another place, a question about public hospital doctors.

Leave granted.

The Hon. C. BONAROS: I have been advised that relations between public hospital doctors and hospital management have stooped to new lows following a direction from CALHN chief executive, Ms Dwyer, ordering consultants to finish their rounds by 10.30 each day at the Royal Adelaide and Queen Elizabeth hospitals. That order indicates that finishing rounds by 10.30 instead of late afternoon would create the equivalent of an extra ward. Doctors I have consulted with, and more broadly, believe the order will put patients' safety at risk. My questions to the minister are:

1. Was the minister advised of the direction prior to it being issued by Ms Dwyer?
2. Does the minister agree with the order that was issued?
3. Did the minister have any input into the order and/or direct Ms Dwyer to issue it?
4. Does the minister agree with doctors that the direction puts patients' safety at risk?
5. Is the direction an attempt to reduce ambulance ramping?
6. What happens to those patients who don't fit into the 10.30am cut-off?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59): I thank the honourable member for her questions and her interest in the health of South Australians, and I will refer those questions to the minister in another place and bring back a reply for the honourable member.

RIVERLAND FLOOD RESPONSE

The Hon. H.M. GIROLAMO (14:59): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding the regional Riverland community.

Leave granted.

The Hon. H.M. GIROLAMO: Flooding in the Riverland is another significant hit for grapegrowers and winemakers who have already been experiencing significant stress as a result of oversupply of grapes, loss of key markets and higher import costs. The weather is also producing more disease than normal. Does the state government's financial assistance package include support for the Riverland grapegrowers and wine producers to help them meet the immediate challenges faced by the flood, such as damage to agriculture and property, and ensure the longevity of this important industry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:00): I thank the honourable member for her question and, indeed, her interest in the very difficult situation facing so much of our community in the Riverland. I do also want to just take the opportunity to commend those who have worked very productively and constructively with the government on this. That includes organisations such as the State Emergency Service and other emergency service providers, local councils and community groups, and also many in this place. I think it's important that we do acknowledge when we do work constructively together. That might contrast a little with some of our federal MPs from this state, but that's perhaps separate to this.

Last week, when the entire Malinauskas Labor cabinet was in the Riverland to meet with local councils and also people and stakeholders within their own portfolio areas, we were very pleased to be joined by the member for Chaffey, Mr Tim Whetstone, so that we could all work constructively with what the challenges are in the Riverland and how they can best be overcome.

I think it's also been very helpful and useful that, where there have been things that perhaps haven't been picked up immediately, they have been then shared with government or with other agencies so that a solution can be worked through, because I am very confident in saying that the main concern of everyone here is going to be ensuring that the impacts of the flood events are minimised as far as they can be and then, after the events, that recovery is as swift as possible.

I am advised that the current forecast is a high probability for a flow of 175 gegalitres a day at the Victorian-South Australian border for the first week in December, and a second peak is now predicted with high probability of reaching at least 185 gegalitres a day, arriving in late December. I am advised there is a moderate chance of reaching 200 gegalitres a day, and the final peak flow will of course be subject to additional rain and water releases upstream.

It's likely that this will be the highest flow to come across the South Australian border since the run of high flows experienced in the early to mid 1970s, which in 1974 peaked at 182 gegalitres a day. I am advised that PIRSA has undertaken modelling for various predicted high-level flows, including up to 250 gegalitres a day, to determine impacts on primary production along the river. At 200 gegalitres a day, the most affected primary production areas would be pastures, grapevines, vegetables, fruit and nut trees.

On 22 November, the Premier announced a \$51 million support package. That included, specifically for primary producers and irrigators, \$3 million to meet the costs of relocating or re-establishing pumping and generator infrastructure for irrigators impacted by the floods. Producers can register their interest through the PIRSA website and then they will be contacted going forward.

In terms of the specific question that the honourable member has raised, we are looking constantly at what is needed for primary producers of various sorts in the Riverland. We have had very productive meetings and communications with all of the various industry bodies and associations and industry leaders, including, in fact, last week my department, PIRSA, which had a forum that involved 40 industry leaders and associations to provide regular updates, the opportunity for which will be happening weekly. That I think was of particular interest and hopefully assisted in

the confidence of the primary producers who were involved in terms of what is occurring because, of course, being kept informed is absolutely key.

The Premier, when he made the announcement of the package, indicated that this was the first tranche of assistance. As we continue our discussions and consultation with industry, we will potentially then have further assistance to announce.

RIVERLAND FLOOD RESPONSE

The Hon. T.A. FRANKS (15:04): Supplementary: what proactive measures have been taken to ensure that those involved in the rescue and relief operations, who will be outside for more than four hours each day, will be vaccinated for Japanese encephalitis in time to undertake this rescue and recovery operation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I thank the honourable member for her question. The vaccination against Japanese encephalitis is something that we have been promoting now for some weeks, as members may recall. I have spoken about that in this place previously. I am advised that promotion of the opportunities for vaccination is continuing.

RIVERLAND FLOOD RESPONSE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:05): Supplementary: when the minister was up in the Riverland, did she visit local vineyards and horticultural properties to assess water and storm damage and speak to growers to discuss issues regarding energy and irrigation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I thank the honourable member for her question. When I was up in the Riverland last week, I had a round table with growers in terms of the wine industry. That was something that was, I think, particularly useful. We talked about a number of issues, but of course the flooding was one of them.

PIRSA is working with regional wine bodies to understand key issues and knowledge gaps as well so that we can have similar workshops if necessary, but in particular looking at what their urgent and immediate needs are. Things, for example, such as the assistance for moving electricity generation infrastructure would of course include those members as primary producers as well.

GREAT WINE CAPITALS AWARDS

The Hon. J.E. HANSON (15:06): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the recent Great Wine Capitals People's Choice Awards local award winner?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:07): I thank the honourable member for his question and his ongoing interest in this topic. Once again, a South Australian winemaker has received accolades on the world stage, with the Great Wine Capitals People's Choice Awards naming Oliver's Taranga Vineyards in McLaren Vale as the winner of the Wine Tourism Services Award for 2023.

There were seven categories of awards—Accommodation, Architecture and Landscape, Art and Culture, Innovative Wine Tourism Experiences, Sustainable Wine Tourism Practices, Wine Tourism Restaurants and of course the award that has been presented to Oliver's Taranga Vineyards, the Wine Tourism Services Award.

With winners of the awards representing a range of famous wine regions—that also happen to be great World Cup soccer nations like Australia—including France, Spain and Italy, Oliver's Taranga Vineyards sits comfortably amongst the great wineries found anywhere in the world.

The Oliver family history is one of six generations and over 180 years of growers and winemakers who produce perfect fruit that becomes even better wine, with Mataro, grenache, cabernet sauvignon, shiraz, vermentino, tempranillo and much more being found on their McLaren Vale property. To give an indication of the premium quality produce grown, they also sell the grapes

to a range of other household and worldwide names in wine, such as d'Arenberg, Penfolds, Wirra Wirra and Seppeltsfield.

The reason they have won this award is for their incredible contribution to wine tourism. With a newly renovated cellar door blending the old and new, that boasts a number of incredible spaces to host guests, including private tasting rooms in the original stone cottage, a woodfired pizza oven and an amazing all-weather deck with views stretching across the vineyards, it is truly a place for the wine tourist to visit and experience the hospitality of our great state.

I pass on my congratulations to the Oliver family and the whole team at Taranga not only for their great achievement in winning this award but for the incredible work they have done, including throughout the pandemic, to build upon their incredible wine tourism offering and bring even more people to our state.

GREAT WINE CAPITALS AWARDS

The Hon. H.M. GIROLAMO (15:09): Supplementary: given the importance of the wine industry as you have highlighted, are you able to outline any particular programs that you have cut that would otherwise be supporting the wine industry, both within your department and within Trade and Investment?

The Hon. C.M. Scriven: I don't think that arises from the answer about wine tourism.

The Hon. H.M. GIROLAMO: You were talking about the wine industry and how important it is, but you're cutting programs. It's a very relevant question.

The PRESIDENT: Order! Minister, would you like to answer that?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I'm not aware that I have cut any such programs.

ABORIGINAL WOMEN'S GATHERING

The Hon. T.A. FRANKS (15:09): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs on the topic of the Aboriginal Women's Gathering.

Leave granted.

The Hon. T.A. FRANKS: In previous years, the previous Labor government funded and organised, then through the Office for Women, an annual Aboriginal Women's Gathering. This was an opportunity for Aboriginal women to come together to discuss culturally significant issues, including health and wellbeing, practising traditional law and custom, and violence against women. That previous Labor government committed to supporting both metro and regional Aboriginal women's gatherings, giving them the opportunity to build connections, learn skills and listen to speakers, and discuss topics relevant to them in an environment that was culturally supportive.

Members of the community were recognised and their achievements acknowledged through awards associated with the events, from artists such as Tjunkaya Tapaya and her renowned batik works to local community leaders such as Ngarrindjeri elder Eunice Aston, who spoke for those who fought against the Hindmarsh Bridge and dedicated years to promoting and supporting Ngarrindjeri women as a representative for her community.

The gatherings were also held regionally, and this was important. Issues that Aboriginal women face differ, and having gatherings in remote locations and regional locations allowed for the focus of those events to mirror those of the community in which the gathering was held. These gatherings also gave women, particularly in remote areas, the ability to link with other women from remote communities. The isolation felt by some made these particular opportunities for connection quite vital.

The gatherings not only were about recognition of achievement and learning skills, they were an opportunity to discuss complex issues faced by women in Aboriginal communities. It was a chance to share stories, a chance to feel heard, and a chance to help others—a chance that is no longer run by our state.

My question to the minister is: will the Malinauskas government commit to fund Aboriginal Women's Gathering meetings again?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question and her interest and advocacy in this area. I have memories of, in the former government—it was then the Hon. Gail Gago as the Minister for the Status of Women through her department—organising Aboriginal Women's Gatherings. I think for a couple of years they were in Adelaide, but then it was decided that many of the women who couldn't make it down to Adelaide would like it in regional areas, and at least in Murray Bridge and Port Augusta, I think, regional gatherings were held.

I think the honourable member has already mentioned people like Aunty Eunice Aston, who was also the very first ever female chair of the Ngarrindjeri Regional Authority, and I remember leaders like Jeanette Miller, June Lennon and Jacinta McKenzie being involved in those gatherings when they occurred.

The member makes a very good point. The needs and aspirations of Aboriginal women are different around South Australia, and hearing voices of regional women I think was an important part of that. I will have a discussion with my colleague Minister Katrine Hildyard, who now holds those portfolio areas, to see if there is a possibility of similar things occurring—and particularly with our ambitions for a First Nations Voice to Parliament, where we have very deliberately recognised, after extensive consultations, that Aboriginal women's voices need to be heard.

The draft model that has gone out for the second round of consultation proposes an equal number of women elected to each of the local First Nations Voices, as well as an equal number of women as presiding members of those local First Nations Voices and an equal number of women on the state's First Nations Voice. There may be opportunities with the process of the Voice to look at how Aboriginal women's gatherings can be a part of that greater process.

One of the things the consultation has thrown up is the need and the possibility of groups that might be committees to local First Nations Voices—groups of young people or elders—and this might be an opportunity through that process to see how something like that is re-established. But I certainly will take this issue up and have discussions with my colleague the minister for the status of women on this topic.

ABORIGINAL WOMEN'S GATHERING

The Hon. S.G. WADE (15:14): Supplementary question: I refer to the Minister for Aboriginal Affairs' comments about the draft bill in relation to the Voice and the fact that the government's draft bill commits to equal numbers of men and women. What mechanism will the government use, either in nominations or in the electoral process, to actually ensure that the democratic vote will deliver gender equality?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:15): I thank the honourable member for his question; it is a good question. It's not something that's unknown in elections on Aboriginal representative bodies already. The APY Land Rights Act now provides that for each of the—I think it's six—regions or electorates across the APY lands there is one man and one woman elected.

If my memory serves me correctly, the mechanism in the draft legislation is that for each of the regional voices—there are a couple of draft models, but one of them has five non-Adelaide-based regions that would each have three men and three women elected and a metro region on Kurna native title boundaries that would have five men and five women elected, that Aboriginal men and women would nominate and that those voting would vote for one man and one woman.

Essentially, the democratic process would work so that you would get a vote for both an Aboriginal man and an Aboriginal woman from your local region. As I say, for the non-metro area ones it's three men and three women and for the metro one it's five men and five women elected.

SAFework SA

The Hon. S.G. WADE (15:16): My questions are to the Minister for Industrial Relations regarding SafeWork SA.

1. Does the minister consider that the dismantling of the Australian Building and Construction Commission represents an appreciable risk to the relative calm of South Australian industrial relations?

2. What action has the minister taken to protect and preserve the relative calm of South Australian industrial relations and strengthen SafeWork SA in the face of the dismantling of the Australian Building and Construction Commission?

3. In particular, how many additional inspectors have been employed by SafeWork SA since the federal government announced the dismantling of the Australian Building and Construction Commission?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I thank the honourable member for his question. I can answer it very simply: no, I don't think that the dismantling of that body is problematic for the South Australian business environment. South Australia has already for many years, in fact decades, had an enviable industrial relations record.

As I have said in this chamber before, if anyone has any evidence of any illegal activity I would encourage them, whether they be members of parliament or whether they be businesses or otherwise, to go forward to the relevant authorities with those.

So we don't believe that the abolition of the body that has pretty extraordinary coercive powers will have a detrimental effect on what has been a harmonious relation in South Australia. But, as I say, if anyone has any evidence of any untoward behaviour, any illegality, I would absolutely encourage them to come forward to the relevant authorities.

SAFEWORK SA

The Hon. S.G. WADE (15:18): Supplementary: I thank the minister for his answers to my first two questions, but I would specifically ask how many additional inspectors have been employed by SafeWork SA since the commission was dismantled?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I thank the honourable member for his question. I don't have an exact figure, but there is ongoing recruitment of SafeWork inspectors, with SafeWork SA to replace those who are lost through attrition.

The PRESIDENT: The Hon. Mr Wade, you have a further supplementary.

SAFEWORK SA

The Hon. S.G. WADE (15:18): Could I ask the minister to take on notice how many additional SafeWork SA inspectors have been appointed since the dismantling of the Australian Building and Construction Commission was announced?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I don't think I need to take that on notice. I can indicate that regularly new inspectors—

The Hon. S.G. Wade interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —are appointed as other inspectors retire or move on to other positions.

SAFEWORK SA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:19): Supplementary: can the Attorney indicate who the relevant authority is now to report these infringements, given the ABCC has been abolished?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): If there is a crime committed, you should go to the police.

ASBESTOS VICTIMS MEMORIAL DAY

The Hon. R.B. MARTIN (15:19): My question is to the Minister for Industrial Relations. Will the minister please advise the council about recent events related to the Asbestos Victims Memorial Day?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): Certainly, sir, I would be more than happy to do that, and I thank the honourable member for his question. I note that the Hon. Reggie Martin was at an Asbestos Victims Memorial Day event last week. I think it was the same event that was attended by a number of members of this parliament.

I am aware that the Premier and the Treasurer were both at the event the honourable member attended. I was very grateful to attend an event last week as well in the afternoon, hosted by the Asbestos Diseases Society of South Australia at the Jack Watkins Reserve in Kilburn. I was joined at that event by a number of mayors from around suburban Adelaide and also the Hon. Irene Pnevmatikos, who attended that event.

The Asbestos Victims Memorial Day is hosted each year on 25 November to honour victims of asbestos-related diseases and the families who support them. Attendees at this year's event heard from the President of the Asbestos Diseases Society, Peter Photakis, as well as a number of very humbling speeches from families of asbestos victims. The event is hosted at Jack Watkins Reserve, an area in Kilburn which in past years formed part of the Islington railway yards, where many workers were exposed to asbestos and some ultimately died after working on railway carriages.

The reserve is named in honour of Jack Watkins or, as he was sometimes known, 'Asbestos Jack'. Jack was born in Manchester, England, in 1935, and migrated to South Australia in 1966 with his wife, Cathy, and their two children. He worked in the construction industry and later in the union as a union organiser in that industry. He was a fierce advocate for health and safety and campaigned tirelessly to draw attention to the tragic effects of asbestos exposure on workers in the construction industry.

Jack was ultimately appointed to the United Trades and Labour Council as their asbestos and toxic waste liaison officer and was a founding member of the Asbestos Diseases Society of South Australia. Amongst his many campaigns, Jack sought to have the area next to the Islington railway in Kilburn cleared of asbestos and toxic waste and converted into a public park. This work was completed in 2003 and the reserve now bears Jack Watkins' name.

Sadly, Jack passed away in 2007 at the age of 72. The work that Jack performed, though, has turned what was a toxic dump for asbestos into a public park where this memorial is hosted each year and that stands as a testament that real change is possible when it comes to fighting asbestos diseases.

It is an astonishing figure that nearly 4,000 people each year die from asbestos-related diseases in Australia, a figure that is almost four times as high as the national road toll. While thankfully work-related asbestosis is showing a downward trend in recent years, we are now seeing new threats in other sorts of dust diseases. It is important that governments, businesses, unions, organisations, advocacy groups, researchers and members of the community work together to support a coordinated response to the threat posed by these dust diseases.

As I said in response to an earlier question, I am proud that this government has committed \$400,000 of funding over the next four years so that the Asbestos Diseases Society and the Asbestos Victims Association can continue their important advocacy and education programs, and I thank both those organisations, those that support them, and the community for remembering on Asbestos Victims Memorial Day last week.

LOCAL GOVERNMENT ELECTIONS

The Hon. F. PANGALLO (15:23): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development, representing the Minister for Local Government in another place, a question about local government elections.

Leave granted.

The Hon. F. PANGALLO: A number of concerns have been raised about the probity of the recent local government elections, particularly in the city councils of Adelaide, Marion and West Torrens. According to the Electoral Commissioner, the level and seriousness of the complaints is unprecedented. I also understand the Electoral Commissioner of South Australia has refused a request for a recount of the Adelaide Lord Mayoral votes despite the closeness of the result and serious discrepancies of voting identified by scrutineers when the votes were being counted. My question to the minister is:

1. Has he had a briefing from the Electoral Commissioner regarding the conduct of the election, and what are his benchmarks for recounting close results?
2. Being heavily involved in local government for many years as a councillor and mayor of Port Pirie council, does the minister have concerns over the conduct of the recent council elections and allegations of corruption in the postal ballot process?
3. What actions does he intend to implement to protect the integrity of council elections and of candidates?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:25): I thank the honourable member for his question. I will of course refer it to the minister in the other place, the Minister for Local Government, and bring back a response to the chamber. However, I can perhaps just advise the chamber, if they are not aware, that after each council election, every four years, a review is done by the Electoral Commission of South Australia and that review would canvass many of the issues that have been raised, I am sure. I will certainly bring back an answer once I have a response from the minister in the other place.

INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION

The Hon. L.A. CURRAN (15:25): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding ICAC.

Leave granted.

The Hon. L.A. CURRAN: In her statement on 10 November 2022, in response to John Hanlon's case, the Hon. Ann Vanstone KC, the ICAC commissioner, said that she would be undertaking a review of the investigation and of the conduct of those involved in it. She said she would give the report to ICAC's reviewer, the Hon. John Sulan KC, and discuss it with him. She said if it is appropriate to report publicly on what she finds then she shall. My questions to the minister are:

1. Does the minister believe an internal review of the conduct surrounding John Hanlon's case is appropriate?
2. Do you believe ICAC has a conflict of interest, perceived or otherwise, in reviewing their conduct?
3. Do you believe it is in the public interest for any such reports to be released?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): I thank the honourable member for her question. As I have said before, I have received some initial advice, after raising questions. We are looking at what other advice we may need. I am not going to publicly canvass what ICAC may or may not be doing. There are significant restrictions on doing that even if I wanted to in any event but, as I have said in this chamber before, we are currently considering what other action may be taken.

INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION

The Hon. H.M. GIROLAMO (15:27): Supplementary: is the Attorney-General able to share the initial advice, given the importance of this area?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): No, I am not able to do that.

INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION

The Hon. L.A. CURRAN (15:27): Supplementary question: does the Attorney-General have a time line, even if it is rough, as to when they will deal with this situation and can you provide any way that you will be dealing with it?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:27): In the very near future.

FRUIT FLY

The Hon. T.T. NGO (15:28): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on the fruit fly dog sniffer trial?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:28): I thank the honourable member for his question. Members would be aware of the Malinauskas Labor government's ongoing commitment to biosecurity in South Australia. We have seen many challenges relating to biosecurity risks over the past 12 months, and responding to fruit fly outbreaks has certainly been one of them.

The Malinauskas Labor government is committed to ensuring that South Australia remains fruit fly free, and that is why in this year's state budget we announced \$13 million in additional funding to respond to fruit fly outbreaks in the Riverland. We know that keeping South Australia fruit fly free presents enormous trade benefits to our state's industries, especially in the Riverland, and that is why it is so important to continue to do everything we can to eradicate this pest.

My first regional trip as minister was to the Riverland, to speak to key stakeholders about fruit fly and to better understand the challenges they face and what we as a government can do to assist industry. Responding to fruit fly outbreaks requires a range of different responses and one of the most recent additions has been the recruitment of two fruit fly detector dogs, named Max and Rylee.

Earlier this year, I announced the trial of a fruit fly detection program that would be based in the Riverland to assist with the ongoing outbreak of Qfly in the Riverland. I am advised that the detector dog team made their first formal find of wild Qfly larvae in Renmark West recently. Given the success this program has had so far, the decision has been made to extend the trial until the end of the year and to run a tender to continue to provide this work moving forward. The tender process will see an establishment of detector dog providers seeking to extend the work for an additional 12-month period, with an option to extend further should that be required.

At present, Max and Rylee are concentrating on sites surrounding adult fly detection sites. When a detection is made, one of PIRSA's operations staff assesses properties within 200 metres of the find and identifies sites that would benefit from detector dog surveillance. This assessment is made based on the location and also the type of host trees that are present.

Each day, the detector dog team travels with an operations technical check team and they sweep sites to see whether trees can be identified that need intense sampling. If Max or Rylee indicate towards a tree or a site, then the technical check team concentrates on cutting and checking as many samples of fruit from that area as possible. I look forward to continuing to report to this place about the ongoing success of this program.

FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:31): Supplementary. I thank the minister for her comments on Max and Rylee—they are certainly very cute furry friends.

The PRESIDENT: That's nice, but just ask your supplementary—there's no preamble.

The Hon. N.J. CENTOFANTI: Given the success of the trial so far, can the minister confirm that there will be additional resources to train further canines in the detection of Queensland fruit fly larvae?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:31): I thank the honourable member for her question. The

evaluation is continuing, so clearly there were benefits from Max and Rylee's excellent work that they have produced so far, and that is the reason why we are extending, and I will give consideration to whether further extension is going to be beneficial.

PILL TESTING

The Hon. R.A. SIMMS (15:31): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General, representing the Minister for Health, on the topic of pill testing.

Leave granted.

The Hon. R.A. SIMMS: I recently visited Australia's first fixed-site pill testing service, which is based in the ACT, known as the CanTEST Health and Drug Checking Service. The program was a six-month trial, initiated by the ACT government, to address harm reduction associated with drug use. The service analysed the contents of drugs to help service users understand unknown and potentially dangerous substances. Drug checking facilities have been used internationally since the 1990s and are available in 20 countries within Europe, the Americas and New Zealand.

In the six-month trial that began on 21 July and ceased on 20 October, CanTEST tested 232 samples and staff provided 294 alcohol and other drug interventions. After receiving their results, 43 samples were voluntarily discarded by service users. The trial also uncovered new drugs that were previously unknown. The South Australian Network of Drug and Alcohol Services (SANDAS) has stated that pill testing and drug testing reduces harm by reducing immediate risk of contaminants, expanding opportunities for education and providing an early warning system for new dangers associated with drug use.

Pill testing has been supported by organisations such as the Public Health Association of Australia, the Australian Medical Association, the Pharmaceutical Society of South Australia and the Royal Australian College of Physicians. My question to the Attorney-General therefore is: does the government agree that pill testing is an effective harm minimisation measure and, in the lead-up to the festival season, will the government follow the lead of the ACT and investigate pill testing here in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:34): I thank the honourable member for his question and will pass on those questions to my colleague in another place and bring back a reply.

STRUAN RESEARCH CENTRE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:34): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries regarding the Struan Research Centre.

Leave granted.

The Hon. N.J. CENTOFANTI: On 6 November, a fire went through the office and laboratories of the Struan Research Centre. According to media reports, thankfully no-one was injured and no major research work has been lost, but the damage is estimated to be worth approximately \$5 million. Given the important role that research and development plays in the future of agriculture and primary industries more broadly, can the minister give a commitment that the research centre will be rebuilt in a timely fashion, and will the minister consider increasing the investment, if needed, to ensure that the new facility is fit for purpose into the future?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:35): I thank the honourable member for her question. It certainly was very distressing when we heard the news about the fire at the Struan Research Centre. I spoke with staff who were there. We arranged a teams meeting, I think it was later that same week, because I was concerned about how they were reacting. I wanted to ensure that they knew that they had the support of the department and that they could access support such as the Employee Assistance Program and so on.

I was very pleased to be able to have that interaction with them and also get more information about what had occurred, how they were working under their alternative arrangements—for example, being relocated into the historical building—and various other operational matters. I'm also glad to be able to say that the chief executive of my department also visited Struan recently in order to not only have a look at the site and what had occurred there but also to provide that reassurance to staff.

It is accurate in the honourable member's question that there hasn't been widespread loss of research, which is certainly very positive. Most of the research is digitised and therefore that reduces and mitigates the risk of loss. Work is continuing at the moment, including with the insurance companies with whom we are insured, to see what the level of damage is in a financial sense. There have been some estimates, as the honourable member mentioned, but work with the insurance company or the insurer—I'm not across the details of who that is or how that is arranged—but in terms of the loss from the assessors and so on, it is currently being worked through.

Once that is clearer then we will be able to make the next plans, but I am very confident that that will be rebuilt at Struan. It is a very important facility and it also has a lot of local support. It has been there operating research since—I think it's around about 40 years, so either late seventies or early eighties, and is an important centre for research. We know that we have a number of very important projects as well as a demonstration farm there. I look forward to seeing the progress and plans for the rebuild into the future.

Bills

HEALTH CARE (ACQUISITION OF PROPERTY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 November 2023.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:38): I rise to speak on the Health Care (Acquisition of Property) Amendment Bill 2020 and indicate that I will be the lead speaker for the opposition. I also indicate that we will be supporting the bill. However, we do have an amendment to the bill which we will be seeking support for, and I will explain the amendment in due course.

Currently, compulsory acquisition under section 40 of the Health Care Act is limited to being for the purposes of an incorporated hospital—that is, public hospitals and other services managed by a local health network. The government has advised that the amendment is required to facilitate the compulsory acquisition of land for the purpose of building ambulance service facilities. The opposition supports compulsory acquisition powers being used to support ambulance services in a similar way to other public health services.

However, the bill is much broader than that. It proposes to broaden the entities for which land can be compulsorily acquired to include all health services as defined by the Health Care Act. A health service is defined under the Health Care Act as:

- (a) a service associated with:
 - (i) the promotion of health and well-being; or
 - (ii) the prevention of disease, illness or injury; or
 - (iii) intervention to address or manage disease, illness or injury; or
 - (iv) the management of treatment of disease, illness or injury; or
 - (v) rehabilitation or on-going care for persons who have suffered a disease, illness or injury; or
- (b) a paramedical or ambulance service; or
- (c) a residential aged care service; or
- (ca) a research, pathology or diagnostic service associated with veterinary science; or
- (d) a service brought within the ambit of this definition by the regulations,

but does not include a service excluded from the ambit of this definition by the regulations.

Members will note that the definition of health service is extremely broad and it does include specific services such as the paramedical or ambulance service, a residential aged-care service or a research, pathology or diagnostic service associated with veterinary science. In addition, though, the general elements would encompass a wide range of services, such as:

- a gymnasium, a sports facility, a swimming pool or a walking trail may be for promotion of health and wellbeing;
- a pharmacy may be to address or manage disease, illness or injury;
- a private hospital, medical or dental practice may be for the management of treatment of disease, illness or injury; and
- a disability facility may be for the rehabilitation or ongoing care for persons who have suffered a disease, illness or injury.

In addition, the service could be a public service, a private service or a non-government service. Given this wide scope that this amendment bill will provide to the government to compulsorily acquire private land, the opposition asked the minister during its briefing on the bill for what other purposes the government considers it requires such a broad amendment. The minister was unable to provide any specific examples of health services the government is considering at this time but the bill will allow the government to consider other health services down the track.

This is simply not acceptable. The opposition in the House of Assembly supported expeditious consideration of the bill on the understanding that there is no logical reason why the South Australian Ambulance Service should not be able to access compulsory acquisition on a similar basis to other public health services. However, there is no urgency in undefined possible future uses of the compulsory acquisition power.

If there is a justification for the broader use of the compulsory acquisition power, let that proposal be tested through proper community consultation. The government should provide more detail of the possible future use. Stakeholders and the community need to be able to put forward their perspective. With the benefits of stakeholder and community input, this parliament can then do its job to consider the merits of a broader bill.

This government has demonstrated that it will suspend standing orders according to its own political agenda to push through legislation with little or no consultation. If we are to empower the government with the ability to seize and acquire private land, the power should be well defined and limited to a clear purpose.

The opposition seeks to amend this bill to only expand the compulsory acquisition power to the South Australian Ambulance Service, otherwise known as SAAS, to meet the current need asserted by the government. We would be open to considering further amendments when stakeholders and the community are properly consulted by the government and when the bill can be properly considered by the parliament in an orderly fashion.

The Hon. R.A. SIMMS (15:43): I rise to speak on behalf of the Greens on the Health Care (Acquisition of Property) Amendment Bill. Under current legislation the government can acquire land for public hospitals, but this bill expands the potential for those acquisition powers to extend to health services in general, especially for new ambulance services.

In the last few years, South Australia has been dealing with a ramping crisis, one that was created by both of the two major parties. We have continually heard stories of people waiting too long for ambulances. We have also heard of people being too scared to call an ambulance for fear of how long it will take. This is simply not good enough in a state like South Australia that has the resources that we have.

We do welcome the government's commitment to build new ambulance stations and so we are supportive of the general principle of this bill. We understand that there is a need to co-locate health services to make it easier for people to access multiple services. We also understand that

ambulance services have very specific needs and that these need to be taken into account when selecting new locations.

Minister Picton, I understand, has advised the other place that the SA Ambulance Service needs to be located close to main roadways so as to avoid bottlenecks and to ensure best possible response times. For these reasons, we can see situations where compulsory acquisitions may be required. We have been advised that the usual planning and heritage processes will continue to apply to any properties already compulsorily acquired under this provision. Given the recent example of the use of Parklands for health services, assurances that heritage and planning laws will still apply are very important.

I am aware of the amendments that the opposition has filed. We will certainly consider the debate during the committee stage of the bill, but I flag that the Greens are disinclined to support those simply on the basis that this may narrow the field. We are concerned that this may prevent the potential for acquisitions for mental health services, and we recognise that that is an important issue that requires attention from government. We will certainly engage in the committee stage of the bill and I will be asking some questions of the government in that regard.

The Hon. C. BONAROS (15:46): I rise to speak on behalf of SA-Best on this bill, the Health Care (Acquisition of Property) Amendment Bill 2022. The existing powers, as we have heard, for the acquisition of incorporated hospitals are prescribed in the Health Care Act. The bill that we have before us seeks to broaden the justification for a compulsory acquisition to the provision of health services. It is a very minor change insofar as it effectively changes only a couple of words: 'incorporated hospitals' to 'health services', or words to that effect.

Health services, under the government's bill, can be associated with an array of things. They might be for an ambulance service or a residential aged-care facility. They might be linked with the promotion of health and wellbeing, prevention or rehabilitation related. It could even be for veterinary services purposes or for services prescribed via regulations, which currently includes the provision of linen and laundry services to hospitals or other healthcare providers. I will just pause there and note that I will ask a specific question about that particular regulation.

I want to note the amendment filed today by the opposition, which only seeks to limit the extended scope to SAAS (South Australian Ambulance Service). Oddly, it also seeks to strike out what I consider to be a very important element of the government's bill, namely, the reasonable test, which is actually intended to ensure that the minister consider that the acquisition is reasonably necessary for the purposes of the provision of health services. That is, in my view, a very important element of this proposal.

The insertion of that reasonable test is a welcome addition and I have to say I am a bit bewildered by the fact that we are trying to strike that out, even if this is only limited to SAAS in the opposition's amendment. I have to say, with all due respect, I have heard the arguments from the opposition, but we all know that the healthcare landscape is evolving past the four walls of a hospital, ambulance ramping and ambulance stations. It is becoming more community based. I accept that advice from the government; it is something that we all know.

Community-based health care reduces barriers, improves patient health and promotes preventative care and, at the end of the day, it costs far less. It is akin to the ambulance at the bottom of a cliff analogy: why put the ambulance at the bottom of a cliff to help a person after they are injured, after they have fallen, after they are in trouble, when the person could be prevented from falling in the first instance?

We do not want ambulance and hospitals to be the only goal. Frankly, I do not care if we are going to build an ambulance station or a mental health facility using these provisions, but I would say, for everyone's sake, we need to be building something. We need to be building as much as we can and funding those facilities appropriately to help ease the pressures on the health crisis that continues to plague our communities. If this bill is going to make that an easier process, then that is something we fully endorse.

I understand there is talk of a new commonwealth-funded mental health facility at Mount Barker. That is something that I raised during my briefings with the government. We absolutely

support and endorse that. If that requires an acquisition of land in order to suit the needs of that mental health care facility, then that is something that we support. I think, importantly, anything that is going to help take pressure off the acute care system is a welcome development. Frankly, I think we need more of them, so you will not be hearing any arguments from us about that.

I would like to address a very important aspect of this bill, and that is that the process for a compulsory acquisition, should the reasonably necessary test be satisfied, as we know, remains tethered to the Land Acquisition Act. We have the head power in the Health Care Act, which enables land to be identified for the use of health-related services, but then obviously there is a process under the Land Acquisition Act that remains tethered to that head power that must be complied with. We are not watering down those processes or bypassing them by supporting the government's bill.

Frankly, it is a bit of a stretch to suggest that the provisions, given the reasonable test, would allow scenarios like those we have heard thrown around—for instance, 'Well, let's go and build a private sports facility in Glenelg because it's arguably for the promotion of health and wellbeing.' I would hasten to say that that would not meet the test that is in the government's bill in terms of reasonable and therefore would not be subject to the land acquisition processes that we have outlined.

In relation to those processes, it is very important to note for the record that the inherent protections of the Land Acquisition Act—compensation, objections, appeal rights—all remain. This bill does nothing to water those down. It does nothing to bypass them. It cannot do anything to bypass them, and it does nothing to undermine them. If we identify a piece of land that for some reason is more suitable than anything else available and requires acquisition, then all those processes will have to be undergone. If somebody is entitled to compensation, then they will have all those processes available to them in terms of compensation, objections and appeal rights.

We are advised that the bill is consistent with what exists in other states and territories, including the ACT and the NT, which simply require a public purpose, so they are much broader even than what we are contemplating today. I think it is Queensland that specifically provides for boarding houses, refuges and facilities for people with disability, social disadvantage or mental illness. That is also one of the broader definitions that applies.

There is nothing in this bill that is inconsistent with what other states and territories do. If anything, the amendment that we are considering here today seems to be long overdue. It looks like we have fallen behind. We are lagging behind the other jurisdictions in terms of making sure that, where land is compulsorily acquired, it is not just for the purposes of building a hospital.

I think there is much to be said about setting us up for the modern era of health care, where hospitals and ambulances are viewed as the last resort, if we are going to do anything to overcome the health crisis, as I have said, that has plagued us now for years and is likely to continue plaguing us for many more years.

With respect, I am not convinced of the opposition's position. I am not convinced that even if it were just limited to SAAS then you should not have the reasonable test. I am concerned at how that undermines the bill and the very important processes and standards that would otherwise apply. With those words, I indicate that I will ask some questions of the Attorney during the debate. We on this side of the bench look forward to the swift passage of this bill.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:55): I thank members for their contributions. I know there will be a few questions and I look forward to answering them at clause 1 and at other stages during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: I was just wanting to address an apparent misapprehension in some of the contributions to this debate. The Health Care Act uses a peculiar term, 'incorporated hospital', to refer to what are more commonly known as local health networks. I ask the minister: is it the case that incorporated hospitals deliver mental health services, both inpatient services and community-based services, and there is nothing in this act that would increase the capacity for incorporated hospitals, local health networks, to deliver mental health services, whether in inpatient facilities or in the community?

The Hon. K.J. MAHER: We are trying to clarify. Can I ask the honourable member to repeat the question?

The Hon. S.G. WADE: I will summarise it. The key point is that there seems to be an impression in the chamber that 'incorporated hospital' under the act refers only to inpatient services. However, my understanding is that incorporated hospital under the act is a reference to a local health network, and that local health networks under the Health Care Act do indeed provide hospital services but they also provide community-based services.

I specifically want to ask the minister: under the Health Care Act, do incorporated hospitals deliver mental health services as inpatient services and as community-based services and, therefore, this legislation, this bill, in no way expands the scope to invest in public mental health services?

The Hon. K.J. MAHER: I thank the honourable member for his question and I apologise it has taken some time to find an answer, but I want to be as accurate as I can. My advice is that if it were a standalone urgent mental health centre it may not be covered under current regimes.

The Hon. S.G. WADE: The honourable minister has given me an answer to a question I have not asked. The fact of the matter is that I am asking about public mental health services. The incorporated hospitals are local health networks under the Health Care Act. There is no need to expand the capacity for incorporated hospitals, local health networks, to acquire land for both their inpatient services and their community services as public health entities.

If the Labor government wants to talk about privatisation of mental health services engaged in the non-government sector that is a question for another stage in the discussion. But I think it is really important to clarify that the legislation that is already in place fully empowers public health services to acquire land for both inpatient services and for community-based services. They do it all the time.

The Hon. K.J. MAHER: My advice is: yes, that is correct, and we are not changing that. We are just making sure that in the situation I outlined, or for SAAS, there is greater ability to acquire land.

The Hon. S.G. WADE: The honourable minister invited me to think about the situation with the Urgent Mental Health Care Centre, and the Hon. Connie Bonaros invited us to do the same. There is only one Urgent Mental Health Care Centre in South Australia at the moment, and that is run by Neami, presumably on leased land on Grenfell Street rather than land owned by Neami. I just want to clarify: is it the government's intention that the government would use this power to acquire land on behalf of a private entity, e.g., Ramsay Health Care providing mental health care at the Adelaide Clinic, or non-government organisations such as Neami?

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that there is not an intention or anything currently before us that would be contemplated in circumstances such as that, but we are trying to contemplate as broad a range of possibilities to provide the best possible health care for South Australians.

The Hon. S.G. WADE: I commend the government for that. As the Liberal Party, we have demonstrated in the last four years of government that we are willing to partner with non-government organisations like Neami to deliver urgent mental health care centres. We will cooperate with agencies such as Adelaide Clinic to partner in the delivery of services. But I would say to the parliament that it is a very significant step to go one step beyond that by contracting with private entities to provide holistic services and actually using the government's compulsory acquisition power for private entities, non-government organisations, to acquire land.

As the Liberal Party, to be honest with you, that is something we would look at, but this is a bill that has been rushed through. It was guillotined. Standing orders were suspended in the other place and the bill was not given due consideration. We as the Liberal Party regard ourselves as having a duty to legislate in a properly considered way. The crossbenchers constantly call for that.

All we are saying in this bill is that we are more than happy to treat SAAS for what it is: a public health service. It should be treated no differently to any other incorporated hospital. But we do believe it is a significant step to broaden that compulsory acquisition power to private and non-government organisations, and we believe that it deserves due consideration.

The Hon. R.A. SIMMS: In his previous answer, the minister referenced concerns around the potential implications of the opposition's amendment in terms of definitional changes. Are there any other services, aside from mental health, that the government considers may well fall outside of the potential for acquisition were the opposition's amendment to be carried?

The Hon. K.J. MAHER: I thank the honourable member for his question. There is nothing specific being contemplated at the moment but, for example, services that provide things like renal dialysis or ACCHOs—Aboriginal Community Controlled Health Organisations that provide health services—but, overarching that, any land that was acquired under this would have to be vested in the minister.

The Hon. R.A. SIMMS: Can I ask a question about the reasonableness test that is being referenced today, and I must say one of the elements that does concern me a little bit about the opposition's amendments is the removal of that test. Can the minister explain how that test works in practice? What is the criterion?

The Hon. K.J. MAHER: I thank the honourable member for his question. As the honourable member points out, the bill expressly provides a reasonable test for compulsory acquisition. The test is not expressly found in the current acquisition provisions in section 40 of the current act when acquiring land for incorporated hospitals. I am advised, however, that it does appear in several other acts in respect of compulsory acquisition powers.

Under the proposed new section 90A, the minister, under the Health Care Act, may only acquire land subject to the Land Acquisition Act if the minister considers the acquisition is 'reasonably necessary for the purposes of the provision of health services'. What is reasonably necessary would depend on the particular factual circumstances, including the nature of the health service and geographical locations in question.

The Department for Health and Wellbeing's infrastructure group undertakes very detailed site planning processes, liaising with health service—

The Hon. R.A. SIMMS: I am sorry to interrupt you. I am having a lot of difficulty hearing the member.

The Hon. K.J. MAHER: I will start that paragraph again. What is reasonably necessary will depend on the particular factual circumstances, including the nature of health services and geographical locations in question. The Department for Health and Wellbeing's infrastructure group undertakes very detailed site planning processes, liaising with health service planning experts in respect of infrastructure projects. This approach would naturally be followed in circumstances of compulsory acquisition as well as liaising with the Department for Infrastructure and Transport's property directorate.

Furthermore, the minister's decision would be constrained by the principles of administrative law, which in general requires certain limitations to be read into statutory provisions such as the one in this bill. For example, these principles would include requirements to act bona fide and reasonably, to take all relevant matters into consideration, to exclude irrelevant matters from consideration, and to only act for the authorised purposes.

The Land Acquisition Act also provides established processes which provide the opportunity for independent review of whether the acquisition is reasonably necessary for the purposes—in this case the health provision services—and this could include a judicial review of the initial decision.

The Hon. S.G. WADE: I would like to come back to the question the Hon. Rob Simms asked. It was predicated on the understanding of the government's position being that mental health services would be excluded through the opposition's amendment. I would like to specifically ask the government: is it the government's view that the opposition's amendment to insert SAAS in addition to incorporated hospitals would have any effect of excluding mental health services?

The Hon. K.J. MAHER: My advice is that, comparing what is currently under the act and what the act would be if the opposition's amendment got up, it may not have an effect on mental health care services. However, I do not think that is a correct comparison when you compare what the government is proposing with what it would be if the opposition amendment had got up. I am advised that things like those urgent mental healthcare services could be affected.

The Hon. S.G. WADE: I certainly can see that point. That is the point. The point is that we may well want to expand our partnerships with community, non-government and not-for-profits. We may well want to use the compulsory acquisition power to do it, but let's properly consider that. Let there be no misunderstanding that our amendment does nothing—does nothing—to constrain public health services. It expands it by making it explicit that SAAS can use compulsory acquisition, including for its community-based services.

After all, it was the Marshall Liberal government that introduced the Mental Health Co-responder Program, which has ambulance teams working with mental health professionals in the community, delivering community mental health services. With the opposition's amendment, it would be possible to compulsorily acquire community-based facilities to support that program, no questions asked.

The honourable minister quite rightly points out that, as we continue to deliver the urgent mental health care centres that the Marshall Liberal government succeeded in successfully negotiating with the federal government, we may well want to undertake compulsory acquisition. We are more than happy to have the conversation about how that might work, but not in a bill that has been rushed through in one day in the house, no consultation with stakeholders, no consultation with the community. If we are a house that believes in due process, yes, we can agree with SAAS today, but let's have the bigger conversation in a more orderly way.

The Hon. K.J. MAHER: Again, I appreciate the honourable member's view that the amendment from the Liberal opposition will not constrain it any further than the current act constrains it, but that is exactly the point. That is why we have this act before us. What the Liberals seek to do is constrain it compared to what the Labor bill before us does. There will be fewer things that will be compulsorily acquired for health services if the Liberals' amendment is accepted compared to the bill that is before us at the moment.

I think it is important to note as well that we are bringing it significantly into line with what a number of other jurisdictions do. The term 'health services', I am advised, is used in the acts in New South Wales and Queensland, for example, for the compulsory acquisition of land in these circumstances. The honourable member might say, 'Don't pass this bill because we don't need it because you can already do everything you can do if we have the amendment.'

That is the exact point. We do not think there should be the amendment. We think there should be the ability to do more, for the government to acquire land in circumstances where it is reasonably necessary for the provision of health services. I do not agree with the comparison the honourable member is trying to make, that it will be exactly the same if you take this out as it is now. That is the whole point of putting this bill up, to change it.

The Hon. S.G. WADE: Can I get back to the key point of this bill? In the government's briefings to the opposition, the only current purpose for which the government seeks this bill is in relation to SAAS. Could I ask the government what the SAAS facility is that will be facilitated by this bill?

The Hon. K.J. MAHER: I do not have that information with me, I am afraid.

The Hon. S.G. WADE: Can I ask the minister to seek advice? After all, it is claimed that there is urgency with this. The parliament has an entitlement to know why it is urgent.

The Hon. K.J. MAHER: I advise the honourable member that there are currently two facilities under consideration by SAAS that this bill would have work to do. Due to commercial-in-confidence considerations I cannot outline the physical locations of those, but there are two under consideration at the moment.

The Hon. S.G. WADE: I thank the honourable minister for his answer. I certainly do not want specificity that would compromise commercial confidentiality. Can I clarify: are these ambulance stations or is this the CBD operations centre that has been promised by the government?

The Hon. K.J. MAHER: I thank the honourable member for his question, and I am pleased to be able to provide further advice. My advice is that there are locations currently being considered for SAAS facilities that it is thought the provisions that are contained in this bill may be needed for. I think that answers what the honourable member was asking.

The Hon. S.G. WADE: It certainly made it clear that the government intends to be vague, and we do not dispute that—we want to facilitate the acquisition of facilities that support SAAS. To follow up on the honourable minister's earlier advice to the council that, if land was acquired under this legislation, under this provision, it will be vested in the name of the minister. Let us say that it was an urgent mental health care centre, which presumably is contracted under a four-year contract perhaps. Does the government, in using the example of an urgent mental health care centre, think that at the end of a four-year contract the government is not only faced with the issue of whether or not to continue the contract but what will they do with the acquired asset at the end of that service?

The Hon. K.J. MAHER: What is the question?

The Hon. S.G. WADE: I want to clarify: when the government is using the example of an urgent mental health care centre, is it suggesting that the land would be held in the name of the minister and that, if you like, the bundled property and the contract is such that if the contract is not continued, basically the government is left with a stranded asset.

The Hon. K.J. MAHER: I thank the honourable member for his question. My advice is that, given the lengthy nature of the process that would have to be gone through, the tests involved in having to acquire land and the great amount of research and advice that goes into seeing when a service is needed, it would be a highly unlikely scenario that a service is needed and then, just a short time later, is not needed any more.

The Hon. R.A. SIMMS: Just to circle back to the general principle of acquisitions of property, can the government provide some examples of where the compulsory acquisition power is currently being used and whether the same principles would apply in this case?

The Hon. K.J. MAHER: My advice is that it is a rarely used occurrence. In very recent times there have only been a handful of compulsory acquisitions commenced. Again, for commercial-in-confidence reasons, I cannot go into those but they are for the purposes of public hospitals.

The Hon. R.A. SIMMS: But outside of the health space, are there are other examples that the government can think of?

The Hon. K.J. MAHER: Do you mean not under this act?

The Hon. R.A. SIMMS: Yes.

The Hon. K.J. MAHER: My advice is the major place where this happens outside this act is under roads, under the Highways Act, for the Department for Infrastructure and Transport. Probably the most ventilated recent example is the project for South Road where there are compulsory acquisitions that occur.

The Hon. R.A. SIMMS: Just so I am clear, what the government is seeking to do is extend the principles that currently apply in terms of compulsory acquisition for highways and roads to health services?

The Hon. K.J. MAHER: My advice is that what are picked up are the provisions under the Land Acquisition Act. My advice is that the principles that would apply for the compulsory acquisition

for roads are, under those Land Acquisition Act principles, the same that apply currently for hospitals and then would apply to what this act would extend to.

The Hon. S.G. WADE: In the answer to the Hon. Robert Simms, the minister has indicated that the primary use of the Land Acquisition Act is in relation to highways. I would like to take the minister back to, if you like, the human services sector. Does the government have the capacity to compulsorily acquire land in relation to schools, in relation to community services such as those provided by the Department for Child Protection or the Department of Human Services?

The Hon. K.J. MAHER: This is not something that is the subject matter of experts in health, but my advice seems to indicate that, outside roads, there is the power to acquire for schools. But my advice is—and again I preface it by saying that the subject matter of the experts here is in the health area—they are not aware of how to acquire, for example, for the Department of Human Services or the Department for Child Protection.

The Hon. S.G. WADE: I thank the minister for his answer. So, by direct analogy, can the minister advise whether the education provisions for land acquisition allow the state government to acquire land on behalf of a private school?

The Hon. K.J. MAHER: I think I was pushing at getting advice about what other departments do. As I say, the subject matter experts in that area are not here today.

The Hon. S.G. WADE: That is why bills being debated in the parliament are given due consideration by consulting the stakeholders and consulting the community. The parliament is being asked to pass a provision which, in my mind, on my reading, would allow the government to acquire land on behalf of a private hospital. As the Liberal Party, we are happy to have that discussion, but that is a big step, and the government is not even able to tell us that they are willing to do that for private schools. Why should we not properly consider whether we should do it in relation to private hospitals?

If I could paint a scenario that comes out of my experience as a minister, I have had approaches from private developers who wanted me to use, if you like, public sector laws to give them an opportunity to fast-track a private sector proposal. On my reading of this bill, it is exactly what the Minister for Health and Wellbeing may well be asked to do by a private hospital.

They might be having trouble acquiring land to build a private hospital. The easy way out is to approach the minister and say, 'This is a health service under this act, so broadly written that you could access the land acquisition power.' These are matters that should be properly considered by the parliament, properly consulted with stakeholders, properly consulted with the community. This is another rushed bill that risks being another botched effort.

The Hon. K.J. MAHER: I thank the honourable member for his contribution because that is exactly the purpose: to make sure that it is easier to provide the health services to South Australians that they need, full stop.

The Hon. C. BONAROS: Frankly, I do not buy the argument that has just been put. I just want the minister to confirm: we are not talking about a hotel at Adelaide Oval; we are talking about the provision of health services to help with a health crisis.

The Hon. S.G. Wade: A private hospital.

The Hon. C. BONAROS: I have asked the questions. Attorney, can you confirm for the record: when I attended my briefing, I asked specific questions in relation to the provision of private health services and that was because a lot of the services inevitably, regardless of how they are built or who they are built by, will be run by private operators, so in many instances these are not services that are actually provided by government or public sector employees, they are privately run services that benefit our communities in terms of providing health services. Can we confirm that that is what we have discussed at the briefings on this bill?

The Hon. K.J. MAHER: I am advised that, in short, yes, and I think that was the exact point I was trying to make to the Hon. Mr Wade. This is about providing health services to South Australians who need them.

The Hon. C. BONAROS: Thank you. Can we confirm that under the provisions of the bill the minister will need to be satisfied and be able to stand by the fact that those are reasonably necessary for the provision of health services?

The Hon. S.G. Wade interjecting:

The Hon. C. BONAROS: Lots of politicians have done great work at creating this health crisis. I would like to see someone try to fix it.

The Hon. K.J. MAHER: Yes, I can confirm that and, furthermore, that such decisions would be judicially reviewable.

The Hon. C. BONAROS: Can we confirm also, just so we are all crystal clear, that nothing we are doing here is out of line with any other acquisition process that already exists in the Land Acquisition Act? Can we confirm that the compensation, the appeals, the objections, the solatium all apply? We are not doing away with any of those things? Is it correct that all the normal benefits and inherent protections that apply under the act for every other acquisition apply to this bill?

The Hon. K.J. MAHER: My advice is yes.

The Hon. C. BONAROS: And that is no different from acquiring commercial buildings for the purposes of building a casting yard that might still go back into private hands once the road or the works around the road are finalised, so the government might still put that land back into private hands once that road or project is completed?

The Hon. K.J. MAHER: My advice is yes.

The Hon. C. BONAROS: Can we just confirm, again, that by striking out the reasonable test we are actually watering down the provisions of the bill, albeit only in relation to SAAS buildings?

The Hon. S.G. WADE: On merely a matter of process, the amendment has not been moved.

The Hon. K.J. MAHER: We are talking at clause 1, mate—settle down. It is okay.

The CHAIR: We are still at clause 1, which is pretty broad. The honourable Attorney, I will sort that out.

The Hon. K.J. MAHER: My advice is that in relation to what is being proposed as an amendment, it takes out the 'reasonable and necessary' for the purposes of both incorporated hospital and SAAS, as proposed in this bill.

The Hon. C. BONAROS: Can we finally confirm for the record that, in comparison to every other Australian jurisdiction, we are the only one that limits this to hospitals? Other jurisdictions go way beyond our existing definition to include 'health services' or 'public purposes related to health services'?

The Hon. K.J. MAHER: I can advise that Victoria's health services legislation provides power for the relevant minister, under the Land Acquisition and Compensation Act in that jurisdiction, to acquire land for the broader public health services and not just hospitals. The New South Wales legislation contains both the power for the government to acquire land for health service and ambulance function.

Queensland, probably of all Australian jurisdictions, provides for the most compulsory acquisition. Land may be acquired for the purpose of ambulance services, health facilities, as well as hospitals and services in relation to the operations of hospitals. I am advised it is broader in WA, further from just hospitals. I am advised that other Australian jurisdictions, to varying extents and the language used, provide for their governments to compulsorily acquire land for health purposes more broadly than just hospitals.

The Hon. S.G. WADE: With all due respect, minister, it may well be that some legislation is broader, particularly in Queensland, but Victoria, for example, specifically limits it to public health services, so what is being proposed here is broader in terms of private, not-for-profit and community groups.

The Hon. K.J. MAHER: I thank the member. That is what I have said. As I said, 'other jurisdictions to varying extents', and that is why I read out some of the different examples.

The Hon. C. BONAROS: Can we confirm also for the record, because one of the issues that was raised with me was that we could be using any given definition that applies to health services, that the definition that we are actually looking at is the definition that exists under the Health Care Act 2008, namely 'health service' means 'a service associated with' and then that list that we have referred to? Is that the only definition that we are going to be relying on in terms of this bill?

The Hon. K.J. MAHER: My advice is that is absolutely correct.

The Hon. S.G. WADE: I am almost being provoked, Mr Chair. The suggestion that that is a limited definition is not the case. For example, I think the honourable Leader of the Opposition commented that promotion of health and wellbeing could be as broad as a gymnasium, a sports facility or a walking trail.

I would just put it again to this council that the Liberal Party is more than happy to have a conversation about broad partnerships, but due process—this bill was tabled the Tuesday of last sitting week in the House of Assembly, guillotined through that house the next day. It has not been subject to stakeholder and community consultation. We are more than happy to have the conversation with stakeholders and the community. I will just remind the crossbenchers of their stated principles for due consideration by parliament and the community.

The Hon. C. BONAROS: I would remind members of this chamber that we come here with the exact same time frame as they do and do our level best with five members between us all to be on top of the brief for this bill. We get here, we do our consultation and we are still here.

Can I confirm for the record, particularly on something that is non-contentious, which is what we would have assumed this would be—I am only speaking for us, but I think that is the general consensus amongst the crossbench—that, in response to that question, health service means:

- (a) a service associated with:
 - (i) the promotion of health and well-being; or
 - (ii) the prevention of disease, illness or injury; or
 - (iii) intervention to address or manage disease, illness or injury; or
 - (iv) the management or treatment of disease, illness or injury; or
 - (v) rehabilitation or on-going care for persons who have suffered a disease, illness or injury; or
- (b) a paramedical or ambulance service; or
- (c) a residential aged care service; or
- (ca) a research, pathology or diagnostic service associated with veterinary science; or
- (d) a service brought within the ambit of this definition by the regulations

but does not include a service excluded from the ambit of this definition by the regulations.

Can I confirm that that is the definition and the only definition that we are all referring to?

The Hon. K.J. MAHER: I am advised, yes, that is the definition contained. I think it is also worth adding to the Hon. Stephen Wade's contribution that it is not just doing any of these things willy-nilly because you feel like it. Under the legislation we have before parliament, which the Liberals are seeking to change, it has to be reasonably necessary for the purposes of the provision of the health services.

The Hon. C. BONAROS: So you would not be able to go and open a golf club because it might be promoting health and wellbeing if the minister—and that will fall on the minister's shoulders—cannot pass that test, and is that likely to pass the reasonable test that is outlined in the bill?

The Hon. K.J. MAHER: I would never propose to substitute myself as to what a court might say in the purpose of judicial review. However, it would need to be reasonably necessary, and that

test is subject to judicial review, so a minister in making these decisions would have to be pretty confident that it was reasonably necessary. There are formed bodies of law on what that entails and what it means.

The Hon. S.G. WADE: Could the Attorney, also representing the Minister for Health and Wellbeing, clarify what reasonable and necessary relates to? It is not for the courts to say, 'Is it reasonably necessary for the health and wellbeing of South Australians to have a golf club at Grange?', but whether it is reasonably necessary to deliver a golf club at Grange that the land be acquired. Surely the Attorney is not suggesting that judicial review is going to develop health planning and policy?

The Hon. K.J. MAHER: I am happy to read it again. I think I made this point before. The minister's decision will be constrained by the principles of administrative law in general, which requires certain limitations to be registered statutory powers, such as the one in this bill. For example, these principles would include the requirements to act bona fide and reasonably, to take all relevant matters into consideration, to exclude irrelevant matters from consideration, and to only act for an authorised purpose.

The CHAIR: The Hon. Mr Wade, I will listen to what you have to say. I think the committee should move towards the clauses with the amendments. This has been well canvassed.

The Hon. S.G. WADE: Sure, and I would make the point that the honourable Attorney-General—

The Hon. K.J. MAHER: Can you not point, mate? You know that is unparliamentary and you do it all the time. Hands down, Wadey.

The CHAIR: Order! Attorney, listen to the Hon. Mr Wade's questions, please.

The Hon. S.G. WADE: The honourable Attorney finished his remarks by saying, if it was for an authorised purpose, it would be permitted. The point I am making is that the authorised purpose, the delivery of their health service, is the golf club. So it is not whether or not the golf club is reasonably necessary to facilitate the health and wellbeing of South Australians, it is whether or not the acquisition of the land is reasonably necessary to deliver the golf club. This is extremely broad, and I believe that it deserves much more thorough consideration by the parliament. If this council wants to let it through to the keeper on, 'Let's trust the government,' that is not the opposition's position.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. N.J. CENTOFANTI: I move my amendment in an amended form as follows:

Amendment No 1 [Centofanti-1]—

Page 2, lines 13 to 15 [clause 3, inserted section 90A(1)]—

Delete 'for the purposes of the provision of health services' and substitute:

for the purposes of an incorporated hospital or SAAS

I move my amendment as circulated, in an amended form, concerning deleting the words, 'if the Minister considers that the acquisition of the land is reasonably necessary'. We acknowledge the concern by the crossbench and the government on the removal of these words around reasonably necessary and the thought that it would water down the amendment. Therefore, by now leaving in those words but deleting 'for the purposes of the provision of health services' and substituting those words with 'for the purposes of an incorporated hospital or SAAS' will, in effect, limit the acquisition power to incorporated hospitals and SAAS only.

There would also be a consequential amendment to the proposed section 90A(2) to delete reference to 'a HAC', a health advisory council established under the Health Care Act. The proposed amendment to section 90A(1) limits the section's application to incorporated hospitals and SAAS only and therefore it would be unnecessary to refer to HACs in 90A(2), as the amended 90A(1) would

not limit or affect the powers of a HAC. I note, however, that if my amended amendment is not successful, given the fact that my amendment No. 2 is consequential, I will not be moving it.

The CHAIR: The Hon. Ms Centofanti, it is not an amended amendment; it is the amendment that you have moved in that form.

The Hon. N.J. CENTOFANTI: Yes, in an amended form.

The Hon. R.A. SIMMS: As I indicated in my second reading remarks, I was intending to listen to the debate. I have reflected on the contributions made by members and, in particular, listened to the responses of the minister. I am concerned by the amendments that the opposition are proposing, in that they may limit the power of the government in terms of these acquisitions in ways that may make it difficult to address the health crisis.

I do understand the arguments that have been made by the Hon. Mr Wade and the Hon. Ms Centofanti, but I do also think, as a general principle, that if these rules are good enough to use for acquisition of private land to build a highway to allow more roads and to allow more cars on our roads and all of the adverse consequences that flow from that for our environment and our community wellbeing, then I am not sure why we would not apply the same principles when it comes to health services that might actually help people in the community.

So whilst I do understand the arguments that have been put, we are not in a position to support the opposition's amendments.

The Hon. C. BONAROS: I think I have made the point during my contribution on the second reading and during this discussion that we will not be supporting the amendment in either form.

The Hon. K.J. MAHER: The government will not be supporting the opposition's amendment.

Amendment negatived; clause passed.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (USE OF DEVICES IN VEHICLES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 November 2022.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:49): I rise to speak on the Statutes Amendment (Use of Devices in Vehicles) Bill, and I note that I will be the lead speaker for the opposition. I would also like to note that the opposition will be supporting this bill, albeit we do have a number of questions to raise in the committee stage, particularly those questions that were either not answered in the other place or taken on notice by the minister.

I would like to start by acknowledging that a lot of the preparatory work on this bill was done by the former Liberal government. It is a bill that is an important step in improving road safety, and efforts to do better on our roads should always be bipartisan. Driving is a privilege and yet it is something that many of us take for granted. Each time you get behind the wheel of a vehicle or sit on your motorbike, you have a responsibility to every other road user because the choices you make on the road can have deadly consequences.

Drivers must remain vigilant to the fatal five causes of road trauma: drink and drug driving, speeding, driving whilst distracted, not wearing a seatbelt and dangerous road behaviour. Of those

fatal five, driver distraction is the leading cause of fatalities and serious injuries on South Australian roads. The statistics are damning.

In South Australia, inattention was a contributing factor in 51 per cent of fatal crashes and 34 per cent of serious injury crashes in the last five years between 2017 and 2021, representing 247 deaths. This year alone, 1,330 serious injuries and 17 deaths have been attributed to a distraction whilst driving. It is heartbreaking, it is a senseless waste of life, not to mention the catastrophic and life-changing injuries. Lives lost. Lives changed. Families, friends, communities forever altered.

I understand that 30,000 expiation notices have been issued over the last four years for mobile-related offences in South Australia. That is 20 people every day on South Australian roads putting themselves and others in harm's way, and that does not account for those who are not caught. This bill will enable the installation of new mobile phone use detection cameras, which will be able to detect drivers illegally operating mobile devices. It will enhance efforts to make sure that drivers on our roads are paying attention.

It is technology already used in New South Wales and Queensland, and being trialled in Victoria and the ACT. It will be another important tool in our toolkit as we continue to work Towards Zero Together. It will help us to deter those 20 people who get caught every day and hopefully deter all those who police officers are not able to capture through direct observation tactics alone.

The mobile phone detection cameras are a new purpose-built, high-definition camera to be installed at high-risk metropolitan sites. Where technology exists that has the potential to have a positive effect on road safety, it is incumbent upon us to consider how it can be applied with certainty and legislate accordingly.

Too many lives are lost unnecessarily each year on our roads. We must take every step possible to improve road safety in South Australia. We must reduce the risk to drivers, to cyclists and to pedestrians. It is my hope that these detection cameras will act as a strong deterrent to drivers who attempt to use their mobile phone whilst driving and will help to change driver behaviour over the long-term so that drivers are more attentive when behind the wheel.

The Hon. R.P. WORTLEY (16:53): Driver distraction is a major road safety risk and a leading cause of fatal and serious injury crashes on South Australian roads. Using a mobile phone while driving is dangerous. Road trauma is a blight on communities and tears families apart. The Malinauskas government is committed to reducing dangerous and high-risk driving behaviours such as distraction. This measure is an important deterrent to a significant behavioural contributor to the road toll.

Mobile phone detection cameras have been installed interstate and have proven effective in identifying drivers illegally using their phones. The introduction of mobile phone detection cameras aligns with South Australia's road safety strategy target of reducing serious casualties to fewer than 43 lives lost and 477 serious injuries by 2031.

The Statutes Amendment (Use of Devices in Vehicles) Bill 2022 amends the Road Traffic Act 1961 to allow for the use of mobile phone detection cameras. Between 2017 and 2021, inattention has been a contributing factor in 51 per cent of fatal crashes and 34 per cent of serious injury crashes. That equates to 247 deaths and 1,333 serious injuries. Over the past four years, well over 30,000 expiation notices were issued to drivers in South Australia for mobile phone offences. No doubt these new measures will increase that quite dramatically, making it much more inconvenient for people to use their phones while driving a car.

Mobile phone detection cameras will work in conjunction with existing enforcement measures and in addition to other road safety measures introduced by the Malinauskas Labor government, such as the new anti-hoon laws, which could see motorists found guilty of extreme speeding offences facing three years' imprisonment. Mobile phone detection cameras will target distraction, one of the fatal five contributing factors known to cause road trauma. The other fatal factors are drink and drug driving, speeding, not wearing a seatbelt and dangerous driving.

All revenue generated by the mobile phone detection camera fines will be directed to the Community Road Safety Fund to invest in road safety for our community. Examples of initiatives

funded by the Community Road Safety Fund include the State Black Spot program, road safety research, the Way2Go school safety program and road safety infrastructure. The cameras are expected to be operational from late 2023, with a three-month grace and education period. I urge you all to support this motion.

The Hon. E.S. BOURKE (16:56): I rise to speak in support of the Statutes Amendment (Use of Devices in Vehicles) Bill. Put simply, the bill amends the Road Traffic Act to allow police to use mobile phone detection cameras. These cameras will act as a deterrent and will target distraction, which, as we know, is a contributing factor to motor vehicle accidents and road trauma in South Australia.

Between 2017 and 2021, inattention was a contributing factor in more than half of all fatal crashes and more than a third of crashes involving serious injury. I have seen reports that texting increases the risk of a crash or near crash by about 15 times for drivers of cars and around 20 times for drivers of trucks. These statistics are alarming and yet approximately 60 per cent of Australian drivers admit that they have used a mobile phone that is not hands-free while driving. Of those people, 89 per cent have made a phone call while driving, 39 per cent have sent a text message or instant message while driving and 31 per cent have checked their emails or browsed the internet while driving.

As we all know in this chamber, every year the road toll, the number of deaths on South Australian roads, is recorded. Last year, 99 people lost their lives on South Australian roads and 827 people were seriously injured. We hear reports of accidents and injuries caused by people driving whilst distracted. It is heartbreaking to think of the lives lost to driver distraction and the families torn apart senselessly. That is why the Malinauskas government is committing to reduce dangerous and risky driving behaviour.

The rollout of mobile phone detection cameras aligns with South Australia's road safety strategy target to reduce serious casualties to fewer than 43 lives lost and 474 serious injuries by 2031. Mobile phone detection cameras will work in conjunction with existing road safety and enforcement measures introduced by the Malinauskas Labor government, including new anti-hoon laws. They will be operational from late 2023, with a three-month education and grace period for drivers. They work interstate, so why should we not be making the most of this potentially life-saving technology in South Australia.

The revenue generated through fines resulting from the cameras will be invested straight back into road safety and community safety. It will go into the Community Road Safety Fund, which is used for initiatives like road safety research and infrastructure; the State Black Spot program, which funds low-cost safety works like the installation of traffic signals at road locations that have been identified as higher risk and where accidents have often occurred; and the Way2Go school safety program, which is an evidence-based program to educate students and their families on safety when walking and riding their bikes to school—which I believe my children have just undertaken. I encourage the council to support this bill.

The Hon. C. BONAROS (17:00): I speak on behalf of SA-Best in support of the Statutes Amendment (Use of Devices in Vehicles) Bill 2022 for all the reasons that have just been outlined by honourable members. The bill, as we know, seeks to amend the Road Traffic Act and the Motor Vehicles Act to facilitate the use of purpose-built, high-definition mobile phone detection cameras in a bid to add another strong deterrent against using a mobile phone while driving a vehicle, which, as we know, still remains a major contributor of driving distraction and has caused senseless death and serious injury to countless people.

I understand the cameras are to be fixed above multilane roads and will operate day and night in all weather conditions. Artificial intelligence (or AI, as it is more commonly known) will triage images in the first instance before a human eye is cast over the image prior to a fine being issued. There is a process involved in what is being proposed here, and we have had lengthy discussions with the government about that process and how it will work in practice. We have heard varying reports as to the accuracy of the cameras in other states, but we have been assured that it is pretty high, with more than 90 per cent of motorists copping fines in New South Wales without challenge.

I just referred to the process in terms of the artificial intelligence as to how many photos that will take of vehicles passing through those multilane roads but then also the human element in terms of reviewing that photo where we think a phone is involved, and then a human eye being cast over the photo to ensure that it is actually a mobile phone, is certainly part of that process. I will come back to this point in a moment because it is not a watertight process but it is the best that is available with current technology and human intervention.

In terms of the cost, we have been advised that the outlay is around \$11 million in the first instance, with the annual revenue projected to reach \$18.89 million in the second year of operation before falling to about \$17.3 million in the following year, as drivers hopefully start to learn from very expensive lessons.

I would like to know, and I think I asked this question at the briefing, what that money—and these devices will pay for themselves very quickly, and hopefully they will have the deterrent effect very quickly, so we will see a drop in that revenue—is earmarked for, namely, will it go towards any specific safety projects involving road users or just back into general revenue and government coffers? I would like the relevant minister to provide clarification on that in due course when we get to the committee stage, or at the wrap-up of this debate. That being said, we fully support measures aimed at reducing the number of people either killed or injured on our roads, and that is what this bill aims to do.

In the five years to the end of 2021, 247 deaths on South Australian roads were caused by driver distraction, and that is 51 per cent of all road deaths. That is 247 too many. It is 247 needless empty seats at the family dinner table. A further 1,330 people were seriously injured over the same five-year period through driver distraction, with many sustaining life-changing injuries.

We continue to have some concerns about the definition of 'mobile phone'. We support the passage of this bill, but certainly in our briefings my colleague and I have both raised concerns that we continue to have around the definition of mobile phone. We understand that a broadening of that definition is still under consideration following a national review, but for the current purposes the definition relied on is that which existed in regulation 300 of the Australian Road Rules.

It is outdated, some would say archaic. A case in point is that earlier this month a Queensland magistrate found driver Konrad Gallaher not guilty of the Queensland offence of operating a vehicle while using a mobile phone. I point to this example because it is the precise sort of discussion we have been having with the advisers and police on this issue at those meetings.

Mr Gallaher represented himself at trial and successfully argued that the device he was holding was actually an iPod 6 and in fact was a portable music player and not a mobile phone. He argued that he did not have a SIM card inserted in it and therefore had no mobile phone functionality, and his case was strengthened by the fact that his mobile phone could also be seen in the image in a cradle. He had a mobile phone in a cradle, an iPod over here, and he was pinged for the iPod not the mobile phone, which was legitimately being used in the cradle. The magistrate found in his favour, but I think it was noted that that device used by the driver was just as dangerous as a mobile phone.

The same, of course, could now be said for smart watches. So we have advancing technology, people being able to use various devices while they drive, and the definitions and the rules around using a watch are very unclear. Some members of the public may still not be aware that having a phone on your person while driving is not allowed if you are going to use it. If it is sitting on my knee, it is not something that is allowed. If I press the button while it is on my knee, that is an offence. It has to be sitting in the cradle. But when you are wearing a watch on your hand, those rules become very murky. We do not know if pressing a button on the watch is the same as having a device on your person as opposed to in a cradle.

There is a lot of murkiness in the law at the moment. We acknowledge and accept that that is currently under review, and certainly this government is going to have to decide whether, at the end of that review, it looks at any recommendations that seek to address that mobile phone definition so that it captures all those other—iPod or watches or whatever the case may be—devices and sets parameters around their use in a motor vehicle while driving. I just flag that with the chamber because I think it is something that we will certainly have to come back to and something that we should be watching out for, given the emerging technologies that none of these bills have addressed to date.

I will have some specific questions asking the government just to confirm, I suppose, what we have raised with them in terms of those future challenges prior to any amendment at the national level. That being said, though, we are fully supportive of any measures aimed at reducing our road toll. One life lost, as we all know, is one life too many. We all know that, and I think we are all doing our level best to try to reduce the number of deaths on our roads. With those words, we look forward to the next stages of the bill.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:08): I would like to thank members for their contributions: the Hon. Ms Centofanti, the Hon. Mr Wortley, the Hon. Ms Bourke and the Hon. Ms Bonaros. As many have alluded to, driver distraction is nationally recognised as a significant road safety risk. It is the leading cause of fatalities and one of the leading causes of serious injury crashes on South Australian roads.

Illegal mobile phone use while driving is an activity that is increasingly prevalent and it can be associated with physical, visual, auditory and cognitive distraction. It severely impacts a driver's ability to concentrate on driving tasks or the road environment. The introduction and use of mobile phone detection cameras provides an opportunity to support and expand the traditional on-road enforcement for the offence of using a mobile phone while driving, thereby ensuring greater deterrence across the road network.

This bill is a positive road safety initiative aimed at reducing serious injuries and lives lost on South Australian roads. I thank members for their indications of support for this important bill and I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: The Hon. Connie Bonaros covered this in her second reading speech, but just for the record can it be explained how the surveillance process will be undertaken? I understand there was a discussion of artificial intelligence and then real person, so if that could just be put on the record by the government that would be appreciated.

The Hon. C.M. SCRIVEN: The cameras are yet to be procured, and I am advised that technology can vary, but the department understands that some of the cameras of this type available on the market utilise a combination of artificial intelligence and human evaluation to examine the photographic footage and/or video evidence captured by the high-definition detection camera of the inside cabin of the vehicle.

So it is on the basis of the evidence obtained from that footage that SAPOL would then determine what further enforcement action to take. Just to summarise, there will be the photographic evidence but then a real person will look at that after it has been through potentially the AI process.

The Hon. C. BONAROS: Further to that point, though, I think—and certainly this is the reason we asked these questions as well—it is likely that there will be photos taken on an ongoing basis of all vehicles that pass through those roadways and then it will have the ability to detect, as well as possible, a phone, and then it is those photos that will be referred to the human person who is trying to actually confirm, I suppose, whether there is a mobile phone in use.

So we are actually talking about pretty much every road user's photo being taken as they pass through that motorway. Where a phone is detected, it is that photo that will then be referred off to a human person for confirmation that there is a phone in use.

The Hon. C.M. SCRIVEN: My advice is that, yes, that is correct, and there is always human adjudication of that.

The Hon. L.A. CURRAN: The Hon. Ms Bonaros in a contribution spoke of the need for a phone to be secured in a cradle, otherwise you are in breach of the law should you be using your phone. Can the minister advise if currently under the legislation utilising a bluetooth or USB cable

without a dedicated purpose-built cradle would be in breach of the law—i.e. members of the community using a bluetooth or cable, chucking it in the drinks centre or resting it elsewhere in the car?

The Hon. C.M. SCRIVEN: I am advised that, under current Australian Road Rule 300, a mobile phone may only be used to make or receive a phone call—which is defined to exclude email, text or video messages—and only if the phone is either secured in a mounting fixed to the vehicle, and the mounting must be commercially designed and manufactured for the purpose and attached as the manufacturer intended, or remotely operated, and the phone must not be held by or resting on the body. A driver's pocket or pouch is excluded, and there must be no touching of the keypad. This is aimed at bluetooth technology and earpieces and headsets, which themselves may be touched.

Just to conclude, for completeness: if a person wishes to make or receive a call and needs to touch the phone in order to do so, including its keypad, the phone must be mounted. The mobile phone cameras will use human adjudication to determine whether the driver is in fact in contravention of ARR 300 by viewing the image captured to see if the mobile phone is secured in a mounting affixed to the vehicle. Hopefully, that answers your question.

The Hon. C. BONAROS: Can we maybe simplify that a little bit: most cars nowadays have a digital display. If a cord is plugged into my phone, then I cannot touch the phone but I can operate the phone through the digital display that is in my car on the little screen. You have the mirror image of your phone on your display. There is nothing wrong with operating that display, you just cannot touch the actual phone when it is connected via bluetooth.

The Hon. C.M. SCRIVEN: I am advised that for bluetooth, it can be operated as long as you are not touching it.

The Hon. N.J. CENTOFANTI: Going back to the photos that are taken: will the photos or detection evidence be retained over a lifetime, will they be retained over a certain period, and what is the time frame before that evidence is dismissed or destroyed?

The Hon. C.M. SCRIVEN: I am advised that all records relating to the operation of fixed and mobile safety cameras, including the site selection and digital images captured by fixed and mobile safety cameras, are retained for minimum periods of seven and five years respectively. Section 6(1)(e) of the Expiation of Offences Act 1996 provides that an expiation notice:

cannot be given after the expiry of the period of 6 months from the date on which the offence was, or offences were, alleged to have been committed;

The records and digital images captured by the existing cameras are retained for this length of time to allow for any proceedings in relation to the offence to be finalised, including any prosecutions or appeals. It is anticipated that the evidence captured by the new mobile phone cameras will be retained for similar periods for the same reasons.

The Hon. N.J. CENTOFANTI: The minister spoke about minimum periods; is there a maximum period?

The Hon. C.M. SCRIVEN: I am advised that, operationally, although that is a minimum it is also used as a maximum.

The Hon. L.A. CURRAN: Returning to the previous question: can the phone be used if it is on the person's body but bluetooth is being utilised? My second question is: can the phone be left loose in the vehicle, not in a dedicated phone cradle that is purpose-built, i.e., you are utilising the hands-free functions of your vehicle and it is resting elsewhere in the car?

The Hon. C.M. SCRIVEN: I am advised that the answer is, no, it cannot be on the person or on the seat, it must be, as I think I mentioned in the earlier answer, on a commercially manufactured holding apparatus and used in accordance with the manufacturer's instructions.

The Hon. L.A. CURRAN: Am I correct in saying that any member of the community, as the legislation currently stands, who plugs in a USB cable or utilises bluetooth functions, who rests their phone in their cup holders or in a tray within their car, is currently in breach of the legislation?

The Hon. C.M. SCRIVEN: I am advised that, yes, you are correct, but I am assuming from your question that you are only referring to making a phone call during that time.

The Hon. L.A. Curran: Utilising the hands-free function for the purpose-built within the vehicle.

The Hon. C.M. SCRIVEN: My advice is that, yes, what you have said is correct.

The Hon. C. BONAROS: If the phone is plugged into a cord and it is sitting in your console, as opposed to in a cradle, but you are not touching the phone and it is not on your person and you are operating the phone via the screen that we were referring to, is the minister suggesting that that is also in breach? You are not touching the phone. It is not on your person. It is simply connected to a cord.

The Hon. C.M. SCRIVEN: I am advised that the current rule is that it must be secured in a mounting affixed to the vehicle, if you are using it. Even if remotely operated, the phone must not be held or rest on the body, other than a pocket or pouch.

The Hon. C. BONAROS: What if you are using the phone itself—if you are using the telephone, as opposed to the functions of the phone that are mirrored through the digital display?

The Hon. I.K. HUNTER: I am asking for a friend—not a very techy friend. Minister, imagine that someone has a bluetooth pairing of their phone with their car. The phone is in their pocket or purse or in a bag in the back, but it is still paired and they are operating the phone with the buttons on the steering wheel. Is my friend contravening the law, or is he not?

The Hon. C.M. SCRIVEN: I am advised that, if it is being operated through bluetooth, it cannot be on the person but it can be loose in the car, as long as one is not touching the apparatus. I would just like to point out, though, that my advice is that the current Australian Road Rule 300 to which we are referring is not subject to change under this. The actual rule is not changing, just to be clear in terms of what we are debating here.

The Hon. L.A. CURRAN: Does that also extend to USB-attached mobile devices that are being utilised through hands-free functions of the car? So you are not touching the phone. It may be loose in the vehicle in the sense that it is not secured within a cradle that is purpose-built and secured to the vehicle, so it may be on the seat or in a drinks holder or something. Is the minister's advice that currently members of the parliament—

The CHAIR: Public—members of the public.

Members interjecting:

The CHAIR: Order!

The Hon. L.A. CURRAN: —members of the public are able to do so, and that extends beyond bluetooth?

The Hon. C.M. SCRIVEN: I am advised, yes, you can use that in the same way as the bluetooth technology.

The Hon. C. BONAROS: I have asked these questions for a friend as well, who really does not want to get in trouble, which is why she keeps asking these questions at these briefings, bearing in mind that the thing we are all trying to prevent is driver distraction, but nobody wants to be doing the wrong thing when this technology is available. I think the questions are good because they point to the issues in that case that I referred to, which I am going to ask the minister about.

I do note, just before I ask that question, that the reason this is important for everyone to understand and the reason I want the minister to confirm that that review is underway, is that there is actually a decision in South Australia—2006, Justice White, I think it was *Kyriakopoulos v Police*—where the finding of the magistrate was completely at odds with what the minister has just described in terms of using a handheld device and earpiece, for instance. That case was used very recently in the Gallaher case in Queensland as precedent for why those charges should be thrown out.

Can the minister confirm for the record that there is this murkiness in the law, even in South Australia—our case law here is not consistent, necessarily, with the advice that we have had—and

that there is a review taking place in relation to Road Rule 300, that there will be recommendations made as a result of that review and then it will be up to this government to decide whether or not to adopt any of the recommendations made after that review?

The Hon. C.M. SCRIVEN: I am advised that the national distraction project has come up with some model laws. They are now out with each jurisdiction, for each jurisdiction to then consult, examine and make decisions around. That is a considerable amount of work. That will include things such as portable and wearable devices, which may clarify some of the situations that members have raised here today.

The Hon. C. BONAROS: Can the minister confirm that the South Australian government is partaking in that process?

The Hon. C.M. SCRIVEN: I am advised that they are currently looking at that, yes.

The Hon. C. BONAROS: During my second reading contribution, I referred to the cost outlay of around \$11 million and then the projected revenue, which was about \$18.9 million in the second year before dipping slightly to \$17.3 million. There is going to be a substantial revenue windfall, at least in the first year or two. Can the minister just confirm: is that windfall earmarked towards specific road safety projects or will it go back into general revenue?

The Hon. C.M. SCRIVEN: I thank the member for the question. I would also perhaps refer to her contribution at the second reading stage, which I think is probably a shared goal of all of us, that this will result in changed driver behaviour. Any potential increase in revenue, or projected increase in revenue, will then decrease, hopefully, as people learn to adjust their behaviour to improve safety on our roads.

In terms of the specifics of where the revenue will go, section 17(1) of the Expiation of Offences Act 1996 provides that money received from payment of expiation fees will be paid into the Consolidated Account. However, the Community Road Safety Fund is an administratively set fund that became operative on 1 July 2003. Any contribution to the Community Road Safety Fund would be by appropriation, as decided by the Department of Treasury and Finance, for that portion of expiation fees payable under speeding fines or other road traffic infringements detected by camera.

I am advised that the Treasurer has decided that such revenue from this change, should it pass, will go into the Community Road Safety Fund, but I am just pointing out the difference between what is required under legislation and what the intention is, as it is an administratively set fund.

The Hon. C. BONAROS: I think this pays for itself in the first year, or something like that, of operations. For those funds, even though they will go into the Consolidated Account, is it the intention of the government to direct them specifically towards community-based road safety programs?

The Hon. C.M. SCRIVEN: Yes, the Community Road Safety Fund.

The Hon. C. BONAROS: Is that all of the funds, because we are talking about \$8 million or \$9 million I think in the first year alone? Is it all those funds or a portion of those funds?

The Hon. C.M. SCRIVEN: My advice is that it is all of the funds, after costs.

The Hon. N.J. CENTOFANTI: Has the government received advice on the proposed locations and the criteria used to determine the locations of the cameras?

The Hon. C.M. SCRIVEN: It is intended that mobile phone detection cameras will be installed at high-risk metropolitan sites. The exact locations are not known at this stage, and the proposed locations will be carefully worked through in consultation with SAPOL. That will take into consideration relevant road safety data relating to the prevalence of crashes resulting in injury, also traffic volumes, traffic intelligence and the available infrastructure.

The Centre for Automotive Safety Research has also provided advice on the criteria for selecting camera locations and the potential road safety benefits associated with reducing the number of distracted drivers on our roads. It is anticipated also—just for a bit of extra information—that the type of cameras used will be fixed cameras, and the cameras may be periodically rotated to

other high-traffic volume locations to allow the cameras to achieve broader deterrence through greater exposure to more road users.

The Hon. N.J. CENTOFANTI: How many cameras are expected to be established?

The Hon. C.M. SCRIVEN: That is still being worked through.

The Hon. N.J. CENTOFANTI: Is it the case that the technology and its application are inherently focused on the right-hand front seat of any given vehicle; for example, would someone sitting in the passenger seat in circumstances such as for a learner driver constitute an infringement?

The Hon. C.M. SCRIVEN: My advice is that the cameras are yet to be procured, as I mentioned, and the technology utilised may vary, but it is understood that the camera technology is capable of detecting mobile phone use by drivers in left-hand vehicles. Additionally, the camera technology that is being used in Queensland is capable of distinguishing between the driver and the passenger. So it looks as though both of those circumstances can be caught with the sorts of technology that are available, but I am just emphasising that the procurement has not been completed yet and so the technology might vary.

The Hon. N.J. CENTOFANTI: Will cameras be preceded by a notification or a forewarning, like we see with point-to-point cameras and some red-light cameras?

The Hon. C.M. SCRIVEN: The member has alluded to the fact that that does currently occur for red-light cameras and speeding cameras. The government is yet to make a decision on that, and so that is the situation at present.

The Hon. N.J. CENTOFANTI: Can the minister confirm what infrastructure the cameras will be mounted on? Will they be mounted on the usual poles, or will they be mounted on bridges?

The Hon. C.M. SCRIVEN: I am advised that is still being worked through within the framework of identifying what the most applicable locations are, referring back to my previous answer also that it is in regard to the most high-risk locations.

Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:36): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Personal Explanation

MATTER OF PRIVILEGE

The Hon. E.S. BOURKE (17:37): I seek leave to make a personal explanation.

Leave granted.

The Hon. E.S. BOURKE: Earlier today, the Hon. Dr Nicola Centofanti raised a matter of privilege in relation to answers I gave in question time on 8 September 2022. On 8 September, I was asked a question by the Hon. Stephen Wade regarding the government's policy to invest in mental health and learning support specialists. Based on the advice that I had received at the time my answer was that the government has committed an additional \$50 million over four years to employ 100 additional mental health and learning support specialists.

The Hon. Stephen Wade then clarified that the question related to whether these 100 specialists were in addition to the 55 specialists committed to by the former government and I repeated my response. The response I gave was consistent—word for word—with the advice that I

was given. Having reviewed *Hansard* and considered the advice now provided to me, I would like to apologise and correct the record.

I have today been advised that the 55 specialists that the Hon. Stephen Wade referred to in his question were a commitment made by the former government. I am advised none of these 55 specialists were employed prior to the election. Our government's commitment was for a total of 100 specialists. I have also now been advised that the \$50 million funding for these specialists was funding from within the Department for Education that has been allocated to employ 100 mental health and learning support specialists, consistent with the government's election commitment to make this investment.

I apologise to the parliament for not clearly expressing this information. It is a privilege to step foot on the floor of this parliament and I would never knowingly or intentionally mislead the members of this chamber. It is safe to say that this has been a learning experience for me. I understand that I expressed advice as fact and will not make that mistake again. I am pleased that we are investing \$50 million over four years to employ mental health and learning support specialists. My focus is to ensure that this important policy is given the respect and space it deserves to be successful.

Bills

MAGISTRATES COURT (NUNGA COURT) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 17:40 the council adjourned until Wednesday 30 November 2022 at 11:00.

*Answers to Questions***HYDROGEN JOBS PLAN**

126 The Hon. S.L. GAME (28 September 2022). Can the Minister for Energy and Mining explain:

1. How will the government obtain water needed for its 'green' hydrogen project?
2. Can the government guarantee that no current or pending water users will be cut-off or limited from water supply due to the new hydrogen project?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Energy and Mining has advised:

1. The water requirements for the Hydrogen Jobs Plan are currently being investigated.
2. No current or known pending water users will be cut-off or limited from water supply due to the Hydrogen Jobs Plan.

COST OF LIVING CONCESSIONS

164 The Hon. J.S. LEE (Deputy Leader of the Opposition) (19 October 2022). Can the Minister for Human Services advise:

1. How many applications for the Cost of Living Concession have been received since 1 July 2022?
2. How many of these applications have been approved and had payments finalised?
3. What is the average processing time for Cost of Living Concession applications?
4. How many complaints about the Cost of Living Concession have been received since 1 July 2022?
5. How many of these complaints have been resolved?
6. What is the average processing and resolution time for complaints about the Cost of Living Concession?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Human Services has advised:

1. From 1 July 2022 to 19 October 2022 Concessions SA made 204,284 Cost of Living Concession payments, with 26,377 of those being new applications. 2,157 of these were duplicate applications.
2. Of the 24,220 new (non-duplicate) applications at 19 October: 14,255 have been approved and paid the COLC for 2022-23; 2,607 were either not approved or were approved but pending payment at 19 October; and 7,358 were pending assessment.
3. Since 1 July 2022 the average processing turnaround has been 16 days.
4. As at 19 October 2022, 242 formal enquiries regarding the COLC have been referred to Concessions SA from different sources. This represents 0.12 per cent of the total 204,284 customers who have been paid the 2022-23 COLC.
5. All customer inquiries are resolved by Concessions SA providing advice of payment/receipt, rectifying any payment issues, or providing information regarding eligibility criteria.
6. The majority of the aforementioned inquiries to Concessions SA are resolved with customer contact within one-three days. Customers who require a payment to be made as a result will ordinarily receive it within two weeks.

JAPANESE ENCEPHALITIS

167 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (1 November 2022). Can the minister advise:

1. What is the total funding provided by the commonwealth government to the Department of Primary Industries and Regions to support the response to the Japanese encephalitis emergency surveillance?
2. What is the total funding provided in the 2022-23 state budget to the Department of Primary Industries and Regions for Japanese encephalitis emergency surveillance?
3. What emergency surveillance programs are being funded by commonwealth funding in 2022-23?
4. What emergency surveillance programs are being funded by state funding in 2022-23?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

1. South Australia was the recipient of \$1.2 million from the commonwealth.
2. The JE activities will be undertaken by numerous senior managers and regional staff to deliver the national and state actions for Japanese encephalitis.
3. National animal health surveillance and emergency preparedness programs are funded through a shared funding mechanism managed by Animal Health Australia. The full breakdown of programs and contributions from commonwealth, states and territories and industry is publicly available in the Animal Health Australia Annual Operating Plan 2022-23. South Australia is both a contributor and receiver of funding for these programs. <https://animalhealthaustralia.com.au/resources/corporate-publications/>
4. The state government funds \$3.5 million for the delivery of animal health programs covering emergency disease surveillance and response preparedness activities. These activities are not funded as disease-specific programs and 30 FTE work across a range of diseases and industry sectors located across the state. The work is prioritised considering both national and state activities and current risks for Australia and South Australia.

CHILD PROTECTION

170 The Hon. L.A. CURRAN (3 November 2022). How many children remain in the custody of parents who are known to the Department for Child Protection as having tested positive to illicit substances within the last six months?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

Where there are concerns that the safety and wellbeing of a child or young person is being impacted by their parent's, guardian's or caregiver's alcohol or other drug use (illicit or otherwise) or their ability to meet the child's or young person's unique needs is compromised, the DCP caseworker will arrange for assessments or interventions as required. These interventions may include removal. Drug and alcohol testing may be voluntary or directed, and forms part of the assessment.

Between 1 January and 30 June 2022, a number of children were living with parents who were known to the Department for Child Protection and had tested positive to illicit substances. Some of these children have been removed from these homes since 30 June 2022.

CHILD PROTECTION

171 The Hon. L.A. CURRAN (3 November 2022). How many children under the care of the Minister for Child Protection have been reunified with parents who have subsequently tested positive to illicit substances in the last six months?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

Since 2016, the Department for Child Protection has reunified over 1,200 children and young people with their families.

Between 1 January and 30 June 2022, parents of 16 children who had previously been reunified tested positive to illicit substances. Fifteen of the 16 children were reunified with parents between 2016 and 2021 and one child was reunified in 2022.

In these instances, family preservation efforts are being undertaken in partnership with the families to ensure the children's/young people's safety. Drug and alcohol testing may be voluntary or directed, and forms part of the assessment.

CHILD PROTECTION

173 The Hon. L.A. CURRAN (3 November 2022). What percentage of children in South Australia under the care of the Minister for Child Protection have been reunified and then subsequently removed from parents in the last six months?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

In South Australia, 93.0 per cent of children aged 0-16 years exited out-of-home care to a permanency arrangement, and did not return to out-of-home care; this is a measure of stability reported in the Report on Government Services 2022 (table 16A.40).

CHILD PROTECTION

174 The Hon. L.A. CURRAN (3 November 2022). How many cases have been the subject of notifications to the Department for Child Protection in the last six months and, of these, how many cases were investigated?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

In the six-month period from 1 January 2022 to 30 June 2022, the Department for Child Protection received 16,625 child protection notifications, of which 3,466 (21 per cent) were investigated.

ADELAIDE OVAL ALCOHOL SALES

In reply to **the Hon. C. BONAROS** (18 October 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Police, Emergency Services and Correctional Services has advised:

1. SAPOL is absolutely committed to the promotion and protection of public safety, and considers that it has adopted a fair and balanced position taking into account many factors including Adelaide Oval's liquor licensing record.

2. The Liquor and Gambling Commissioner considered information provided by both parties in terms of the public interest and noted that the Melbourne Cricket Ground recently undertook a trial to reintroduce aluminium cans at the venue, which has been well received.

3. The Liquor and Gambling Commissioner granted the application on terms as agreed between SAPOL and the Adelaide Oval Stadium Management Authority (AOSMA), which include(s):

- AOSMA will commit to making stadium announcements on the screens during events at Adelaide Oval, in relation to responsible consumption of alcohol, including:
 - warning patrons against using cans as a projectile;
 - warning that using cans as a projectile can be a criminal offence; and
 - warning that using a can as a projectile will attract a ban from attendance at Adelaide Oval, which may be for a period of up to two years.
- The exact wording of the warnings, and the regularity of the warnings, is to be agreed between AOSMA and SAPOL, and AOSMA commits to working with SAPOL to ensure it is comfortable with the wording and regularity applied.
- AOSMA will commit to imposing a ban from attending Adelaide Oval for patrons found to be using a can as a projectile. The ban may be for a period of up to two years.
- AOSMA will commit to engaging in a review and debrief with SAPOL at the completion of each day of any major event held at Adelaide Oval. AOSMA and SAPOL will work together to determine which events require this debrief.

The commissioner imposed an additional variation to ensure that liquor sold or supplied in aluminium cans must be opened by the licensee at the point of sale. This would further reduce the risk of cans being used by patrons as a projectile.

The commissioner had particular regard to the fact that SAPOL was satisfied with the agreed position from a safety point of view.

A copy of the full decision of the commissioner is available from the Consumer and Business Services website at www.cbs.sa.gov.au.

CHILD PROTECTION

In reply to **the Hon. C. BONAROS** (18 October 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

1. In its first budget, the government made an investment of \$128.9 million to Department for Child Protection (DCP) to meet the needs of children in care.

Targeted and deliberate efforts to recruit social workers and case managers have taken place in recent years, including partnering with the university sector to support over 100 social work students annually.

The result of these recruitment efforts has been an increase in the number of social workers/case managers in the DCP and an associated drop in vacancy rates.

2. DCP and partner organisations have committed to the development of a sector-wide workforce strategy to tackle workforce supply issues across the child protection system. The overarching workforce strategy will be informed by, and work alongside, similar efforts being undertaken at the national level that aim to meet child protection workforce requirements.

3. Key interconnecting factors including poverty, intergenerational trauma, domestic and family violence, alcohol and substance misuse and mental health issues impact the safety of children and young people in South Australia in the family home. The government and community sectors are working collaboratively to share information and deliver services to help improve outcomes for children and their families, prioritise children's needs for safety and wellbeing, reduce the impact of risk factors, and intervene to protect children and young people as required.

4. The turnover rate of social workers/case managers in DCP in 2021-22 was 13.7 per cent, which is significantly lower than the annual turnover rate typically reported in the child protection field, which is 20-25 per cent. A tight labour market and the range of roles on offer for social workers in the broader community sector mean that workers may choose to leave to work in other settings. For those social workers/case managers who do leave the department, reasons for leaving are consistent with the reasons of other DCP staff, and include:

- taking up a promotional opportunity within or external to government;
- end of contract or temporary role; or
- personal reasons such as retirement, travel, study or change in personal circumstances.

CEMETERY VANDALISM

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (18 October 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Local Government has advised:

Correspondence from the regional council of Port Pirie regarding the recent vandalism of graves at the Crystal Brook Cemetery was received and has been forwarded to the Premier for his consideration.

The Premier will respond directly to the regional council of Port Pirie on this matter.

CHILD PROTECTION

In reply to **the Hon. S.L. GAME** (19 October 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

1. The government of South Australia is firmly committed to a whole-of-government, whole-of-sector and whole-of-community effort to help keep children safe and to support families.

Within weeks of coming to government, it became clear child protection had been underfunded. The Malinauskas Labor government allocated an additional \$128.9 million plus \$7.5 million in the first budget. We are progressing changes and making investments focused on doing more towards helping children, young people and families to access support.

We have commenced the process of reviewing the Children and Young People (Safety) Act to improve the legislation that efforts in the child protection system, with broad community consultation underway.

There are a range of activities we are undertaking to improve the child protection system. The final report on the three-year whole-of-government child protection strategy, *Safe and well: Supporting families, protecting children*, was tabled in parliament by the Minister for Child Protection on 3 November 2022. This document provides an across-government summary of child protection activities undertaken in 2021-22, overseen by the Child Protection Reform Portfolio Management Board comprising chief executives and senior officials.

Building on the reforms captured in the report, work is underway to develop a new whole-of-government child protection strategy that will set out priorities, services and initiatives to deliver a stronger child protection system for the future.

We are also working at a national level to develop action plans under the national child protection framework, to bring to life the shared vision and objectives for reform to the child and family services system to improve the safety and wellbeing of children and families. *Safe and Supported: the National Framework for Protecting Australia's Children 2021-31's* first action plans are expected to be launched in early 2023.

2. Child protection is a shared responsibility across the whole of government and all ministers have a role in the work required to make improvements and to drive a collective effort across government departments, the sector and the community.

HOMELESSNESS

In reply to **the Hon. R.A. SIMMS** (20 October 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Human Services has advised:

I am advised that leaders from the SA Housing Authority and Country South Homelessness Alliance visited the region on Tuesday 25 October to coordinate response.

- Five people rough sleeping in Berri and six people rough sleeping in Murray Bridge with government and non-government staff working together to accommodate this group.

LIV GOLF TOURNAMENT

In reply to **the Hon. T.A. FRANKS** (1 November 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Tourism has advised:

The state government has partnered with LIV Golf to bring a tournament to Adelaide in April 2023. The funding for LIV Golf is coming from the major events attraction fund, which the Treasurer outlined in the budget earlier this year. Major events drive growth in the visitor economy as well as create new jobs and increase economic activity for our state.

EVOKE AG

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (1 November 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I thank the honourable member for her question and provide the following response:

I am advised that as host city of the event, the Department of Primary Industries and Regions and Department for Industry, Innovation and Science have both committed \$55,000 sponsorship.

FERAL ANIMAL MANAGEMENT

In reply to **the Hon. J.M.A. LENSINK** (2 November 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Climate, Environment and Water has advised:

The Labor Party has had a longstanding commitment to ban hunting with bows and crossbows since before the 2018 election. This commitment has been published in letters to the Animal Justice Party and in response to a survey by South Aussies for Animals Inc.

FERAL ANIMAL MANAGEMENT

In reply to **the Hon. T.A. FRANKS** (2 November 2022).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Climate, Environment and Water has advised:

Bows and crossbows are not used for any feral animal control undertaken by the Department for Environment and Water.

It is currently lawful to use a bow or crossbow for feral animal management in South Australia.

PIRSA provided advice to the Social Development Committee's *Inquiry into issues related to bow and crossbow hunting in South Australia* that biological control, poison baiting and trapping are typically more effective methods for killing pest animals than bow hunting. Where baiting or trapping cannot be applied, use of appropriate firearms (i.e. guns) in ground or aerial culling programs is preferred.